

In the Senate of the United States,

June 22, 2006.

Resolved, That the bill from the House of Representatives (H.R. 5122) entitled “An Act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; FINDINGS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the*

3 *“John Warner National Defense Authorization Act for Fis-*

4 *cal Year 2007”.*

1 **(b) FINDINGS.**—Congress makes the following findings:

2 (1) Senator John Warner of Virginia was elected
3 a member of the United States Senate on November
4 7, 1978, for a full term beginning on January 3,
5 1979. He was subsequently appointed by the Governor
6 of Virginia to fill a vacancy on January 2, 1979, and
7 has served continuously since that date. He was ap-
8 pointed a member of the Committee on Armed Serv-
9 ices in January 1979, and has served continuously on
10 the Committee since that date, a period of nearly 28
11 years. Senator Warner's service on the Committee
12 represents nearly half of its existence since it was es-
13 tablished after World War II.

14 (2) Senator Warner came to the Senate and the
15 Committee on Armed Services after a distinguished
16 record of service to the Nation, including combat serv-
17 ice in the Armed Forces and high civilian office.

18 (3) Senator Warner enlisted in the United States
19 Navy upon graduation from high school in 1945, and
20 served until the summer of 1946, when he was dis-
21 charged as a Petty Officer 3rd Class. He then at-
22 tended Washington and Lee University on the G.I.
23 Bill. He graduated in 1949 and entered the Univer-
24 sity of Virginia Law School.

1 (4) Upon the outbreak of the Korean War in
2 1950, Senator Warner volunteered for active duty, in-
3 terrupting his education to accept a commission in
4 the United States Marine Corps. He served in combat
5 in Korea as a ground officer in the First Marine Air
6 Wing. Following his active service, he remained in the
7 Marine Corps Reserve for several years, attaining the
8 rank of captain.

9 (5) Senator Warner resumed his legal education
10 upon returning from the Korean War and graduated
11 from the University of Virginia Law School in 1953.
12 He was selected by the late Chief Judge E. Barrett
13 Prettyman of the United States Court of Appeals for
14 the District of Columbia Circuit as his law clerk.
15 After his service to Judge Prettyman, Senator Warner
16 became an Assistant United States Attorney in the
17 District of Columbia, and later entered private law
18 practice.

19 (6) In 1969, the Senate gave its advice and con-
20 sent to the appointment of Senator Warner as Under
21 Secretary of the Navy. He served in this position
22 until 1972, when he was confirmed and appointed as
23 the 61st Secretary of the Navy since the office was es-
24 tablished in 1798. As Secretary, Senator Warner was
25 the principal United States negotiator and signatory

1 *of the Incidents at Sea Executive Agreement with the*
2 *Soviet Union, which was signed in 1972 and remains*
3 *in effect today. It has served as the model for similar*
4 *agreements between states covering the operation of*
5 *naval ships and aircraft in international sea lanes*
6 *throughout the world.*

7 *(7) Senator Warner left the Department of the*
8 *Navy in 1974. His next public service was as Direc-*
9 *tor of the American Revolution Bicentennial Commis-*
10 *sion. In this capacity, he coordinated the celebration*
11 *of the Nation's founding, directing the Federal role in*
12 *all 50 States and in over 20 foreign nations.*

13 *(8) Senator Warner has served as chairman of*
14 *the Committee on Armed Services of the United States*
15 *Senate from 1999 to 2001, and again since January*
16 *2003. He served as ranking minority member of the*
17 *committee from 1987 to 1993, and again from 2001*
18 *to 2003. Senator Warner concludes his service as*
19 *chairman at the end of the 109th Congress, but will*
20 *remain a member of the committee.*

21 *(9) This Act is the twenty-eighth annual author-*
22 *ization act for the Department of Defense for which*
23 *Senator Warner has taken a major responsibility as*
24 *a member of the Committee on Armed Services of the*
25 *United States Senate, and the fourteenth for which he*

1 *has exercised a leadership role as chairman or rank-*
2 *ing minority member of the committee.*

3 (10) *Senator Warner, as seaman, Marine officer,*
4 *Under Secretary and Secretary of the Navy, and*
5 *member, ranking minority member, and chairman of*
6 *the Committee on Armed Services, has made unique*
7 *and lasting contributions to the national security of*
8 *the United States.*

9 (11) *It is altogether fitting and proper that his*
10 *Act, the last annual authorization Act for the na-*
11 *tional defense that Senator Warner manages in and*
12 *for the United States Senate as chairman of the Com-*
13 *mittee on Armed Services, be named in his honor, as*
14 *provided in subsection (a).*

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

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

19 (1) *Division A—Department of Defense Author-*
20 *izations.*

21 (2) *Division B—Military Construction Author-*
22 *izations.*

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

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

- Sec. 1. Short title; findings.*
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

- Sec. 111. Limitation on availability of funds for the Joint Network Node.*
Sec. 112. Comptroller General report on the contract for the Future Combat Systems program.
Sec. 113. Reports on Army Modularity Initiative.
Sec. 114. Replacement equipment.

Subtitle C—Navy Programs

- Sec. 121. CVN-21 class aircraft carrier procurement.*
Sec. 122. Construction of first two vessels under the next-generation destroyer program.
Sec. 123. Modification of limitation on total cost of procurement of CVN-77 aircraft carrier.

Subtitle D—Air Force Programs

- Sec. 141. Procurement of Joint Primary Aircraft Training System aircraft after fiscal year 2006.*
Sec. 142. Prohibition on retirement of C-130E/H tactical airlift aircraft.
Sec. 143. Limitation on retirement of KC-135E aircraft.
Sec. 144. Limitation on retirement of B-52H bomber aircraft.
Sec. 145. Retirement of B-52H bomber aircraft.
Sec. 146. Funding for procurement of F-22A fighter aircraft.
Sec. 147. Multiyear procurement of F-119 engines for F-22A fighter aircraft.
Sec. 148. Multi-spectral imaging capabilities.
Sec. 149. Minuteman III Intercontinental Ballistic Missiles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.*
Sec. 202. Amount for science and technology.
Sec. 203. Amount for development and validation of warfighter rapid awareness processing technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Independent estimate of costs of the Future Combat Systems.*
- Sec. 212. Funding of defense science and technology programs.*
- Sec. 213. Hypersonics development.*
- Sec. 214. Trident sea-launched ballistic missiles.*
- Sec. 215. Arrow ballistic missile defense system.*
- Sec. 216. High Energy Laser Low Aspect Target Tracking.*
- Sec. 217. Advanced Aluminum Aerostructures Initiative.*
- Sec. 218. Legged mobility robotic research.*
- Sec. 219. Wideband Digital Airborne Electronic Sensing Array.*
- Sec. 220. Science and technology.*

Subtitle C—Missile Defense Programs

- Sec. 231. Availability of research, development, test, and evaluation funds for fielding ballistic missile defense capabilities.*
- Sec. 232. Policy of the United States on priorities in the development, testing, and fielding of missile defense capabilities.*
- Sec. 233. One-year extension of Comptroller General assessments of ballistic missile defense programs.*
- Sec. 234. Submittal of plans for test and evaluation of the operational capability of the ballistic missile defense system.*
- Sec. 235. Annual reports on transition of ballistic missile defense programs to the military departments.*
- Sec. 236. Testing and operations for missile defense.*

Subtitle D—Other Matters

- Sec. 251. Extension of requirement for Global Research Watch Program.*
- Sec. 252. Expansion and extension of authority to award prizes for advanced technology achievements.*
- Sec. 253. Policies and practices on test and evaluation to address emerging acquisition approaches.*
- Sec. 254. Development of the propulsion system for the Joint Strike Fighter.*
- Sec. 255. Independent cost analyses for Joint Strike Fighter engine program.*
- Sec. 256. Sense of Senate on technology sharing of Joint Strike Fighter technology.*
- Sec. 257. Report on biometrics programs of the Department of Defense.*

TITLE III—OPERATION AND MAINTENANCE*Subtitle A—Authorization of Appropriations*

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

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Limitation on availability of funds for the Army Logistics Modernization Program.*
- Sec. 312. Availability of funds for exhibits for the national museums of the Armed Forces.*
- Sec. 313. Limitation on financial management improvement and audit initiatives within the Department of Defense.*

- Sec. 314. Limitation on availability of operation and maintenance funds for the management headquarters of the Defense Information Systems Agency.*
- Sec. 315. Expansion of Junior Reserve Officers' Training Corps program.*
- Sec. 316. Infantry Combat Equipment.*
- Sec. 317. Individual First Aid Kit.*
- Sec. 318. Reading for the Blind and Dyslexic program of the Department of Defense.*
- Sec. 319. Military training infrastructure improvements at Virginia Military Institute.*
- Sec. 320. Environmental documentation for beddown of F-22A aircraft at Holloman Air Force Base, New Mexico.*

Subtitle C—Environmental Provisions

- Sec. 331. Response plan for remediation of military munitions.*
- Sec. 332. Extension of authority to grant exemptions to certain requirements.*
- Sec. 333. Research on effects of ocean disposal of munitions.*
- Sec. 334. Clarification of multi-year authority to use base closure funds to fund cooperative agreements under Environmental Restoration Program.*
- Sec. 335. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.*

Subtitle D—Reports

- Sec. 351. Comptroller General report on readiness of the ground forces of the Army and the Marine Corps.*
- Sec. 352. National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina.*
- Sec. 353. Report on aerial training airspace requirements of the Department of Defense.*
- Sec. 354. Report on actions to reduce Department of Defense consumption of petroleum-based fuel.*
- Sec. 355. Reports on withdrawal or diversion of equipment from reserve units for support of reserve units being mobilized and other units.*
- Sec. 356. Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.*
- Sec. 357. Plan to replace equipment withdrawn or diverted from the reserve components of the Armed Forces for Operation Iraqi Freedom or Operation Enduring Freedom.*
- Sec. 358. Report on vehicle-based active protection systems for certain battlefield threats.*
- Sec. 359. Report on high altitude aviation training site, Eagle County, Colorado.*
- Sec. 360. Report on Air Force safety requirements for Air Force flight training operations at Pueblo Memorial Airport, Colorado.*
- Sec. 360A. Report on use of alternative fuels by the Department of Defense.*

Subtitle E—Workplace and Depot Issues

- Sec. 361. Minimum capital investment levels for public depots serviced by working capital funds.*
- Sec. 362. Permanent exclusion of certain contract expenditures from percentage limitation on the performance of depot-level maintenance.*

- Sec. 363. Additional exception to prohibition on contractor performance of fire-fighting functions.*
- Sec. 364. Temporary security guard services for certain work caused by realignment of military installations under the base closure laws.*

Subtitle F—Other Matters

- Sec. 371. Recycling of military munitions.*
- Sec. 372. Incentives clauses in chemical demilitarization contracts.*
- Sec. 373. Extension of Department of Defense telecommunications benefit program.*
- Sec. 374. Extension of availability of funds for commemoration of success of the Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom.*
- Sec. 375. Energy efficiency in weapons platforms.*
- Sec. 376. Chemical demilitarization program contracting authority.*
- Sec. 377. Utilization of fuel cells as back-up power systems in Department of Defense operations.*
- Sec. 378. Prepositioning of Department of Defense assets to improve support to civilian authorities.*
- Sec. 379. Recovery and availability to corporation for the promotion of rifle practice and firearms safety of certain firearms, ammunition, and parts.*

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.*
- Sec. 402. Repeal of requirement for permanent end strength levels to support two major regional contingencies.*

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.*
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.*
- Sec. 413. End strengths for military technicians (dual status).*
- Sec. 414. Fiscal year 2007 limitation on number of non-dual status technicians.*
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.*

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.*
- Sec. 422. Armed Forces Retirement Home.*

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

PART I—OFFICER PERSONNEL POLICY GENERALLY

- Sec. 501. Military status of officers serving in certain intelligence community positions.*
- Sec. 502. Extension of temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).*
- Sec. 503. Extension of age limits for active-duty general and flag officers.*

- Sec. 504. Modification of authorities on senior members of the Judge Advocate General's Corps.*
- Sec. 505. Requirement for significant joint experience for officers appointed as Surgeon General of the Army, Navy, and Air Force.*
- Sec. 506. Grade and exclusion from active-duty general and flag officer distribution and strength limitations of officer serving as Attending Physician to the Congress.*
- Sec. 507. Discretionary separation and retirement of chief warrant officers, W-4, twice failing selection for promotion.*
- Sec. 508. Increased mandatory retirement ages for reserve officers.*
- Sec. 509. Modification of qualifications for leadership of the Naval Postgraduate School.*

PART II—OFFICER PROMOTION POLICY

- Sec. 515. Promotions.*
- Sec. 516. Consideration of adverse information by promotion selection boards in recommendations on officers to be promoted.*
- Sec. 517. Expanded authority for removal from reports of selection boards of officers recommended for promotion to grades below general and flag grades.*
- Sec. 518. Clarification of nondisclosure requirements applicable to promotion selection board proceedings.*
- Sec. 519. Special selection board authorities.*
- Sec. 520. Removal from promotion lists of officers returned to the President by the Senate.*
- Sec. 521. Report on joint officer promotion boards.*

PART III—JOINT OFFICER MANAGEMENT REQUIREMENTS

- Sec. 526. Modification and enhancement of general authorities on management of joint qualified officers.*
- Sec. 527. Modification of promotion policy objectives for joint officers.*
- Sec. 528. Applicability of joint duty assignment requirements limited to graduates of National Defense University schools.*
- Sec. 529. Modification of definitions relating to jointness.*
- Sec. 530. Condition on appointment of commissioned officers to position of Director of National Intelligence or Director of the Central Intelligence Agency.*

Subtitle B—Reserve Component Personnel Matters

- Sec. 531. Enhanced flexibility in the management of reserve component personnel.*
- Sec. 532. Expansion of activities authorized for Reserves under Weapons of Mass Destruction Civil Support Teams.*
- Sec. 533. Modification of authorities relating to the Commission on the National Guard and Reserves.*
- Sec. 534. Pilot program on reintegration of members of the National Guard into civilian life after deployment.*

Subtitle C—Military Justice and Related Matters

- Sec. 551. Applicability of Uniform Code of Military Justice to members of the Armed Forces ordered to active duty overseas in inactive duty for training status.*
- Sec. 552. Clarification of application of Uniform Code of Military Justice during a time of war.*

Subtitle D—Education and Training Matters

- Sec. 561. Detail of commissioned officers as students at medical schools.*
- Sec. 562. Expansion of eligibility to provide Junior Reserve Officers' Training Corps instruction.*
- Sec. 563. Increase in maximum amount of repayment under education loan repayment for officers in specified health professions.*
- Sec. 564. Increase in benefits under Health Professions Scholarship and Financial Assistance program.*
- Sec. 565. Report on Health Professions Scholarship and Financial Assistance program.*
- Sec. 566. Expansion of instruction available at the Naval Postgraduate School for enlisted members of the Armed Forces.*
- Sec. 567. Modification of actions to address sexual harassment and sexual violence at the service academies.*
- Sec. 568. Department of Defense policy on service academy and ROTC graduates seeking to participate in professional sports before completion of their active-duty service obligations.*
- Sec. 569. Review of legal status of Junior ROTC program.*
- Sec. 570. Junior Reserve Officers' Training Corps instructor qualifications.*
- Sec. 570A. Modification of time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations.*

Subtitle E—Defense Dependents Education Matters

- Sec. 571. Funding for assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 572. Impact aid for children with severe disabilities.*
- Sec. 573. Plan to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or BRAC.*
- Sec. 574. Pilot program on parent education to promote early childhood education for dependent children affected by military deployment or relocation of military units.*

Subtitle F—Other Matters

- Sec. 581. Administration of oaths.*
- Sec. 582. Military ID cards for retiree dependents who are permanently disabled.*
- Sec. 583. Military voting matters.*
- Sec. 584. Presentation of Medal of Honor Flag to primary next of kin of Medal of Honor recipients.*
- Sec. 585. Modification of effective period of authority to present recognition items for recruitment and retention purposes.*
- Sec. 586. Military Severely Injured Center.*
- Sec. 587. Sense of Senate on notice to Congress of recognition of members of the Armed Forces for extraordinary acts of bravery, heroism, and achievement.*
- Sec. 588. Report on provision of electronic copy of military records on discharge or release of members from the Armed Forces.*
- Sec. 589. Purple Heart award eligibility.*
- Sec. 590. Comprehensive review on procedures of the Department of Defense on Mortuary Affairs.*

Sec. 591. Report on omission of social security numbers on military identification cards.

Sec. 592. Funeral ceremonies for veterans.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2007 increase in military basic pay and reform of basic pay rates.

Sec. 602. Increase in maximum rate of basic pay for general and flag officer grades.

Sec. 603. Clarification of effective date of prohibition on compensation for correspondence courses.

Sec. 604. One-year extension of prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.

Sec. 605. Additional housing allowance for Reserves on active duty in support of a contingency operation.

Sec. 606. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are members of the uniformed services.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 615. Increase in special pay for Selected Reserve health care professionals in critically short wartime specialties.

Sec. 616. Expansion and enhancement of accession bonus authorities for certain officers in health care specialties.

Sec. 617. Increase in nuclear career accession bonus for nuclear-qualified officers.

Sec. 618. Modification of certain authorities applicable to the targeted shaping of the Armed Forces.

Sec. 619. Extension of pilot program on contributions to Thrift Savings Plan for initial enlistees in the Army.

Sec. 620. Accession bonus for members of the Armed Forces appointed as commissioned officers after completing officer candidate school.

Sec. 621. Enhancement of bonus to encourage members of the Army to refer other persons for enlistment in the Army.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Expansion of payment of replacement value of personal property damaged during transport at government expense.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Modification of Department of Defense contributions to Military Retirement Fund and government contributions to Medicare-Eligible Retiree Health Care Fund.

- Sec. 642. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.*
- Sec. 643. Effective date of paid-up coverage under Survivor Benefit Plan.*
- Sec. 644. Expansion of conditions for direct payment of divisible retired pay.*
- Sec. 645. Authority for cost of living adjustments of retired pay treated as divisible property.*
- Sec. 646. Notice and copy to members of court orders on payment of retired pay.*
- Sec. 647. Retention of assistive technology and devices by certain members of the Armed Forces after separation from service.*
- Sec. 648. Renaming of death gratuity payable for deaths of members of the Armed Forces as fallen hero compensation.*
- Sec. 649. Effective date of termination of phase-in of concurrent receipt for veterans with service-connected disabilities rated as total by virtue of unemployability.*
- Sec. 650. Determination of retired pay base of general and flag officers based on rates of basic pay provided by law.*
- Sec. 651. Inapplicability of retired pay multiplier maximum percentage to service of members of the Armed Forces in excess of 30 years.*
- Sec. 652. Modification of eligibility for commencement of authority for optional annuities for dependents under the survivor benefit plan.*
- Sec. 653. Commencement of receipt of non-regular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.*

Subtitle E—Other Matters

- Sec. 661. Audit of pay accounts of members of the Army evacuated from a combat zone for inpatient care.*
- Sec. 662. Pilot Program on Troops to Nurse Teachers.*
- Sec. 663. Expansion and enhancement of authority to remit or cancel indebtedness of members of the Armed Forces.*
- Sec. 664. Exception for notice to consumer reporting agencies regarding debts or erroneous payments pending a decision to waive, remit, or cancel.*
- Sec. 665. Enhancement of authority to waive claims for overpayment of pay and allowances.*
- Sec. 666. Terms of consumer credit extended to servicemember or servicemember's dependent.*
- Sec. 667. Joint family support assistance program.*
- Sec. 668. Improvement of management of Armed Forces Retirement Home.*

Subtitle F—Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom

- Sec. 681. Short title.*
- Sec. 682. Special working group on transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operation Iraqi Freedom and Operation Enduring Freedom.*
- Sec. 683. Office for employers and employment assistance organizations.*
- Sec. 684. Additional responsibilities of Department of Defense task force on mental health relating to mental health of members of the National Guard and Reserve deployed in Operation Iraqi Freedom and Operation Enduring Freedom.*

- Sec. 685. Grants on assistance in community-based settings for members of the National Guard and Reserve and their families after deployment in Operation Iraqi Freedom and Operation Enduring Freedom.*
- Sec. 686. Longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.*
- Sec. 687. Training curricula for family caregivers on care and assistance for members and former members of the Armed Forces with traumatic brain injury incurred in Operation Iraqi Freedom and Operation Enduring Freedom.*

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

- Sec. 701. Improved procedures for cancer screening for women.*
- Sec. 702. National mail-order pharmacy program.*
- Sec. 703. Availability under TRICARE of anesthesia for children in connection with dental procedures for which dental anesthesia is inappropriate.*
- Sec. 704. TRICARE coverage for forensic examinations following sexual assaults and domestic violence.*
- Sec. 705. Prohibition on increase in fiscal year 2007 in enrollment fees for coverage under TRICARE Prime.*
- Sec. 706. Limitation on fiscal year 2007 increase in premiums for coverage under TRICARE of members of reserve components who commit to continued service in Selected Reserve after release from active duty.*
- Sec. 707. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.*
- Sec. 708. Expansion of eligibility of members of the Selected Reserve for coverage under TRICARE.*

Subtitle B—Planning, Programming, and Management

- Sec. 721. Treatment of TRICARE Retail Pharmacy Network under Federal procurement of pharmaceuticals.*
- Sec. 722. Relationship between the TRICARE program and employer-sponsored group health care plans.*
- Sec. 723. Enrollment in the TRICARE program.*
- Sec. 724. Incentive payments for the provision of services under the TRICARE program in medically underserved areas.*
- Sec. 725. Standardization of claims processing under TRICARE program and Medicare program.*
- Sec. 726. Requirements for support of military treatment facilities by civilian contractors under TRICARE.*
- Sec. 727. Uniform standards for access to health care services for wounded or injured servicemembers.*
- Sec. 728. Disease and chronic care management.*
- Sec. 729. Post-deployment health assessments for members of the Armed Forces returning from deployment in support of a contingency operation.*
- Sec. 730. Mental Health Self-Assessment Program.*
- Sec. 731. Additional authorized option periods for extension of current contracts under TRICARE.*
- Sec. 732. Military vaccination matters.*

- Sec. 733. Enhanced mental health screening and services for members of the Armed Forces.*
- Sec. 734. Education, training, and supervision of personnel providing special education services under extended benefits under TRICARE.*

Subtitle C—Studies and Reports

- Sec. 741. Pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions.*
- Sec. 742. Annual reports on certain medical malpractice cases.*
- Sec. 743. Comptroller General study on Department of Defense pharmacy benefits program.*
- Sec. 744. Comptroller General audits of Department of Defense health care costs and cost-saving measures.*
- Sec. 745. Review of Department of Defense medical quality improvement program.*
- Sec. 746. Study of health effects of exposure to depleted uranium.*

Subtitle D—Other Matters

- Sec. 761. Extension of limitation on conversion of military medical and dental positions to civilian medical and dental positions.*
- Sec. 762. Transfer of custody of the Air Force health study assets to Medical Follow-Up Agency.*
- Sec. 763. Sense of Senate on the Transformational Medical Technology Initiative of the Department of Defense.*

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Additional certification requirements for major defense acquisition programs.*
- Sec. 802. Extension and enhancement of Defense Acquisition Challenge Program.*
- Sec. 803. Baseline description and unit cost reports for major defense acquisition programs.*
- Sec. 804. Major automated information system programs.*
- Sec. 805. Adjustment of original baseline estimate for major defense acquisition programs experiencing cost growth resulting from damage caused by Hurricanes Katrina, Rita, and Wilma.*
- Sec. 806. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.*
- Sec. 807. Regulations on use of fixed-price contracts in development programs.*
- Sec. 808. Availability of funds for performance-based logistics contracts for weapon systems logistics support.*
- Sec. 809. Quality control in procurement of ship critical safety items and related services.*
- Sec. 810. Three-year extension of requirement for reports on commercial price trend analyses of the Department of Defense.*
- Sec. 811. Pilot program on time-certain development in acquisition of major weapon systems.*
- Sec. 812. Government performance of critical acquisition functions.*

Subtitle B—Defense Industrial Base Matters

- Sec. 821. Removal of hand and measuring tools from certain requirements.*

- Sec. 822. Applicability of certain requirements regarding specialty metals.*
Sec. 823. Waiver authority for domestic source or content requirements.
Sec. 824. Repeal of requirement for identification of essential military items and military system essential item breakout list.
Sec. 825. Consistency with United States obligations under trade agreements.

Subtitle C—Defense Contractor Matters

- Sec. 841. Requirements for defense contractors relating to certain former Department of Defense officials.*
Sec. 842. Lead systems integrators.
Sec. 843. Linking of award and incentive fees to acquisition outcomes.
Sec. 844. Prohibition on excessive pass-through charges.
Sec. 845. Report on Department of Defense contracting with contractors or subcontractors employing members of the Selective Reserve.

Subtitle D—Program Manager Matters

- Sec. 861. Program manager empowerment and accountability.*
Sec. 862. Tenure and accountability of program managers for program development periods.
Sec. 863. Tenure and accountability of program managers for program execution periods.
Sec. 864. Department of Defense plan for contingency program management.
Sec. 865. Comptroller General report.

Subtitle E—Other Matters

- Sec. 871. Clarification of authority to carry out certain prototype projects.*
Sec. 872. One-year extension of special temporary contract closeout authority.
Sec. 873. One-year extension of inapplicability of certain laws to contracting with employers of persons with disabilities.
Sec. 874. Pilot program on expanded use of mentor-protégé authority.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

- Sec. 901. United States Military Cancer Institute.*
Sec. 902. Senior acquisition executive for special operations within staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
Sec. 903. United States Marine Band and United States Marine Drum and Bugle Corps.
Sec. 904. Military deputies to the assistant secretaries of the military departments for acquisition, logistics, and technology matters.

Subtitle B—Space Activities

- Sec. 911. Establishment of operationally responsive space capabilities.*
Sec. 912. Extension of authority for pilot program on provision of space surveillance network services to non-United States Government entities.
Sec. 913. Independent review and assessment of Department of Defense organization and management for national security in space.

Subtitle C—Other Matters

- Sec. 921. Department of Defense policy on unmanned systems.*
- Sec. 922. Executive Schedule level IV for Deputy Under Secretary of Defense for Logistics and Materiel Readiness.*
- Sec. 923. Three-year extension of joint incentives program on sharing of health care resources by the Department of Defense and Department of Veterans Affairs.*
- Sec. 924. Sense of Senate on nomination of individual to serve as Director of Operational Test and Evaluation on a permanent basis.*
- Sec. 925. Inclusion of homeland defense and civil support missions of the National Guard and Reserves in the Quadrennial Defense Review.*
- Sec. 926. Reforms to the Defense Travel System to a Fee-For-Use-of-Service System.*
- Sec. 927. Report on incorporation of elements of the reserve components into the Special Forces.*

Subtitle D—National Guard Bureau Matters

- Sec. 931. Short title.*
- Sec. 932. Expanded authority of Chief of the National Guard Bureau and expanded functions of the National Guard Bureau.*
- Sec. 933. Requirement that position of Deputy Commander of the United States Northern Command be filled by a qualified National Guard officer.*

TITLE X—GENERAL PROVISIONS*Subtitle A—Financial Matters*

- Sec. 1001. Transfer authority.*
- Sec. 1002. Authorization of additional emergency supplemental appropriations for fiscal year 2006.*
- Sec. 1003. Reduction in certain authorizations due to savings relating to lower inflation.*
- Sec. 1004. Increase in fiscal year 2006 general transfer authority.*
- Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2007.*
- Sec. 1006. Modification of date of submittal of OMB/CBO report on scoring of outlays.*
- Sec. 1007. Prohibition on parking of funds.*
- Sec. 1008. Incorporation of Classified Annex.*
- Sec. 1009. Reports to Congress and notice to public on earmarks in funds available to the Department of Defense.*

Subtitle B—Naval Vessels

- Sec. 1011. Repeal of requirement for 12 operational aircraft carriers within the Navy.*
- Sec. 1012. Approval of transfer of naval vessels to foreign nations by vessel class.*
- Sec. 1013. Naming of CVN-78 Aircraft Carrier as the U.S.S. Gerald Ford.*
- Sec. 1014. Authority to donate SS ARTHUR M. HUDDALL to the Government of Greece.*

Subtitle C—Counterdrug Matters

- Sec. 1021. Extension of availability of funds for unified counterdrug and counterterrorism campaign in Colombia.*
- Sec. 1022. Extension of authority of Department of Defense to provide additional support for counterdrug activities of other governmental agencies.*
- Sec. 1023. Extension and expansion of certain authorities to provide additional support for counterdrug activities.*
- Sec. 1024. Operation Bahamas, Turks & Caicos.*

Subtitle D—Defense Intelligence and Related Matters

- Sec. 1031. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.*
- Sec. 1032. Annual report on intelligence oversight activities of the Department of Defense.*
- Sec. 1033. Administration of pilot project on Civilian Linguist Reserve Corps.*
- Sec. 1034. Improvement of authorities on the National Security Education Program.*
- Sec. 1035. Collection by National Security Agency of service charges for certification or validation of information assurance products.*
- Sec. 1036. Funding for a certain military intelligence program.*

Subtitle E—Defense Against Terrorism and Related Security Matters

- Sec. 1041. Enhancement of authority to pay monetary rewards for assistance in combating terrorism.*
- Sec. 1042. Use of the Armed Forces in major public emergencies.*
- Sec. 1043. Treatment under Freedom of Information Act of certain confidential information shared with State and local personnel.*
- Sec. 1044. Temporary National Guard support for securing the southern land border of the United States.*

Subtitle F—Miscellaneous Authorities on Availability and Use of Funds

- Sec. 1051. Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense costs of conferences.*
- Sec. 1052. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.*
- Sec. 1053. Increased flexibility in use of funds for Joint Staff exercises.*
- Sec. 1054. Strengthening the Special Inspector General for Iraq Reconstruction.*

Subtitle G—Report Matters

- Sec. 1061. Report on clarification of prohibition on cruel, inhuman, or degrading treatment or punishment.*
- Sec. 1062. Reports on members of the Armed Forces and civilian employees of the Department of Defense serving in the Legislative Branch.*
- Sec. 1063. Additional element in annual report on chemical and biological warfare defense.*
- Sec. 1064. Report on Local Boards of Trustees of the Armed Forces Retirement Home.*
- Sec. 1065. Repeal of certain report requirements.*
- Sec. 1066. Report on incentives to encourage certain members and former members of the Armed Forces to serve in the Bureau of Customs and Border Protection.*

- Sec. 1067. Report on reporting requirements applicable to the Department of Defense.*
- Sec. 1068. Report on technologies for neutralizing or defeating threats to military rotary wing aircraft from portable air defense systems and rocket propelled grenades.*
- Sec. 1069. Reports on Department of Justice efforts to investigate and prosecute cases of contracting abuse in Iraq, Afghanistan, and throughout the war on terror.*
- Sec. 1070. Report on biodefense staffing and training requirements in support of national biosafety laboratories.*
- Sec. 1070A. Annual report on acquisitions of articles, materials, and supplies manufactured outside the United States.*
- Sec. 1070B. Annual report on foreign sales of significant military equipment manufactured inside the United States.*
- Sec. 1070C. Report on feasibility of establishing regional combatant command for Africa.*
- Sec. 1070D. Annual reports on expanded use of unmanned aerial vehicles in the National Airspace System.*

Subtitle H—Technical and Conforming Amendments

- Sec. 1071. Uniform definition of national security system for certain Department of Defense purposes.*
- Sec. 1072. Conforming amendment relating to redesignation of Defense Communications Agency as Defense Information Systems Agency.*
- Sec. 1073. Technical amendment.*

Subtitle I—Other Matters

- Sec. 1081. National Foreign Language Coordination Council.*
- Sec. 1082. Support of successor organizations of the disestablished Interagency Global Positioning System Executive Board.*
- Sec. 1083. Quadrennial Defense Review.*
- Sec. 1084. Sense of Congress on the commendable actions of the Armed Forces.*
- Sec. 1085. Budgeting for ongoing military operations.*
- Sec. 1086. Court security improvements.*
- Sec. 1087. Sense of the Senate on destruction of chemical weapons.*
- Sec. 1088. Improved accountability for competitive contracting in hurricane recovery.*
- Sec. 1089. Protection of certain disclosures of information by Federal employees.*
- Sec. 1090. Sense of Congress regarding the men and women of the Armed Forces of the United States in Iraq.*
- Sec. 1091. Extension of returning worker exemption.*
- Sec. 1092. Limitation on the United States share of assessments for United Nations peacekeeping operations.*
- Sec. 1093. Termination of program.*
- Sec. 1094. Patent term extensions for the badges of the American Legion, the American Legion Women's Auxiliary, and the Sons of the American Legion.*
- Sec. 1095. Availability of funds for South County Commuter Rail Project, Providence, Rhode Island.*
- Sec. 1096. Sense of Congress on Iraq summit.*

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL
POLICY

- Sec. 1101. Accrual of annual leave for members of the uniformed services on terminal leave performing dual employment.*
- Sec. 1102. Strategy for improving the senior management, functional, and technical workforce of the Department of Defense.*
- Sec. 1103. Authority to equalize allowances, benefits, and gratuities of personnel on official duty in Iraq and Afghanistan.*
- Sec. 1104. Programs for use of leave by caregivers for family members of individuals performing certain military service.*
- Sec. 1105. Three-year extension of authority for experimental personnel management program for scientific and technical personnel.*

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—General Matters

- Sec. 1201. Expansion of humanitarian and civic assistance to include communications and information capacity.*
- Sec. 1202. Modification of authorities relating to the Regional Defense Counterterrorism Fellowship Program.*
- Sec. 1203. Logistic support of allied forces for combined operations.*
- Sec. 1204. Exclusion of petroleum, oil, and lubricants from limitations on amount of liabilities the United States may accrue under acquisition and cross-servicing agreements.*
- Sec. 1205. Temporary authority to use acquisition and cross-servicing agreements to loan significant military equipment to foreign forces in Iraq and Afghanistan for personnel protection and survivability.*
- Sec. 1206. Modification of authorities relating to the building of the capacity of foreign military forces.*
- Sec. 1207. Participation of the Department of Defense in multinational military centers of excellence.*
- Sec. 1208. Distribution of education and training materials and information technology to enhance interoperability.*
- Sec. 1209. United States' policy on the nuclear programs of Iran.*
- Sec. 1210. Modification of limitations on assistance under the American Servicemembers' Protection Act of 2002.*
- Sec. 1211. Sense of the Congress commending the Government of Iraq for affirming its position of no amnesty for terrorists who attack United States Armed Forces.*
- Sec. 1212. Sense of Congress on the granting of amnesty to persons known to have killed members of the Armed Forces in Iraq.*
- Sec. 1213. Annual reports on United States contributions to the United Nations.*
- Sec. 1214. North Korea.*
- Sec. 1215. Comprehensive strategy for Somalia.*
- Sec. 1216. Intelligence on Iran.*
- Sec. 1217. Reports on implementation of the Darfur Peace Agreement.*

Subtitle B—Report Matters

- Sec. 1221. Report on increased role and participation of multinational partners in the United Nations Command in the Republic of Korea.*
- Sec. 1222. Report on interagency operating procedures for stabilization and reconstruction operations.*
- Sec. 1223. Repeal of certain report requirements.*

Sec. 1224. Reports on the Darfur Peace Agreement.

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

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Extension of temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.

Sec. 1304. Removal of certain restrictions on provision of cooperative threat reduction assistance.

**TITLE XIV—AUTHORIZATION FOR INCREASED COSTS DUE TO
OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM**

Sec. 1401. Purpose.

Sec. 1402. Army procurement.

Sec. 1403. Marine Corps procurement.

Sec. 1404. Air Force procurement.

Sec. 1405. Operation and maintenance.

Sec. 1406. Defense Health Program.

Sec. 1407. Military personnel.

Sec. 1408. Joint Improvised Explosive Device Defeat Fund.

Sec. 1409. Classified programs.

Sec. 1410. Iraq Freedom Fund.

Sec. 1411. Treatment as additional authorizations.

Sec. 1412. Transfer authority.

Sec. 1413. Availability of funds.

Sec. 1414. Amount for procurement of hemostatic agents for use in the field.

Sec. 1415. Our Military Kids youth support program.

Sec. 1416. Joint Advertising, Market Research and Studies program.

Sec. 1417. Report.

Sec. 1418. Submittal to Congress of Department of Defense supplemental and cost of war execution reports.

Sec. 1419. Limitation on availability of funds for certain purposes relating to Iraq.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2006 projects.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.*
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Modification of authority to carry out certain fiscal year 2006 project.

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*
Sec. 2402. Family housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Modification of authority to carry out certain fiscal year 2006 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*
Sec. 2702. Extension of authorizations of certain fiscal year 2004 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2003 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Three-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.*
Sec. 2802. Authority to carry out military construction projects in connection with industrial facility investment program.
Sec. 2803. Modification of notification requirements related to cost variation authority.
Sec. 2804. Consideration of local comparability of floor areas in construction, acquisition, and improvement of military unaccompanied housing.
Sec. 2805. Increase in thresholds for unspecified minor military construction projects.
Sec. 2806. Inclusion of military transportation and support systems in energy savings program.
Sec. 2807. Repeal of authority to convey property at closed or realigned military installations to support military construction.

- Sec. 2808. Repeal of requirement to determine availability of suitable alternative housing for acquisition in lieu of construction of new family housing.*
- Sec. 2809. Updating foreign currency fluctuation adjustment for certain military family housing leases in Korea.*
- Sec. 2810. Pilot projects for acquisition or construction of military unaccompanied housing.*
- Sec. 2811. Certification required for certain military construction projects.*
- Sec. 2812. Modification of land acquisition authority, Perquimans County, North Carolina.*
- Sec. 2813. Naming of research laboratory at Air Force Rome Research Site, Rome, New York, in honor of Sherwood L. Boehlert, a member of the House of Representatives.*
- Sec. 2814. Naming of administration building at Joint Systems Manufacturing Center in Lima, Ohio, after Michael G. Oxley, a member of the House of Representatives.*
- Sec. 2815. Naming of military family housing facility at Fort Carson, Colorado, in honor of Joel Hefley, a member of the House of Representatives.*
- Sec. 2816. Authority to occupy United States Southern Command family housing.*

Subtitle B—Real Property and Facilities Administration

- Sec. 2821. Consolidation of easement provisions.*
- Sec. 2822. Authority to grant restrictive easements for conservation and environmental restoration purposes.*
- Sec. 2823. Consolidation of provisions relating to transfers of real property within the Department of Defense and to other Federal agencies.*
- Sec. 2824. Authority to use excess property as exchange under agreements to limit encroachments on military training, testing, and operations.*
- Sec. 2825. Modification of utility system authority and related reporting requirements.*
- Sec. 2826. Increase in authorized maximum lease term for certain structures and real property relating to structures in foreign countries.*
- Sec. 2827. Modification of land transfer authority, Potomac Annex, District of Columbia.*
- Sec. 2828. Reports on Army training ranges.*
- Sec. 2829. Use of renewable energy to meet electricity needs.*
- Sec. 2830. Naming of Navy and Marine Corps Reserve Center at Rock Island, Illinois, in honor of Lane Evans, a Member of the House of Representatives.*

Subtitle C—Base Closure and Realignment

- Sec. 2831. Defense economic adjustment program: research and technical assistance.*
- Sec. 2832. Extension of eligibility for community planning assistance related to certain military facilities not under Department of Defense jurisdiction.*
- Sec. 2833. Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005.*
- Sec. 2834. Report on Air Force and Air National Guard bases affected by 2005 round of defense base closure and realignment.*

Subtitle D—Land Conveyances

- Sec. 2841. Land conveyance, Radford Army Ammunition Plant, Virginia.*
Sec. 2842. Modifications to land conveyance authority, Engineering Proving Ground, Fort Belvoir, Virginia.
Sec. 2843. Land conveyances, Omaha, Nebraska.

Subtitle E—Other Matters

- Sec. 2851. Rickenbacker Airport, Columbus, Ohio.*
Sec. 2852. Highway projects, Detroit, Michigan.
Sec. 2853. Fox Point Hurricane Barrier, Providence, Rhode Island.
Sec. 2854. Land conveyance, Hopkinton, New Hampshire.
Sec. 2855. Federal funding for fixed guideway projects.

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

*TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
 PROGRAMS*

Subtitle A—National Security Programs

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

Subtitle B—Other Matters

- Sec. 3111. Notice and wait requirement applicable to certain third party financing arrangements.*
Sec. 3112. Utilization of international contributions to the Global Threat Reduction Initiative.
Sec. 3113. Utilization of international contributions to the Second Line of Defense Core Program.
Sec. 3114. Extension of Facilities and Infrastructure Recapitalization Program.
Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3116. Extension of deadline for transfer of lands to Los Alamos County, New Mexico, and of lands in trust for the Pueblo of San Ildefonso.
Sec. 3117. Limitations on availability of funds for Waste Treatment and Immobilization Plant.
Sec. 3118. Limitation on availability of funds for implementation of the Russian Surplus Fissile Materials Disposition Program.
Sec. 3119. Limitation on availability of funds for construction of MOX Fuel Fabrication Facility.
Sec. 3120. Technical correction related to authorization of appropriations for fiscal year 2006.
Sec. 3121. Education of future nuclear engineers.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Transfer of government-furnished uranium stored at Sequoyah Fuels Corporation, Gore, Oklahoma.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Completion of equity finalization process for Naval Petroleum Reserve Numbered 1.

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

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

5 ***DIVISION A—DEPARTMENT OF***
 6 ***DEFENSE AUTHORIZATIONS***

7 ***TITLE I—PROCUREMENT***

8 ***Subtitle A—Authorization of***
 9 ***Appropriations***

10 **SEC. 101. ARMY.**

11 *Funds are hereby authorized to be appropriated for fis-*
 12 *cal year 2007 for procurement for the Army as follows:*

13 *(1) For aircraft, \$3,457,329,000.*

14 *(2) For missiles, \$1,428,859,000.*

15 *(3) For weapons and tracked combat vehicles,*
 16 *\$2,849,743,000.*

17 *(4) For ammunition, \$2,036,785,000.*

18 *(5) For other procurement, \$7,729,602,000.*

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

2 (a) *NAVY.*—*Funds are hereby authorized to be appro-*
3 *priated for fiscal year 2007 for procurement for the Navy*
4 *as follows:*

5 (1) *For aircraft, \$10,704,155,000.*

6 (2) *For weapons, including missiles and tor-*
7 *pedoes, \$2,587,020,000.*

8 (3) *For shipbuilding and conversion,*
9 *\$12,058,553,000.*

10 (4) *For other procurement, \$5,045,516,000.*

11 (b) *MARINE CORPS.*—*Funds are hereby authorized to*
12 *be appropriated for fiscal year 2007 for procurement for*
13 *the Marine Corps in the amount of \$1,300,213,000.*

14 (c) *NAVY AND MARINE CORPS AMMUNITION.*—*Funds*
15 *are hereby authorized to be appropriated for fiscal year*
16 *2007 for procurement of ammunition for the Navy and the*
17 *Marine Corps in the amount of \$809,943,000.*

18 **SEC. 103. AIR FORCE.**

19 *Funds are hereby authorized to be appropriated for fis-*
20 *cal year 2007 for procurement for the Air Force as follows:*

21 (1) *For aircraft, \$12,004,096,000.*

22 (2) *For missiles, \$4,224,145,000.*

23 (3) *For ammunition, \$1,076,749,000.*

24 (4) *For other procurement, \$15,434,586,000.*

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

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2007 for Defense-wide procurement in the amount*
4 *of \$2,980,498,000.*

5 **Subtitle B—Army Programs**

6 **SEC. 111. LIMITATION ON AVAILABILITY OF FUNDS FOR**
7 **THE JOINT NETWORK NODE.**

8 *(a) LIMITATION.—Of the amount authorized to be ap-*
9 *propriated by section 101(5) for other procurement for the*
10 *Army and available for purposes of the procurement of the*
11 *Joint Network Node, not more than 50 percent of such*
12 *amount may be available for such purposes until the Sec-*
13 *retary of the Army submits to the congressional defense*
14 *committees a report on the strategy of the Army for the con-*
15 *vergence of the Joint Network Node, the Warfighter Infor-*
16 *mation Network—Tactical, and the Mounted Battle Com-*
17 *mand On-the-Move communications programs.*

18 *(b) ELEMENTS.—The report described in subsection (a)*
19 *shall include a description of the acquisition plan required*
20 *for the convergence described in that subsection, including*
21 *the implementation plan, schedule, and funding of such ac-*
22 *quisition plan.*

23 *(c) DEADLINE.—The report described in subsection (a)*
24 *shall be submitted under that subsection, if at all, not later*
25 *than March 15, 2007.*

1 **SEC. 112. COMPTROLLER GENERAL REPORT ON THE CON-**
2 **TRACT FOR THE FUTURE COMBAT SYSTEMS**
3 **PROGRAM.**

4 (a) *REPORT REQUIRED.*—Not later than March 15,
5 2007, the Comptroller General of the United States shall
6 submit to the congressional defense committees a report on
7 the participation and activities of the lead systems inte-
8 grator in the Future Combat Systems (FCS) program
9 under the contract of the Army for the Future Combat Sys-
10 tems.

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

13 (1) *A description of the responsibilities of the*
14 *lead systems integrator in managing the Future Com-*
15 *bat Systems program under the contract for the Fu-*
16 *ture Combat Systems, and an assessment of the man-*
17 *ner in which such responsibilities differ from the typ-*
18 *ical responsibilities of a lead systems integrator under*
19 *acquisition contracts of the Department of Defense.*

20 (2) *A description and assessment of the respon-*
21 *sibilities of the Army in managing the Future Com-*
22 *bat Systems program, including oversight of the ac-*
23 *tivities of the lead systems integrator and the deci-*
24 *sions made by the lead systems integrator.*

25 (3) *An assessment of the manner in which the*
26 *Army—*

1 (A) ensures that the lead systems integrator
2 meets goals for the Future Combat Systems in a
3 timely manner; and

4 (B) evaluates the extent to which such goals
5 are met.

6 (4) An identification of the mechanisms in place
7 to ensure the protection of the interests of the United
8 States in the Future Combat Systems program.

9 (5) An identification of the mechanisms in place
10 to mitigate organizational conflicts of interests with
11 respect to competition on Future Combat Systems
12 technologies and equipment under subcontracts under
13 the Future Combat Systems program.

14 **SEC. 113. REPORTS ON ARMY MODULARITY INITIATIVE.**

15 (a) *REPORT BY SECRETARY OF THE ARMY.*—

16 (1) *REPORT REQUIRED.*—Not later than March
17 15, 2007, the Secretary of the Army shall submit to
18 the congressional defense committees a report on the
19 modularity initiative of the Army.

20 (2) *ELEMENTS.*—The report required by this
21 subsection shall include the following:

22 (A) A description of the manner in which
23 the Army distinguishes costs under the
24 modularity initiative from costs of moderniza-
25 tion and reset.

1 (B) *An identification, by line item, of the*
2 *amount of funds expended to date on the*
3 *modularity initiative.*

4 (C) *An identification, by line item, of the*
5 *amount of funds the Army has budgeted and*
6 *programmed to date on the modularity initia-*
7 *tive.*

8 (D) *A detailed description on how*
9 *modularity equipment will be allocated to the*
10 *regular components and reserve components of*
11 *the Armed Forces by 2011, and a description of*
12 *any anticipated shortfalls in such allocation.*

13 (E) *A plan for further testing and evalua-*
14 *tion of modular designs, and a summary of any*
15 *lessons learned to date from modular brigades*
16 *that have been established, deployed to Iraq, or*
17 *both.*

18 (b) *ANNUAL COMPTROLLER GENERAL REPORTS.—*

19 (1) *REPORTS REQUIRED.—The Comptroller Gen-*
20 *eral of the United States shall submit to the congres-*
21 *sional defense committees each year, not later than 45*
22 *days after the date on which the budget of the Presi-*
23 *dent is submitted to Congress for a fiscal year under*
24 *section 1105 of title 31, United States Code, a report*

1 *on the assessment of the Comptroller General on the*
2 *following:*

3 *(A) The progress of the Army in equipping*
4 *and manning modular units in the regular com-*
5 *ponents and reserve components of the Armed*
6 *Forces.*

7 *(B) The use of funds by the Army for the*
8 *modularity initiative.*

9 *(C) The progress of the Army in conducting*
10 *further testing and evaluations of designs under*
11 *the modularity initiative.*

12 *(2) FIRST REPORT.—The first report required*
13 *under this subsection shall be submitted in conjunc-*
14 *tion with the budget for fiscal year 2008.*

15 **SEC. 114. REPLACEMENT EQUIPMENT.**

16 *(a) PRIORITY.—Priority for the distribution of new*
17 *and combat serviceable equipment, with associated support*
18 *and test equipment for acting and reserve component forces,*
19 *shall be given to units scheduled for mission deployment,*
20 *employment first, or both regardless of component.*

21 *(b) ALLOCATION.—In the amounts authorized to be ap-*
22 *propriated by section 101(5) for the procurement of replace-*
23 *ment equipment, subject to subsection (a), priority for the*
24 *distribution of Army National Guard equipment described*
25 *in subsection (a) may be given to States that have experi-*

1 *enced a major disaster, as determined under the Robert T.*
 2 *Stafford Disaster Relief and Emergency Assistance Act (42*
 3 *U.S.C. 5121–5206), and may require replacement equip-*
 4 *ment to respond to future emergencies/disasters only after*
 5 *distribution of new and combat serviceable equipment has*
 6 *been made in accordance with subsection (a).*

7 ***Subtitle C—Navy Programs***

8 ***SEC. 121. CVN-21 CLASS AIRCRAFT CARRIER PROCURE-*** 9 ***MENT.***

10 *(a) AVAILABILITY OF FUNDS FOR CVN-21 CLASS AIR-*
 11 *CRAFT CARRIERS.—Amounts authorized to be appropriated*
 12 *to Shipbuilding and Conversion, Navy, for purposes of the*
 13 *construction of CVN-21 class aircraft carriers shall be*
 14 *available in the fiscal year for which authorized to be ap-*
 15 *propriated and the succeeding three fiscal years.*

16 *(b) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR*
 17 *FISCAL YEAR 2007.—Of the amount authorized to be ap-*
 18 *propriated by section 102(a)(3) for fiscal year 2007 for*
 19 *Shipbuilding and Conversion, Navy, \$834,100,000 shall be*
 20 *available for advance procurement with respect to the CVN-*
 21 *21 class aircraft carriers designated CVN-78, CVN-79, and*
 22 *CVN-80.*

23 *(c) CONTRACT AUTHORITY.—*

24 *(1) ADVANCE PROCUREMENT.—The Secretary of*
 25 *the Navy may enter into a contract during fiscal year*

1 2007 for advance procurement with respect to the
2 CVN-21 class aircraft carriers designated CVN-79
3 and CVN-80.

4 (2) *CONSTRUCTION.*—*In the fiscal year imme-*
5 *diately following the last fiscal year of the contract*
6 *for advance procurement for a CVN-21 class aircraft*
7 *carrier referred to in paragraph (1), the Secretary*
8 *may enter into a contract for the construction of such*
9 *aircraft carrier to be funded in the fiscal year of such*
10 *contract for construction and the succeeding three fis-*
11 *cal years.*

12 (d) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
13 *MENTS.*—*A contract entered into under subsection (b) shall*
14 *provide that any obligation of the United States to make*
15 *a payment under the contract for any subsequent fiscal year*
16 *is subject to the availability of appropriations for that pur-*
17 *pose for such subsequent fiscal year.*

18 **SEC. 122. CONSTRUCTION OF FIRST TWO VESSELS UNDER**
19 **THE NEXT-GENERATION DESTROYER PRO-**
20 **GRAM.**

21 (a) *AVAILABILITY OF FUNDS.*—*Of the amount author-*
22 *ized to be appropriated by section 102(a)(3) for fiscal year*
23 *2007 for Shipbuilding and Conversion, Navy,*
24 *\$2,568,000,000 may be available for the construction of the*

1 *first two vessels under the next-generation destroyer pro-*
2 *gram.*

3 (b) *CONTRACT AUTHORITY.—*

4 (1) *IN GENERAL.—The Secretary of the Navy*
5 *may in accordance with section 2306b of title 10,*
6 *United States Code, enter into a multiyear contract*
7 *beginning with the fiscal year 2007 program year for*
8 *procurement of each of the first two vessels under the*
9 *next-generation destroyer program.*

10 (2) *LIMITATION.—Not more than one contract*
11 *described in paragraph (1) may be awarded under*
12 *that paragraph to a single surface-combatant ship-*
13 *yard.*

14 (3) *DURATION ON PROCUREMENT.—Each con-*
15 *tract under paragraph (1) shall contemplate funding*
16 *for the procurement of a vessel under such contract in*
17 *fiscal years 2007 and 2008.*

18 (4) *CONDITION ON OUT-YEAR CONTRACT PAY-*
19 *MENTS.—A contract entered into under paragraph (1)*
20 *shall provide that any obligation of the United States*
21 *to make a payment under such contract for any fiscal*
22 *year after fiscal year 2007 is subject to the avail-*
23 *ability of appropriations for that purpose for such fis-*
24 *cal year.*

1 **SEC. 123. MODIFICATION OF LIMITATION ON TOTAL COST**
 2 **OF PROCUREMENT OF CVN-77 AIRCRAFT CAR-**
 3 **RIER.**

4 *Section 122(f)(1) of the National Defense Authoriza-*
 5 *tion Act for Fiscal Year 1998 (Public Law 105-85; 111*
 6 *Stat. 1650) is amended by striking “\$4,600,000,000 (such*
 7 *amount being the estimated cost for the procurement of the*
 8 *CVN-77 aircraft carrier in the March 1997 procurement*
 9 *plan)” and inserting “\$6,057,000,000”.*

10 ***Subtitle D—Air Force Programs***

11 **SEC. 141. PROCUREMENT OF JOINT PRIMARY AIRCRAFT**
 12 **TRAINING SYSTEM AIRCRAFT AFTER FISCAL**
 13 **YEAR 2006.**

14 *Any Joint Primary Aircraft Training System*
 15 *(JPATS) aircraft procured after fiscal year 2006 shall be*
 16 *procured through a contract under part 15 of the Federal*
 17 *Acquisition Regulation (FAR), relating to acquisition of*
 18 *items by negotiated contract (48 C.F.R. 15.000 et seq.),*
 19 *rather than through a contract under part 12 of the Federal*
 20 *Acquisition Regulation, relating to acquisition of commer-*
 21 *cial items (48 C.F.R. 12.000 et seq.).*

22 **SEC. 142. PROHIBITION ON RETIREMENT OF C-130E/H TAC-**
 23 **TICAL AIRLIFT AIRCRAFT.**

24 *The Secretary of the Air Force shall not retire any C-*
 25 *130E/H tactical airlift aircraft of the Air Force in fiscal*
 26 *year 2007.*

1 **SEC. 143. LIMITATION ON RETIREMENT OF KC-135E AIR-**
 2 **CRAFT.**

3 *The Secretary of the Air Force shall ensure that the*
 4 *number, if any, of KC-135E aircraft of the Air Force that*
 5 *is retired in fiscal year 2007 does not exceed 29 such air-*
 6 *craft.*

7 **SEC. 144. LIMITATION ON RETIREMENT OF B-52H BOMBER**
 8 **AIRCRAFT.**

9 *The Secretary of the Air Force shall ensure that the*
 10 *number, if any, of B-52H bomber aircraft of the Air Force*
 11 *that is retired in fiscal year 2007 does not exceed 18 such*
 12 *aircraft.*

13 **SEC. 145. RETIREMENT OF B-52H BOMBER AIRCRAFT.**

14 *(a) LIMITATION ON RETIREMENT PENDING REPORT*
 15 *ON BOMBER FORCE STRUCTURE.—No funds authorized to*
 16 *be appropriated for the Department of Defense may be obli-*
 17 *gated or expended for retiring or dismantling any of the*
 18 *93 B-52H bomber aircraft in service in the Air Force as*
 19 *of June 1, 2006, until 30 days after the Secretary of the*
 20 *Air Force transmits to the Committees on Armed Services*
 21 *of the Senate and the House of Representatives a report on*
 22 *the bomber force structure of the Air Force meeting the re-*
 23 *quirements of subsection (b).*

24 *(b) ELEMENTS.—*

25 *(1) IN GENERAL.—A report under subsection (a)*
 26 *shall set forth the following:*

1 (A) *The plan of the Air Force for the mod-*
2 *ernization of the B-52H bomber aircraft fleet.*

3 (B) *The plans of the Air Force for the mod-*
4 *ernization of the balance of the bomber force*
5 *structure.*

6 (C) *The amount and type of bombers in the*
7 *bomber force structure that is appropriate to*
8 *meet the requirements of the national security*
9 *strategy of the United States.*

10 (D) *A justification of the cost and projected*
11 *savings of any reductions to the B-52H bomber*
12 *aircraft fleet as a result of the retirement or dis-*
13 *mantlement of the B-52H bomber aircraft cov-*
14 *ered by the report.*

15 (E) *The life expectancy of each bomber air-*
16 *craft to remain in the bomber force structure.*

17 (F) *The date by which any new bomber air-*
18 *craft must reach initial operational capability*
19 *and the capabilities of the bomber force structure*
20 *that would be replaced or superseded by any new*
21 *bomber aircraft.*

22 (2) *AMOUNT AND TYPE OF BOMBER FORCE*
23 *STRUCTURE DEFINED.—In this subsection, the term*
24 *“amount and type of bomber force structure” means*
25 *the number of B-2 bomber aircraft, B-52H bomber*

1 (1) *Not more than 120 F-119 engines for F-22A*
2 *fighter aircraft.*

3 (2) *Not more than 13 spare F-119 engines for*
4 *F-22A fighter aircraft.*

5 **SEC. 148. MULTI-SPECTRAL IMAGING CAPABILITIES.**

6 (a) *FINDINGS.—The Senate makes the following find-*
7 *ings:*

8 (1) *The budget of the President for fiscal year*
9 *2007, as submitted to Congress under section 1105(a)*
10 *of title 31, United States Code, and the current Fu-*
11 *ture-Years Defense Program adopts an Air Force plan*
12 *to retire the remaining fleet of U-2 aircraft by 2011.*

13 (2) *This retirement would eliminate the multi-*
14 *spectral capability provided by the electro-optical/in-*
15 *frared (EO/IR) Senior Year Electro-optical Recon-*
16 *naissance System (SYERS-2) high-altitude imaging*
17 *system.*

18 (3) *The system referred to in paragraph (2) pro-*
19 *vides high-resolution, long-range, day-and-night*
20 *image intelligence.*

21 (4) *The infrared capabilities of the system re-*
22 *ferred to in paragraph (2) can defeat enemy efforts to*
23 *use camouflage or concealment, as well as provide im-*
24 *ages through poor visibility and smoke.*

1 (5) *Although the Air Force has previously recog-*
2 *nized the military value of Senior Year Electro-opti-*
3 *cal Reconnaissance System sensors, the Air Force has*
4 *no plans to migrate this capability to any platform*
5 *remaining in the fleet.*

6 (6) *The Air Force could integrate such capabili-*
7 *ties onto the Global Hawk platform to retain this ca-*
8 *pability for combatant commanders.*

9 (7) *The Nation risks a loss of an important in-*
10 *telligence gathering capability if this capability is not*
11 *transferred to another platform.*

12 (b) *SENSE OF SENATE.—It is the sense of the Senate*
13 *that the Air Force should investigate ways to retain the*
14 *multi-spectral imaging capabilities provided by the Senior*
15 *Year Electro-optical Reconnaissance System high-altitude*
16 *imaging system after the retirement of the U–2 aircraft*
17 *fleet.*

18 (c) *REPORT REQUIREMENT.—The Secretary of the Air*
19 *Force shall submit to the congressional defense committees,*
20 *at the same time the budget of the President for fiscal year*
21 *2008 is submitted to Congress under section 1105(a) of title*
22 *31, United States Code, a plan for migrating the capabili-*
23 *ties provided by the Senior Year Electro-optical Reconnaiss-*
24 *sance System high-altitude imaging system from the U–2*

1 *aircraft to the Global Hawk platform before the retirement*
2 *of the U-2 aircraft fleet in 2011.*

3 **SEC. 149. MINUTEMAN III INTERCONTINENTAL BALLISTIC**
4 **MISSILES.**

5 *(a) FINDINGS.—Congress makes the following findings:*

6 *(1) In the Joint Explanatory Statement of the*
7 *Committee of Conference on H.R. 1815, the National*
8 *Defense Authorization Act for Fiscal Year 2006, the*
9 *conferees state that the policy of the United States “is*
10 *to deploy a force of 500 ICBMs”. The conferees fur-*
11 *ther note “that unanticipated strategic developments*
12 *may compel the United States to make changes to this*
13 *force structure in the future.”.*

14 *(2) The Quadrennial Defense Review (QDR) con-*
15 *ducted under section 118 of title 10, United States*
16 *Code, in 2005 finds that maintaining a robust nu-*
17 *clear deterrent “remains a keystone of United States*
18 *national power”. However, notwithstanding that find-*
19 *ing and without providing any specific justification*
20 *for the recommendation, the Quadrennial Defense Re-*
21 *view recommends reducing the number of deployed*
22 *Minuteman III Intercontinental Ballistic Missiles*
23 *(ICBMs) from 500 to 450 beginning in fiscal year*
24 *2007. The Quadrennial Defense Review also fails to*
25 *identify what unanticipated strategic developments*

1 *compelled the United States to reduce the Interconti-*
2 *mental Ballistic Missile force structure.*

3 *(3) The commander of the Strategic Command,*
4 *General James Cartwright, testified before the Com-*
5 *mittee on Armed Services of the Senate that the re-*
6 *duction in deployment of Minuteman III Interconti-*
7 *mental Ballistic Missiles is required so that the 50*
8 *missiles withdrawn from the deployed force could be*
9 *used for test assets and spares to extend the life of the*
10 *Minuteman III Intercontinental Ballistic Missile well*
11 *into the future. If spares are not modernized, the Air*
12 *Force may not have sufficient replacement missiles to*
13 *sustain the force size.*

14 *(b) MODERNIZATION OF INTERCONTINENTAL BAL-*
15 *LISTIC MISSILES REQUIRED.—The Air Force shall mod-*
16 *ernize Minuteman III Intercontinental Ballistic Missiles in*
17 *the United States inventory as required to maintain a suffi-*
18 *cient supply of launch test assets and spares to sustain the*
19 *deployed force of such missiles through 2030.*

20 *(c) LIMITATION ON TERMINATION OF MODERNIZATION*
21 *PROGRAM PENDING REPORT.—No funds authorized to be*
22 *appropriated for the Department of Defense may be obli-*
23 *gated or expended for the termination of any Minuteman*
24 *III ICBM modernization program, or for the withdrawal*
25 *of any Minuteman III Intercontinental Ballistic Missile*

1 *from the active force, until 30 days after the Secretary of*
2 *Defense submits to the congressional defense committees a*
3 *report setting forth the following:*

4 (1) *A detailed strategic justification for the pro-*
5 *posal to reduce the Minuteman III Intercontinental*
6 *Ballistic Missile force from 500 to 450 missiles, in-*
7 *cluding an analysis of the effects of the reduction on*
8 *the ability of the United States to assure allies and*
9 *dissuade potential competitors.*

10 (2) *A detailed analysis of the strategic ramifica-*
11 *tions of continuing to equip a portion of the Minute-*
12 *man III Intercontinental Ballistic Missile force with*
13 *multiple independent warheads rather than single*
14 *warheads as recommended by past reviews of the*
15 *United States nuclear posture.*

16 (3) *An assessment of the test assets and spares*
17 *required to maintain a force of 500 deployed Minute-*
18 *man III Intercontinental Ballistic Missiles through*
19 *2030.*

20 (4) *An assessment of the test assets and spares*
21 *required to maintain a force of 450 deployed Minute-*
22 *man III Intercontinental Ballistic Missiles through*
23 *2030.*

1 (5) *An inventory of currently available Minute-*
2 *man III Intercontinental Ballistic Missile test assets*
3 *and spares.*

4 (6) *A plan to sustain and complete the mod-*
5 *ernization of all deployed and spare Minuteman III*
6 *Intercontinental Ballistic Missiles, a test plan, and*
7 *an analysis of the funding required to carry out mod-*
8 *ernization of all deployed and spare Minuteman III*
9 *Intercontinental Ballistic Missiles.*

10 (7) *An assessment of whether halting upgrades to*
11 *the Minuteman III Intercontinental Ballistic Missiles*
12 *withdrawn from the deployed force would compromise*
13 *the ability of those missiles to serve as test assets.*

14 (8) *A description of the plan of the Department*
15 *of Defense for extending the life of the Minuteman III*
16 *Intercontinental Ballistic Missile force beyond fiscal*
17 *year 2030.*

18 (d) *REMOTE VISUAL ASSESSMENT.—*

19 (1) *ADDITIONAL AMOUNT FOR RESEARCH, DE-*
20 *VELOPMENT, TEST, AND EVALUATION, AIR FORCE.—*
21 *The amount authorized to be appropriated by section*
22 *201(3) for research, development, test, and evaluation*
23 *for the Air Force is hereby increased by \$5,000,000.*

24 (2) *AVAILABILITY OF AMOUNT.—Of the amount*
25 *authorized to be appropriated by section 201(3) for*

1 *research, development, test, and evaluation for the Air*
2 *Force, as increased by paragraph (1), \$5,000,000 may*
3 *be available for ICBM Security Modernization (PE*
4 *#0604851) for Remote Visual Assessment for security*
5 *for silos for intercontinental ballistic missiles*
6 *(ICBMs).*

7 (3) *OFFSET.—The amount authorized to be ap-*
8 *propriated by section 103(2) for procurement of mis-*
9 *siles for the Air Force is hereby reduced by*
10 *\$5,000,000, with the amount of the reduction to be al-*
11 *located to amounts available for the Evolved Expend-*
12 *able Launch Vehicle.*

13 (e) *ICBM MODERNIZATION PROGRAM DEFINED.—In*
14 *this section, the term “ICBM Modernization program”*
15 *means each of the following for the Minuteman III Inter-*
16 *continental Ballistic Missile:*

17 (1) *The Guidance Replacement Program (GRP).*

18 (2) *The Propulsion Replacement Program*
19 *(PRP).*

20 (3) *The Propulsion System Rocket Engine*
21 *(PSRE) program.*

22 (4) *The Safety Enhanced Reentry Vehicle*
23 *(SERV) program.*

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2007 for the use of the Department of Defense for*
9 *research, development, test, and evaluation as follows:*

10 (1) *For the Army, \$11,151,009,000.*

11 (2) *For the Navy, \$17,451,823,000.*

12 (3) *For the Air Force, \$24,400,857,000.*

13 (4) *For Defense-wide activities, \$21,160,459,000,*
14 *of which \$181,520,000 is authorized for the Director*
15 *of Operational Test and Evaluation.*

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

17 (a) *AMOUNT FOR PROJECTS.—Of the total amount au-*
18 *thorized to be appropriated by section 201, \$11,468,959,000*
19 *shall be available for science and technology projects.*

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

1 **SEC. 203. AMOUNT FOR DEVELOPMENT AND VALIDATION**
 2 **OF WARFIGHTER RAPID AWARENESS PROC-**
 3 **ESSING TECHNOLOGY.**

4 (a) *INCREASE IN AMOUNT FOR RESEARCH, DEVELOP-*
 5 *MENT, TEST, AND EVALUATION FOR THE NAVY.—The*
 6 *amount authorized to be appropriated by section 201(2) for*
 7 *research, development, test, and evaluation for the Navy is*
 8 *hereby increased by \$4,000,000.*

9 (b) *AVAILABILITY OF AMOUNT.—Of the amount au-*
 10 *thorized to be appropriated by section 201(2) for research,*
 11 *development, test, and evaluation for the Navy, as increased*
 12 *by subsection (a), \$4,000,000 may be available for the devel-*
 13 *opment, validation, and demonstration of warfighter rapid*
 14 *awareness processing technology for distributed operations*
 15 *within the Marine Corps Landing Force Technology pro-*
 16 *gram.*

17 (c) *OFFSET.—The amount authorized to be appro-*
 18 *priated by section 421 for military personnel is hereby de-*
 19 *creased by \$4,000,000, due to unexpended obligations, if*
 20 *available.*

21 ***Subtitle B—Program Requirements,***
 22 ***Restrictions, and Limitations***

23 **SEC. 211. INDEPENDENT ESTIMATE OF COSTS OF THE FU-**
 24 **TURE COMBAT SYSTEMS.**

25 (a) *LIMITATION ON AVAILABILITY OF FUNDS FOR CER-*
 26 *TAIN ACTIVITIES.—Of the amount authorized to be appro-*

1 *priated by this title and available for the Future Combat*
2 *Systems (FCS) for purposes of system of systems engineer-*
3 *ing and program management for the Future Combat Sys-*
4 *tems, an amount equal to \$500,000,000 of such amount*
5 *may not be obligated and expended for such purposes until*
6 *the Secretary of Defense submits to the congressional defense*
7 *committees the report required by subsection (b)(4).*

8 *(b) INDEPENDENT ESTIMATE REQUIRED.—*

9 *(1) IN GENERAL.—The Secretary of Defense shall*
10 *provide for the preparation of an independent esti-*
11 *mate of the anticipated costs of systems development*
12 *and demonstration with respect to the Future Combat*
13 *Systems.*

14 *(2) CONDUCT OF ESTIMATE.—The estimate re-*
15 *quired by this subsection shall be prepared by a feder-*
16 *ally funded research and development center selected*
17 *by the Secretary for purposes of this subsection.*

18 *(3) MATTERS TO BE ADDRESSED.—The inde-*
19 *pendent estimate prepared under this subsection shall*
20 *address costs of research, development, test, and eval-*
21 *uation, and costs of procurement, for—*

22 *(A) the system development and demonstra-*
23 *tion phase of the core Future Combat Systems;*

24 *(B) the Future Combat Systems technologies*
25 *to be incorporated into the equipment of the cur-*

1 *rent force of the Army (often referred to as*
2 *“spinouts”);*

3 *(C) the installation kits for the incorpora-*
4 *tion of such technologies into such equipment;*

5 *(D) the systems treated as complementary*
6 *systems for the Future Combat Systems;*

7 *(E) science and technology initiatives that*
8 *support the Future Combat Systems program;*
9 *and*

10 *(F) any pass-through charges anticipated to*
11 *be assessed by the lead systems integrator of the*
12 *Future Combat Systems and its major sub-*
13 *contractors.*

14 *(4) SUBMITTAL TO CONGRESS.—Upon comple-*
15 *tion of the independent estimate required by this sub-*
16 *section, the Secretary shall submit to the congress-*
17 *sional defense committees a report on the estimate.*

18 *(5) DEADLINE FOR SUBMITTAL.—The report de-*
19 *scribed in paragraph (4) shall be submitted not later*
20 *than the date of the submittal to Congress of the budg-*
21 *et of the President for fiscal year 2008 (as submitted*
22 *to Congress under section 1105(a) of title 31, United*
23 *States Code).*

24 *(c) PASS-THROUGH CHARGE DEFINED.—In this sec-*
25 *tion, the term “pass-through charge” has the meaning given*

1 *that term in section 805(c)(5) of the National Defense Au-*
2 *thorization Act for Fiscal Year 2006 (Public Law 109–163;*
3 *119 Stat. 3373).*

4 **SEC. 212. FUNDING OF DEFENSE SCIENCE AND TECH-**
5 **NOLOGY PROGRAMS.**

6 *(a) EXTENSION OF FUNDING OBJECTIVE.—Subsection*
7 *(b) of section 212 of the National Defense Authorization Act*
8 *for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by*
9 *striking “through 2009” and inserting “through 2012”.*

10 *(b) ACTIONS FOLLOWING FAILURE TO COMPLY WITH*
11 *OBJECTIVE.—Such section is further amended by adding*
12 *at the end the following new subsection:*

13 *“(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH*
14 *OBJECTIVE.—(1) If the proposed budget for a fiscal year*
15 *covered by subsection (b) fails to comply with the objective*
16 *set forth in that subsection, the Secretary of Defense shall*
17 *submit to the congressional defense committees—*

18 *“(A) a detailed, prioritized list, including esti-*
19 *mates of required funding, of highly-rated, peer-re-*
20 *viewed science and technology projects received by the*
21 *Department through competitive solicitations and*
22 *broad agency announcements which—*

23 *“(i) are not funded solely due to lack of re-*
24 *sources, but*

1 “(i) represent science and technology op-
2 portunities that support the research and devel-
3 opment programs and goals of the military de-
4 partments and the Defense Agencies; and

5 “(B) a report, in both classified and unclassified
6 form, containing an analysis and evaluation of inter-
7 national research and technology capabilities, includ-
8 ing an identification of any technology areas in
9 which the United States will not have global technical
10 leadership within the next five years, in each of the
11 technology areas described in the following plans:

12 “(i) The most current Joint Warfighting
13 Science and Technology Plan required by section
14 270 of the National Defense Authorization Act
15 for Fiscal Year 1997 (10 U.S.C. 2501 note).

16 “(ii) The Defense Technology Area Plan of
17 the Department of Defense.

18 “(iii) The Basic Research Plan of the De-
19 partment of Defense.

20 “(2)(A) The list required by paragraph (1)(A) for a
21 fiscal year in which the budget for such fiscal year fails
22 to comply with the objective in subsection (b) shall be sub-
23 mitted together with the Department of Defense budget jus-
24 tification materials submitted to Congress under section

1 1105 of title 31, United States Code, with the budget for
2 the next fiscal year.

3 “(B) The report required by paragraph (1)(B) for a
4 fiscal year in which the budget for such fiscal year fails
5 to comply with the objective in subsection (b) shall be sub-
6 mitted not later than the six months after the submittal
7 of the Department of Defense budget justification materials
8 that are submitted to Congress under section 1105 of title
9 31, United States Code, with the budget for the next fiscal
10 year.”.

11 **SEC. 213. HYPERSONICS DEVELOPMENT.**

12 (a) *ESTABLISHMENT OF JOINT TECHNOLOGY OFFICE*
13 *ON HYPERSONICS.*—The Secretary of Defense shall establish
14 within the Office of the Secretary of Defense a joint tech-
15 nology office on hypersonics. The office shall carry out the
16 program required under subsection (b), and shall have such
17 other responsibilities relating to hypersonics as the Sec-
18 retary shall specify.

19 (b) *PROGRAM ON HYPERSONICS.*—The joint technology
20 office established under subsection (a) shall carry out a pro-
21 gram for the development of hypersonics for defense pur-
22 poses.

23 (c) *RESPONSIBILITIES.*—In carrying out the program
24 required by subsection (b), the joint technology office estab-
25 lished under subsection (a) shall do the following:

1 (1) *Coordinate and integrate the research, devel-*
2 *opment, test, and evaluation programs and system*
3 *demonstration programs of the Department of Defense*
4 *on hypersonics.*

5 (2) *Undertake appropriate actions to ensure—*

6 (A) *close and continuous integration of the*
7 *programs on hypersonics of the military depart-*
8 *ments with the programs on hypersonics of the*
9 *Defense Agencies; and*

10 (B) *coordination of the programs referred to*
11 *in subparagraph (A) with the programs on*
12 *hypersonics of the National Aeronautics and*
13 *Space Administration.*

14 (3) *Approve demonstration programs on*
15 *hypersonic systems.*

16 (4) *Ensure that any demonstration program on*
17 *hypersonic systems that is carried out in any year*
18 *after its approval under paragraph (3) is carried out*
19 *only if certified under subsection (e) as being con-*
20 *sistent with the roadmap under subsection (d).*

21 (d) *ROADMAP.—*

22 (1) *ROADMAP REQUIRED.—The joint technology*
23 *office established under subsection (a) shall, in coordi-*
24 *nation with the Joint Staff and the National Aero-*
25 *nautics and Space Administration, develop a road-*

1 *map for the hypersonics programs of the Department*
2 *of Defense.*

3 (2) *ELEMENTS.—The roadmap shall include the*
4 *following matters:*

5 (A) *Short-term, mid-term, and long-term*
6 *goals for the Department of Defense on*
7 *hypersonics which shall be consistent with the*
8 *missions and anticipated requirements of the De-*
9 *partment over the applicable period.*

10 (B) *Acquisition transition plans for*
11 *hypersonics.*

12 (C) *Anticipated mission requirements for*
13 *hypersonics.*

14 (D) *A schedule for meeting such goals, in-*
15 *cluding the activities and funding anticipated to*
16 *be required for meeting such goals.*

17 (3) *SUBMITTAL TO CONGRESS.—The Secretary*
18 *shall submit the roadmap to the congressional defense*
19 *committees at the same time as the submittal to Con-*
20 *gress of the budget for fiscal year 2008 (as submitted*
21 *pursuant to section 1105 of title 31, United States*
22 *Code).*

23 (e) *ANNUAL REVIEW AND CERTIFICATION OF FUND-*
24 *ING.—*

1 (1) *ANNUAL REVIEW.*—*The joint technology office*
2 *established under subsection (a) shall conduct on an*
3 *annual basis a review of the funding available for re-*
4 *search, development, test, and evaluation and dem-*
5 *onstration programs of the Department of Defense on*
6 *hypersonics in order to determine whether or not such*
7 *funding and programs are consistent with the road-*
8 *map developed under subsection (d).*

9 (2) *CERTIFICATION.*—*The joint technology office*
10 *shall, as a result of each review under paragraph (1),*
11 *certify to the Secretary whether or not the funding*
12 *and programs subject to such review are consistent*
13 *with the roadmap developed under subsection (d).*

14 (3) *TERMINATION.*—*The requirements of this*
15 *subsection shall terminate after the submittal to Con-*
16 *gress of the budget for fiscal year 2012 pursuant to*
17 *section 1105 of title 31, United States Code.*

18 (f) *REPORTS TO CONGRESS.*—*If, as a result of a review*
19 *under subsection (e), funding or a program on hypersonics*
20 *is certified under that subsection not to be consistent with*
21 *the roadmap developed under subsection (d), the Secretary*
22 *shall submit to Congress a report on such funding or pro-*
23 *gram, as the case may be, together with a statement of the*
24 *actions to be taken to make such funding or program, as*
25 *the case may be, consistent with the roadmap.*

1 (g) *HYPERSONICS DEFINED.*—*In this section, the term*
2 *“hypersonics” means aircraft and missiles capable of trav-*
3 *elling at speeds in excess of Mach 5.*

4 **SEC. 214. TRIDENT SEA-LAUNCHED BALLISTIC MISSILES.**

5 (a) *LIMITATION ON AVAILABILITY OF FUNDS.*—

6 (1) *IN GENERAL.*—*Except as provided in para-*
7 *graph (2), none of the funds authorized to be appro-*
8 *priated by this Act for the Conventional Trident*
9 *Modification (CTM) program may be obligated or ex-*
10 *pended for the development or modification of the*
11 *Trident D–5 sea-launched ballistic missile until 30*
12 *days after the date on which the report required by*
13 *subsection (b) is submitted to the congressional de-*
14 *fense committees.*

15 (2) *EXCEPTION.*—*Paragraph (1) shall not apply*
16 *with respect to amounts authorized to be appro-*
17 *priated by section 201(2) for research, development,*
18 *test, and evaluation, Navy, and available for Ad-*
19 *vanced Conventional Strike Capability (PE*
20 *#64327N) in an amount not to exceed \$32,000,000.*

21 (b) *REPORT.*—

22 (1) *REPORT REQUIRED.*—*The Secretary of De-*
23 *fense shall, in consultation with the Secretary of*
24 *State, submit to the congressional defense committees*
25 *a report setting forth a proposal to replace nuclear*

1 *warheads on twenty-four Trident D-5 sea-launched*
2 *ballistic missiles with conventional kinetic warheads*
3 *for deployment on submarines that carry Trident sea-*
4 *launched ballistic missiles.*

5 (2) *ELEMENTS.—The report required by para-*
6 *graph (1) shall include the following:*

7 (A) *A description of the types of scenarios,*
8 *types of targets, and circumstances in which a*
9 *conventional sea-launched ballistic missile would*
10 *be used.*

11 (B) *A discussion of the weapon systems or*
12 *weapons, whether current or planned, that could*
13 *be used as an alternative for each of the sce-*
14 *narios, target types, and circumstances set forth*
15 *under subparagraph (A), and a statement of any*
16 *reason why each is not a suitable alternative to*
17 *a conventional sea-launched ballistic missile.*

18 (C) *A description of the command and con-*
19 *trol arrangements for conventional sea-launched*
20 *ballistic missiles, including launch authority*
21 *and the use of Permissive Action Links (PALs).*

22 (D) *An assessment of the capabilities of*
23 *other countries to detect and track the launch of*
24 *a conventional or nuclear sea-launched ballistic*
25 *missile.*

1 (E) *An assessment of the capabilities of*
2 *other countries to discriminate between the*
3 *launch of a nuclear sea-launched ballistic missile*
4 *and a conventional sea-launched ballistic missile,*
5 *other than in a testing scenario.*

6 (F) *An assessment of the notification and*
7 *other protocols that would have to be in place*
8 *prior to using any conventional sea-launched*
9 *ballistic missile and a plan for entering into*
10 *such protocols.*

11 (G) *An assessment of the adequacy of the*
12 *intelligence that would be needed to support an*
13 *attack involving conventional sea-launched bal-*
14 *listic missiles.*

15 (H) *A description of the total program cost,*
16 *including the procurement costs of additional D-*
17 *5 missiles, of the conventional Trident sea-*
18 *launched ballistic missile program, by fiscal*
19 *year.*

20 (I) *An analysis and assessment of the im-*
21 *plications for ballistic missile proliferation if the*
22 *United States decides to go forward with the con-*
23 *ventional Trident sea-launched ballistic missile*
24 *program or any other conventional long range*
25 *ballistic missile program.*

1 *(J) An analysis and assessment of the im-*
2 *plications for the United States missile defense*
3 *system if other countries utilize long range con-*
4 *ventional ballistic missiles.*

5 *(K) An analysis of any problems created by*
6 *the ambiguity that results from the use of the*
7 *same ballistic missile for both conventional and*
8 *nuclear warheads.*

9 *(L) An analysis and assessment of the*
10 *methods that other countries might use to resolve*
11 *the ambiguities associated with a nuclear or con-*
12 *ventional sea-launched ballistic missile.*

13 *(M) An analysis, by the Secretary of State,*
14 *of the international, treaty, and other concerns*
15 *that would be associated with the use of a con-*
16 *ventional sea-launched ballistic missile and rec-*
17 *ommendations for measures to mitigate or elimi-*
18 *nate such concerns.*

19 *(N) A joint statement by the Secretary of*
20 *Defense and the Secretary of State on how to en-*
21 *sure that the use of a conventional sea-launched*
22 *ballistic missile will not result in an intentional,*
23 *inadvertent, mistaken, or accidental reciprocal*
24 *or responsive launch of a nuclear strike by any*
25 *other country.*

1 (c) *AVAILABILITY OF FUNDS FOR REPORT.*—Of the
2 amounts authorized to be appropriated by this Act (other
3 than the amounts covered by the limitation in subsection
4 (a)), \$20,000,000 may be available to prepare the report
5 required by subsection (b).

6 **SEC. 215. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.**

7 Of the amount authorized to be appropriated by sec-
8 tion 201(4) for research, development, test, and evaluation
9 for Defense-wide activities and available for ballistic missile
10 defense—

11 (1) \$65,000,000 may be available for coproduc-
12 tion of the Arrow ballistic missile defense system; and

13 (2) \$63,702,000 may be available for the Arrow
14 System Improvement Program.

15 **SEC. 216. HIGH ENERGY LASER LOW ASPECT TARGET**
16 **TRACKING.**

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

22 (b) *AVAILABILITY OF AMOUNT.*—

23 (1) *IN GENERAL.*—Of the amount authorized to
24 be appropriated by section 201(1) for research, devel-
25 opment, test, and evaluation for the Army, as in-

1 *created by subsection (a), \$5,000,000 may be avail-*
2 *able for the Department of Defense High Energy*
3 *Laser Test Facility for High Energy Laser Low As-*
4 *pect Target Tracking (HEL-LATT) test series done*
5 *jointly with the Navy.*

6 (2) *CONSTRUCTION WITH OTHER AMOUNTS.—The*
7 *amount available under paragraph (1) for the pur-*
8 *pose set forth in that paragraph is in addition to any*
9 *amounts available under this Act for that purpose.*

10 (c) *OFFSET.—The amount authorized to be appro-*
11 *priated by section 421 for military personnel is hereby re-*
12 *duced by \$5,000,000, due to unexpended obligations, if*
13 *available.*

14 **SEC. 217. ADVANCED ALUMINUM AEROSTRUCTURES INITIA-**
15 **TIVE.**

16 (a) *ADDITIONAL AMOUNT FOR RESEARCH, DEVELOP-*
17 *MENT, TEST, AND EVALUATION, AIR FORCE.—The amount*
18 *authorized to be appropriated by section 201(3) for re-*
19 *search, development, test, and evaluation for the Air Force*
20 *is hereby increased by \$2,000,000.*

21 (b) *AVAILABILITY OF AMOUNT.—Of the amount au-*
22 *thorized to be appropriated by section 201(3) for research,*
23 *development, test, and evaluation for the Air Force, as in-*
24 *creased by subsection (a), \$2,000,000 may be available for*
25 *Aerospace Technology Development and Demonstration*

1 *(PE #603211F) for the Advanced Aluminum*
2 *Aerostructures Initiative (A3I).*

3 *(c) OFFSET.—The amount authorized to be appro-*
4 *priated by section 421 for military personnel is hereby de-*
5 *creased by \$2,000,000, due to unexpended obligations, if*
6 *available.*

7 **SEC. 218. LEGGED MOBILITY ROBOTIC RESEARCH.**

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

13 *(b) AVAILABILITY OF AMOUNT.—Of the amount au-*
14 *thorized to be appropriated by section 201(1) for research,*
15 *development, test, and evaluation for the Army, as in-*
16 *creased by subsection (a), \$1,000,000 may be available for*
17 *Combat Vehicle and Automotive Technology (PE*
18 *#602601A) for legged mobility robotic research for military*
19 *applications.*

20 *(c) OFFSET.—The amount authorized to be appro-*
21 *priated by section 421 for military personnel is hereby de-*
22 *creased by \$1,000,000, due to unexpended obligations, if*
23 *available*

1 **SEC. 219. WIDEBAND DIGITAL AIRBORNE ELECTRONIC**
2 **SENSING ARRAY.**

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

8 (b) *AVAILABILITY OF AMOUNT.*—*Of the amount au-*
9 *thorized to be appropriated by section 201(3) for research,*
10 *development, test, and evaluation for the Air Force, as in-*
11 *creased by subsection (a), \$3,000,000 may be available for*
12 *Wideband Digital Airborne Electronic Sensing Array (PE*
13 *#0602204F).*

14 (c) *OFFSET.*—*The amount authorized to be appro-*
15 *priated by section 421 for military personnel is hereby re-*
16 *duced by \$3,000,000, due to unexpended obligations, if*
17 *available.*

18 **SEC. 220. SCIENCE AND TECHNOLOGY.**

19 (a) *ARMY SUPPORT FOR UNIVERSITY RESEARCH INI-*
20 *TIATIVES.*—

21 (1) *ADDITIONAL AMOUNT FOR RESEARCH, DE-*
22 *VELOPMENT, TEST, AND EVALUATION, ARMY.*—*The*
23 *amount authorized to be appropriated by section*
24 *201(1) for research, development, test, and evaluation*
25 *for the Army is hereby increased by \$10,000,000.*

1 (2) *AVAILABILITY OF AMOUNT.*—*Of the amount*
2 *authorized to be appropriated by section 201(1) for*
3 *research, development, test, and evaluation for the*
4 *Army, as increased by paragraph (1), \$10,000,000*
5 *may be available for program element PE 0601103A*
6 *for University Research Initiatives.*

7 (b) *NAVY SUPPORT FOR UNIVERSITY RESEARCH INI-*
8 *TIATIVES.*—

9 (1) *ADDITIONAL AMOUNT FOR RESEARCH, DE-*
10 *VELOPMENT, TEST, AND EVALUATION, NAVY.*—*The*
11 *amount authorized to be appropriated by section*
12 *201(2) for research, development, test, and evaluation*
13 *for the Navy is hereby increased by \$10,000,000.*

14 (2) *AVAILABILITY OF AMOUNT.*—*Of the amount*
15 *authorized to be appropriated by section 201(2) for*
16 *research, development, test, and evaluation for the*
17 *Navy, as increased by paragraph (1), \$10,000,000*
18 *may be available for program element PE 0601103N*
19 *for University Research Initiatives.*

20 (c) *AIR FORCE SUPPORT FOR UNIVERSITY RESEARCH*
21 *INITIATIVES.*—

22 (1) *ADDITIONAL AMOUNT FOR RESEARCH, DE-*
23 *VELOPMENT, TEST, AND EVALUATION, AIR FORCE.*—
24 *The amount authorized to be appropriated by section*

1 201(3) for research, development, test, and evaluation
2 for the Air Force is hereby increased by \$10,000,000.

3 (2) *AVAILABILITY OF AMOUNT.*—Of the amount
4 authorized to be appropriated by section 201(3) for
5 research, development, test, and evaluation for the Air
6 Force, as increased by paragraph (1), \$10,000,000
7 may be available for program element *PE 0601103F*
8 for *University Research Initiatives*.

9 (d) *COMPUTER SCIENCE AND CYBERSECURITY.*—

10 (1) *ADDITIONAL AMOUNT FOR RESEARCH, DE-*
11 *VELOPMENT, TEST, AND EVALUATION, DEFENSE-*
12 *WIDE.*—The amount authorized to be appropriated by
13 section 201(4) for research, development, test, and
14 evaluation for *Defense-wide activities* is hereby in-
15 creased by \$10,000,000.

16 (2) *AVAILABILITY OF AMOUNT.*—Of the amount
17 authorized to be appropriated by section 201(4) for
18 research, development, test, and evaluation for *De-*
19 *fense-wide activities*, as increased by paragraph (1),
20 \$10,000,000 may be available for program element
21 *PE 0601101E* for the *Defense Advanced Research*
22 *Projects Agency University Research Program in*
23 *Computer Science and Cybersecurity*.

24 (e) *SMART NATIONAL DEFENSE EDUCATION PRO-*
25 *GRAM.*—

1 (1) *ADDITIONAL AMOUNT FOR RESEARCH, DE-*
2 *VELOPMENT, TEST, AND EVALUATION, DEFENSE-*
3 *WIDE.—The amount authorized to be appropriated by*
4 *section 201(4) for research, development, test, and*
5 *evaluation for Defense-wide activities is hereby in-*
6 *creased by \$5,000,000.*

7 (2) *AVAILABILITY OF AMOUNT.—Of the amount*
8 *authorized to be appropriated by section 201(4) for*
9 *research, development, test, and evaluation for De-*
10 *fense-wide activities, as increased by paragraph (1),*
11 *\$5,000,000 may be available for program element PE*
12 *0601120D8Z for the SMART National Defense Edu-*
13 *cation Program.*

14 (f) *OFFSET.—The amount authorized to be appro-*
15 *priated by section 421 for military personnel is hereby re-*
16 *duced by \$45,000,000, due to unexpended obligations, if*
17 *available.*

18 ***Subtitle C—Missile Defense***
19 ***Programs***

20 ***SEC. 231. AVAILABILITY OF RESEARCH, DEVELOPMENT,***
21 ***TEST, AND EVALUATION FUNDS FOR FIELD-***
22 ***ING BALLISTIC MISSILE DEFENSE CAPABILI-***
23 ***TIES.***

24 *Upon approval by the Secretary of Defense, funds au-*
25 *thorized to be appropriated for fiscal year 2008 for the use*

1 *of the Department of Defense for research, development, test,*
2 *and evaluation and available for the Missile Defense Agency*
3 *may be used for the development and fielding of ballistic*
4 *missile defense capabilities.*

5 **SEC. 232. POLICY OF THE UNITED STATES ON PRIORITIES**
6 **IN THE DEVELOPMENT, TESTING, AND FIELD-**
7 **ING OF MISSILE DEFENSE CAPABILITIES.**

8 *(a) FINDINGS.—Congress makes the following findings:*

9 *(1) In response to the threat posed by ballistic*
10 *missiles, President George W. Bush in December 2002*
11 *directed the Secretary of Defense to proceed with the*
12 *fielding of an initial set of missile defense capabilities*
13 *in 2004 and 2005.*

14 *(2) According to assessments by the intelligence*
15 *community of the United States, North Korea tested*
16 *in 2005 a new solid propellant short-range ballistic*
17 *missile and is likely developing intermediate-range*
18 *and intercontinental ballistic missile capabilities that*
19 *could someday reach as far as the United States with*
20 *a nuclear payload.*

21 *(3) According to assessments by the intelligence*
22 *community of the United States, Iran continued in*
23 *2005 to test its medium range ballistic missile, and*
24 *the danger that Iran will acquire a nuclear weapon*

1 *and integrate it with a ballistic missile Iran already*
2 *possesses is a reason for immediate concern.*

3 *(b) POLICY.—It is the policy of the United States that*
4 *the Department of Defense accord a priority within the mis-*
5 *sile defense program to the development, testing, fielding,*
6 *and improvement of effective near-term missile defense ca-*
7 *pabilities, including the ground-based midcourse defense*
8 *system, the Aegis ballistic missile defense system, the Pa-*
9 *triot PAC-3 system, the Terminal High Altitude Area De-*
10 *fense system, and the sensors necessary to support such sys-*
11 *tems.*

12 **SEC. 233. ONE-YEAR EXTENSION OF COMPTROLLER GEN-**
13 **ERAL ASSESSMENTS OF BALLISTIC MISSILE**
14 **DEFENSE PROGRAMS.**

15 *Section 232(g) of the National Defense Authorization*
16 *Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is*
17 *amended—*

18 *(1) in paragraph (1), by striking “through*
19 *2007” and inserting “through 2008”; and*

20 *(2) in paragraph (2), by striking “through*
21 *2008” and inserting “through 2009”.*

1 **SEC. 234. SUBMITTAL OF PLANS FOR TEST AND EVALUA-**
2 **TION OF THE OPERATIONAL CAPABILITY OF**
3 **THE BALLISTIC MISSILE DEFENSE SYSTEM.**

4 *Section 234(a) of the National Defense Act for Fiscal*
5 *Year 2006 (Public Law 109–163; 119 Stat. 3174; 10 U.S.C.*
6 *2431 note) is amended by adding at the end the following*
7 *new paragraph:*

8 *“(3) SUBMITTAL TO CONGRESS.—Each plan pre-*
9 *pared under this subsection and approved by the Di-*
10 *rector of Operational Test and Evaluation shall be*
11 *submitted to the congressional defense committees not*
12 *later than 30 days after the date of the approval of*
13 *such plan by the Director.”.*

14 **SEC. 235. ANNUAL REPORTS ON TRANSITION OF BALLISTIC**
15 **MISSILE DEFENSE PROGRAMS TO THE MILI-**
16 **TARY DEPARTMENTS.**

17 *(a) REPORT REQUIRED.—Not later than March 1,*
18 *2007, and annually thereafter through 2013, the Under Sec-*
19 *retary of Defense for Acquisition, Technology, and Logistics*
20 *shall submit to the congressional defense committees a re-*
21 *port on the plans of the Department of Defense for the tran-*
22 *sition of missile defense programs from the Missile Defense*
23 *Agency to the military departments.*

24 *(b) SCOPE OF REPORTS.—Each report required by*
25 *subsection (a) shall cover the period covered by the future-*
26 *years defense program that is submitted under section 221*

1 *of title 10, United States Code, in the year in which such*
2 *report is submitted.*

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

5 (1) *An identification of—*

6 (A) *the missile defense programs planned to*
7 *be transitioned from the Missile Defense Agency*
8 *to the military departments; and*

9 (B) *the missile defense programs, if any,*
10 *not planned for transition to the military de-*
11 *partments.*

12 (2) *The schedule for transition of each missile de-*
13 *fense program planned to be transitioned to a mili-*
14 *tary department, and an explanation of such sched-*
15 *ule.*

16 (3) *A description of the status of the plans and*
17 *agreements of the Missile Defense Agency and the*
18 *military departments on the transition of missile de-*
19 *fense programs to the military departments.*

20 (4) *An identification of the entity (whether the*
21 *Missile Defense Agency, a military department, or*
22 *both) that will be responsible for funding each missile*
23 *defense program to be transitioned to a military de-*
24 *partment, and at what date.*

1 (1) *to accelerate the ability to conduct concurrent*
2 *test and missile defense operations; and*

3 (2) *to increase the pace of realistic flight testing*
4 *of the ground-based midcourse defense system.*

5 (c) *SUPPLEMENT.—Amounts available under sub-*
6 *section (b) for the program element referred to in that sub-*
7 *section are in addition to any other amounts available in*
8 *this Act for that program element.*

9 (d) *OFFSET.—The amount authorized to be appro-*
10 *priated by section 421 for military personnel is hereby re-*
11 *duced by \$45,000,000, due to unexpended obligations.*

12 ***Subtitle D—Other Matters***

13 ***SEC. 251. EXTENSION OF REQUIREMENT FOR GLOBAL RE-*** 14 ***SEARCH WATCH PROGRAM.***

15 *Section 2365(f) of title 10, United States Code, is*
16 *amended by striking “September 30, 2006” and inserting*
17 *“September 30, 2011”.*

18 ***SEC. 252. EXPANSION AND EXTENSION OF AUTHORITY TO*** 19 ***AWARD PRIZES FOR ADVANCED TECHNOLOGY*** 20 ***ACHIEVEMENTS.***

21 (i) *EXPANSION.—*

22 (1) *IN GENERAL.—Subsection (a) of section*
23 *2374a of title 10, United States Code, is amended—*

24 (A) *by striking “Director of the Defense Ad-*
25 *vanced Research Projects Agency” and inserting*

1 *“Director of Defense Research and Engineering*
2 *and the Service Acquisition Executives of the*
3 *military departments”*; and

4 *(B) by striking “a program” and inserting*
5 *“programs”.*

6 (2) *CONFORMING AMENDMENTS.—(A) Subsection*
7 *(b) of such section is amended by striking “The pro-*
8 *gram” and inserting “Any program”.*

9 *(B) Subsection (d) of such section is amended—*

10 *(i) by striking “The program” and insert-*
11 *ing “A program”; and*

12 *(ii) by striking “the Director” and inserting*
13 *“an official referred to in that subsection”.*

14 (b) *EXTENSION.—Subsection (f) of such section is*
15 *amended by striking “September 30, 2007” and inserting*
16 *“September 30, 2011”.*

17 (c) *MODIFICATION OF REPORTING REQUIREMENT.—*
18 *Subsection (e) of such section is amended to read as follows:*

19 *“(e) ANNUAL REPORT.—(l) Not later than March 1*
20 *each year, the Secretary shall submit to the Committees on*
21 *Armed Services of the Senate and the House of Representa-*
22 *tives a report on the activities undertaken during the pre-*
23 *ceding fiscal year under the authority in subsection (a).*

24 *“(2) The report for a fiscal year under this subsection*
25 *shall include the following:*

1 “(A) A description of the proposed goals of the
2 competitions established under each program under
3 subsection (a), including the areas of research, tech-
4 nology development, or prototype development to be
5 promoted by such competitions and the relationship of
6 such areas to the military missions of the Department
7 of Defense.

8 “(B) An analyses of why the utilization of the
9 authority in subsection (a) was the preferable method
10 of achieving the goals described in subparagraph (A)
11 as opposed to other authorities available to the De-
12 partment, such as contracts, grants, and cooperative
13 agreements.

14 “(C) The total amount of cash prizes awarded
15 under each program, including a description of the
16 manner in which the amounts of cash prizes awarded
17 and claimed were allocated among the accounts of the
18 Department for recording as obligations and expendi-
19 tures.

20 “(D) The methods used for the solicitation and
21 evaluation of submissions under each program, to-
22 gether with an assessment of the effectiveness of such
23 methods.

24 “(E) A description of the resources, including
25 personnel and funding, used in the execution of each

1 *program, together with a detailed description of the*
2 *activities for which such resources were used and an*
3 *accounting of how funding for execution was allocated*
4 *among the accounts of the Department for recording*
5 *as obligations and expenditures.*

6 *“(F) A description of any plans to transition the*
7 *technologies or prototypes developed as a result of*
8 *each program into an acquisition program of the De-*
9 *partment.”.*

10 **SEC. 253. POLICIES AND PRACTICES ON TEST AND EVALUA-**
11 **TION TO ADDRESS EMERGING ACQUISITION**
12 **APPROACHES.**

13 *(a) REPORTS ON CERTAIN DETERMINATIONS TO PRO-*
14 *CEED BEYOND LOW-RATE INITIAL PRODUCTION.—Section*
15 *2399(b) of title 10, United States Code, is amended—*

16 *(1) by redesignating paragraph (5) as para-*
17 *graph (6); and*

18 *(2) by inserting after paragraph (4) the fol-*
19 *lowing new paragraph (5):*

20 *“(5) If, before a final decision is made within the De-*
21 *partment of Defense to proceed with a major defense acqui-*
22 *sition program beyond low-rate initial production, a deci-*
23 *sion is made within the Department to proceed to oper-*
24 *ational use of the program or allocate funds available for*
25 *procurement for the program, the Director shall submit to*

1 *the Secretary of Defense and the congressional defense com-*
2 *mittees the report with respect to the program under para-*
3 *graph (2) as soon as practicable after the decision under*
4 *this paragraph is made.”.*

5 **(b) REVIEW AND REVISION OF POLICIES AND PRAC-**
6 **TICES.—**

7 **(1) REVIEW.—***The Under Secretary of Defense*
8 *for Acquisition, Technology, and Logistics and the*
9 *Director of Operational Test and Evaluation shall re-*
10 *view Department of Defense policies and practices on*
11 *test and evaluation in order to—*

12 **(A)** *reaffirm the test and evaluation prin-*
13 *ciples that guide traditional acquisition pro-*
14 *grams; and*

15 **(B)** *determine how best to apply such prin-*
16 *ciples to emerging acquisition approaches.*

17 **(2) REVISED GUIDANCE.—***If the Under Secretary*
18 *determines as a result of the review under paragraph*
19 *(1) that a revision of the policies and practices re-*
20 *ferred to in that paragraph is necessary in light of*
21 *emerging approaches to acquisitions, the Under Sec-*
22 *retary and the Director shall jointly issue new or re-*
23 *vised guidance for the Department of Defense on test*
24 *and evaluation to address that determination.*

1 (c) *ISSUES TO BE ADDRESSED.*—*In carrying out sub-*
2 *section (b), the Under Secretary shall address policies and*
3 *practices on test and evaluation in order to—*

4 (1) *ensure the performance of test and evaluation*
5 *activities with regard to—*

6 (A) *items that are acquired pursuant to the*
7 *authority for rapid acquisition and deployment*
8 *of items in section 806 of the Bob Stump Na-*
9 *tional Defense Authorization Act for Fiscal Year*
10 *2003 (10 U.S.C. 2302 note);*

11 (B) *programs that are conducted pursuant*
12 *to the authority for spiral development in section*
13 *803 of the Bob Stump National Defense Author-*
14 *ization Act for Fiscal Year 2003 (Public Law*
15 *107–314; 116 Stat. 2603; 10 U.S.C. 2430 note),*
16 *or other authority for the conduct of incremental*
17 *acquisition programs;*

18 (C) *systems that are acquired pursuant to*
19 *time-certain development programs; and*

20 (D) *equipment that is not subject to the*
21 *operational test and evaluation requirements in*
22 *section 2399 of title 10, United States Code, but*
23 *which may require limited operational test and*
24 *evaluation for the purpose of ensuring the safety*

1 *and survivability of such equipment and per-*
2 *sonnel using such equipment; and*

3 (2) *ensure the appropriate use, if any, of oper-*
4 *ational test and evaluation resources to assess tech-*
5 *nology readiness levels for the purpose of section*
6 *2366a of title 10, United States Code, and other ap-*
7 *plicable technology readiness requirements.*

8 (d) *FUNDING MATTERS.*—*The Director of the Defense*
9 *Test Resource Management Center shall ensure that the*
10 *strategic plan for Department of Defense test and evalua-*
11 *tion resources developed pursuant to section 196 of title 10,*
12 *United States Code—*

13 (1) *reflects any testing needs of the Department*
14 *of Defense that are identified as a result of activities*
15 *under subsection (b); and*

16 (2) *includes an assessment of the test and eval-*
17 *uation facilities, resources, and budgets that will be*
18 *required to meet such needs.*

19 (e) *REPORT TO CONGRESS.*—*Not later than nine*
20 *months after the date of the enactment of this Act, the Under*
21 *Secretary shall submit to the congressional defense commit-*
22 *tees a report on the review conducted under paragraph (1)*
23 *of subsection (b), including any new or revised guidance*
24 *issued pursuant to paragraph (2) of that subsection.*

1 (f) *TIME-CERTAIN DEVELOPMENT PROGRAM DE-*
2 *FINED.*—*In this section, the term “time-certain development*
3 *program” means a development program that is assigned*
4 *a specific length of time in which milestone events will be*
5 *accomplished by contract, which length of time may be not*
6 *more than 6 years from milestone B to initial operational*
7 *capability.*

8 **SEC. 254. DEVELOPMENT OF THE PROPULSION SYSTEM FOR**
9 **THE JOINT STRIKE FIGHTER.**

10 (a) *IN GENERAL.*—*The Secretary of Defense shall pro-*
11 *vide for the development of the propulsion system for the*
12 *F–35 fighter aircraft (commonly referred to as the “Joint*
13 *Strike Fighter”)* by a means elected by the Secretary from
14 *among the following:*

15 (1) *Through the continuing development and*
16 *sustainment of two interchangeable propulsion sys-*
17 *tems for the F–35 fighter aircraft by two separate*
18 *contractors throughout the life cycle of the aircraft.*

19 (2) *Through a one-time firm fixed price contract*
20 *for a selected propulsion system for the F–35 fighter*
21 *aircraft for the life cycle of the aircraft following the*
22 *Initial Service Release of the F–35 fighter aircraft*
23 *propulsion system in fiscal year 2008.*

24 (b) *NOTICE OF CHANGE IN DEVELOPMENT.*—*The Sec-*
25 *retary may not carry out any modification of the procure-*

1 *ment program for the F-35 fighter aircraft that would re-*
2 *sult in the development of the propulsion system for such*
3 *aircraft in a manner other than as elected by the Secretary*
4 *under subsection (a) until the Secretary notifies the congres-*
5 *sional defense committees of such modification.*

6 **SEC. 255. INDEPENDENT COST ANALYSES FOR JOINT**
7 **STRIKE FIGHTER ENGINE PROGRAM.**

8 *(a) COST ANALYSES.—*

9 *(1) ANALYSES REQUIRED.—The Secretary of De-*
10 *fense (acting through the cost analysis improvement*
11 *group of the Office of the Secretary of Defense), a fed-*
12 *erally funded research and development center*
13 *(FFRDC) selected by the Secretary for purposes of*
14 *this section, and the Comptroller General of the*
15 *United States shall each perform three detailed and*
16 *comprehensive cost analyses of the engine program for*
17 *the F-35 fighter aircraft (commonly referred to as the*
18 *“Joint Strike Fighter”).*

19 *(2) ELEMENTS.—Each official or entity per-*
20 *forming cost analyses under paragraph (1) shall per-*
21 *form a cost analysis of each of the following:*

22 *(A) An alternative under which the F-35*
23 *fighter aircraft is capable of using the F135 en-*
24 *gine only.*

1 (B) *An alternative under which the F-35*
2 *fighter aircraft is capable of using either the*
3 *F135 engine or the F136 engine.*

4 (C) *Any other alternative, whether secured*
5 *through a competitive or sole-source bidding*
6 *process, that would reduce cost, improve program*
7 *schedule, and improve performance and reli-*
8 *ability of the F-35 fighter aircraft program.*

9 (b) *REPORTS.—*

10 (1) *REPORTS REQUIRED.—Not later than March*
11 *15, 2007, the Secretary, the federally funded research*
12 *and development center selected under subsection (a),*
13 *and the Comptroller General shall each submit to the*
14 *congressional defense committees a report on the three*
15 *independent cost analyses performed by such official*
16 *or entity under subsection (a).*

17 (2) *REPORT ELEMENTS.—Each report under*
18 *paragraph (1) shall include the following:*

19 (A) *A statement of the key assumptions uti-*
20 *lized in performing each cost analysis covered by*
21 *such report.*

22 (B) *A discussion of the methodology and*
23 *techniques utilized in performing each cost anal-*
24 *ysis.*

1 (C) *For each alternative under subsection*

2 (a)(2)—

3 (i) *a comparison of the life-cycle costs,*
4 *including costs in current and constant dol-*
5 *lars and a net-present-value analysis, with*
6 *the other alternatives under that subsection;*
7 *and*

8 (ii) *an estimate of—*

9 (I) *the supply, maintenance, and*
10 *other operations manpower required to*
11 *support such alternative;*

12 (II) *the number of flight hours re-*
13 *quired to achieve engine maturity, and*
14 *the year in which engine maturity is*
15 *anticipated to be achieved; and*

16 (III) *the total number of engines*
17 *anticipated to be procured over the life-*
18 *time of the F-35 fighter aircraft pro-*
19 *gram.*

20 (D) *A discussion of the acquisition strate-*
21 *gies used for the acquisition of engines for other*
22 *tactical fighter aircraft, including the F-15, F-*
23 *16, F-18, and F-22 fighter aircraft, and an as-*
24 *essment of the experience in terms of cost, sched-*

1 *ule, and performance under the acquisition pro-*
2 *grams for such engines.*

3 *(E) A comparison in terms of performance,*
4 *savings, maintainability, reliability, and tech-*
5 *nical innovation of the acquisition programs for*
6 *engines for tactical fighter aircraft carried out*
7 *on a sole-source basis with the acquisition pro-*
8 *grams for tactical fighter aircraft carried out on*
9 *a competitive basis.*

10 *(F) Such conclusions and recommendations*
11 *in light of the cost analyses as the official or en-*
12 *tity submitting such report considers appro-*
13 *priate.*

14 *(3) CERTIFICATION OF FFRDC AND COMP-*
15 *TROLLER GENERAL.—In submitting the report re-*
16 *quired by this subsection, the federally funded re-*
17 *search and development center and the Comptroller*
18 *General shall each also submit a certification as to*
19 *whether the federally funded research and develop-*
20 *ment center or the Comptroller General, as the case*
21 *may be, had access to sufficient information to enable*
22 *the federally funded research and development center*
23 *or the Comptroller General, as the case may be, to*
24 *make informed judgments on the matters required to*
25 *be included in the report.*

1 (c) *LIFE-CYCLE COSTS DEFINED.*—*In this section, the*
2 *term “life-cycle costs” includes—*

3 (1) *the elements of costs that would be considered*
4 *for a life-cycle cost analysis for a major defense acqui-*
5 *sition program, such as procurement of engines, pro-*
6 *curement of spare engines, and procurement of engine*
7 *components and parts; and*

8 (2) *good-faith estimates of routine engine costs,*
9 *such as performance upgrades and component im-*
10 *provement, that historically have occurred in tactical*
11 *fighter engine programs.*

12 **SEC. 256. SENSE OF SENATE ON TECHNOLOGY SHARING OF**
13 **JOINT STRIKE FIGHTER TECHNOLOGY.**

14 *It is the sense of the Senate that the Secretary of De-*
15 *fense should share technology with regard to the Joint*
16 *Strike Fighter between the United States Government and*
17 *the Government of the United Kingdom consistent with the*
18 *national security interests of both nations.*

19 **SEC. 257. REPORT ON BIOMETRICS PROGRAMS OF THE DE-**
20 **PARTMENT OF DEFENSE.**

21 (a) *REPORT.*—*The Secretary of Defense shall submit*
22 *to Congress, at the same time as the submittal of the budget*
23 *of the President for fiscal year 2008 (as submitted under*
24 *section 1105(a) of title 31, United States Code) a report*
25 *on the biometrics programs of the Department of Defense.*

1 (b) *ELEMENTS.*—*The report shall address the fol-*
2 *lowing:*

3 (1) *Whether the Department should modify the*
4 *current executive agent management structure for the*
5 *biometrics programs.*

6 (2) *The requirements for the biometrics programs*
7 *to meet needs throughout the Department of Defense.*

8 (3) *A description of programs currently fielded*
9 *to meet requirements in Iraq and Afghanistan.*

10 (4) *An assessment of the adequacy of fielded pro-*
11 *grams to meet operational requirements.*

12 (5) *An assessment of programmatic or capability*
13 *gaps in meeting future requirements.*

14 (6) *The actions being taken within the Executive*
15 *Branch to coordinate and integrate requirements,*
16 *programs, and resources among the departments and*
17 *agencies of the Executive Branch with a role in using*
18 *or developing biometrics capabilities.*

19 (c) *BIOMETRICS DEFINED.*—*In this section, the term*
20 *“biometrics” means an identity management program or*
21 *system that utilizes distinct personal attributes, including*
22 *DNA, facial features, irises, retinas, signatures, or voices,*
23 *to identify individuals.*

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

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

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 2007 for the use of the Armed Forces and other*
8 *activities and agencies of the Department of Defense for ex-*
9 *penses, not otherwise provided for, for operation and main-*
10 *tenance, in amounts as follows:*

11 (1) *For the Army, \$24,795,580,000.*

12 (2) *For the Navy, \$31,130,784,000.*

13 (3) *For the Marine Corps, \$3,905,262,000.*

14 (4) *For the Air Force, \$31,251,107,000.*

15 (5) *For Defense-wide activities, \$20,106,756,000.*

16 (6) *For the Army Reserve, \$2,139,702,000.*

17 (7) *For the Naval Reserve, \$1,288,764,000.*

18 (8) *For the Marine Corps Reserve, \$211,911,000.*

19 (9) *For the Air Force Reserve, \$2,575,100,000.*

20 (10) *For the Army National Guard,*
21 *\$4,857,728,000.*

22 (11) *For the Air National Guard,*
23 *\$5,318,717,000.*

24 (12) *For the United States Court of Appeals for*
25 *the Armed Forces, \$11,721,000.*

1 (13) *For Environmental Restoration, Army,*
2 \$463,794,000.

3 (14) *For Environmental Restoration, Navy,*
4 \$304,409,000.

5 (15) *For Environmental Restoration, Air Force,*
6 \$423,871,000.

7 (16) *For Environmental Restoration, Defense-*
8 *wide, \$18,431,000.*

9 (17) *For Environmental Restoration, Formerly*
10 *Used Defense Sites, \$282,790,000.*

11 (18) *For the Overseas Contingency Operations*
12 *Transfer Fund, \$10,000,000.*

13 (19) *For Cooperative Threat Reduction pro-*
14 *grams, \$372,128,000.*

15 (20) *For Overseas Humanitarian Disaster and*
16 *Civic Aid, \$63,204,000.*

17 **SEC. 302. WORKING CAPITAL FUNDS.**

18 *Funds are hereby authorized to be appropriated for fis-*
19 *cal year 2007 for the use of the Armed Forces and other*
20 *activities and agencies of the Department of Defense for*
21 *providing capital for working capital and revolving funds*
22 *in amounts as follows:*

23 (1) *For the Defense Working Capital Funds,*
24 \$1,364,498,000.

1 (2) *For the National Defense Sealift Fund,*
2 *\$1,071,932,000.*

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

4 (a) *DEFENSE HEALTH PROGRAM.—Funds are hereby*
5 *authorized to be appropriated for the Department of Defense*
6 *for fiscal year 2007 for expenses, not otherwise provided for,*
7 *for the Defense Health Program, \$20,915,321,000, of*
8 *which—*

9 (1) *\$20,381,863,000 is for Operation and Main-*
10 *tenance;*

11 (2) *\$135,603,000 is for Research, Development,*
12 *Test, and Evaluation; and*

13 (3) *\$397,855,000 is for Procurement.*

14 (b) *CHEMICAL AGENTS AND MUNITIONS DESTRUC-*
15 *TION, DEFENSE.—*

16 (1) *IN GENERAL.—Funds are hereby authorized*
17 *to be appropriated for the Department of Defense for*
18 *fiscal year 2007 for expenses, not otherwise provided*
19 *for, for Chemical Agents and Munitions Destruction,*
20 *Defense, \$1,277,304,000, of which—*

21 (A) *\$1,046,290,000 is for Operation and*
22 *Maintenance; and*

23 (B) *\$231,014,000 is for Research, Develop-*
24 *ment, Test, and Evaluation.*

1 (2) *AVAILABILITY.*—Amounts authorized to be
2 appropriated under paragraph (1) are authorized
3 for—

4 (A) *the destruction of lethal chemical agents*
5 *and munitions in accordance with section 1412*
6 *of the Department of Defense Authorization Act,*
7 *1986 (50 U.S.C. 1521); and*

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

11 (c) *DRUG INTERDICTION AND COUNTER-DRUG ACTIVI-*
12 *TIES, DEFENSE-WIDE.*—Funds are hereby authorized to be
13 appropriated for the Department of Defense for fiscal year
14 2007 for expenses, not otherwise provided for, for Drug
15 Interdiction and Counter-Drug Activities, Defense-wide,
16 \$926,890,000.

17 (d) *DEFENSE INSPECTOR GENERAL.*—Funds are here-
18 by authorized to be appropriated for the Department of De-
19 fense for fiscal year 2007 for expenses, not otherwise pro-
20 vided for, for the Office of the Inspector General of the De-
21 partment of Defense, \$216,297,000, of which—

22 (1) \$214,897,000 is for Operation and Mainte-
23 nance; and

24 (2) \$1,400,000 is for Procurement.

1 ***Subtitle B—Program Requirements,***
2 ***Restrictions, and Limitations***

3 ***SEC. 311. LIMITATION ON AVAILABILITY OF FUNDS FOR***
4 ***THE ARMY LOGISTICS MODERNIZATION PRO-***
5 ***GRAM.***

6 *Of the funds authorized to be appropriated for the De-*
7 *partment of Defense by this division and available for the*
8 *Army Logistics Modernization Program (LMP), not more*
9 *than \$6,900,000 may be obligated or expended for the devel-*
10 *opment, fielding, or operation of the program until the*
11 *Chairman of the Defense Business Systems Modernization*
12 *Committee certifies to the congressional defense committees*
13 *each of the following:*

14 *(1) That the program is essential to the national*
15 *security of the United States or to the efficient man-*
16 *agement of the Department of Defense.*

17 *(2) That there is no alternative to the system*
18 *under the program which will provide equal or great-*
19 *er capability at a lower cost.*

20 *(3) That the estimated costs, and the proposed*
21 *schedule and performance parameters, for the pro-*
22 *gram and system are reasonable.*

23 *(4) That the management structure for the pro-*
24 *gram is adequate to manage and control program*
25 *costs.*

1 **SEC. 312. AVAILABILITY OF FUNDS FOR EXHIBITS FOR THE**
2 **NATIONAL MUSEUMS OF THE ARMED FORCES.**

3 (a) *NATIONAL MUSEUM OF THE UNITED STATES*
4 *ARMY.*—Of the amounts authorized to be appropriated by
5 *section 301(1) for operation and maintenance for the Army,*
6 *\$3,000,000 may be available to the Secretary of the Army*
7 *for education and training purposes to contract with the*
8 *Army Historical Foundation for the acquisition, installa-*
9 *tion, and maintenance of exhibits at the facility designated*
10 *by the Secretary as the National Museum of the United*
11 *States Army.*

12 (b) *NATIONAL MUSEUM OF THE UNITED STATES*
13 *NAVY.*—Of the amounts authorized to be appropriated by
14 *section 301(2) for operation and maintenance for the Navy,*
15 *\$3,000,000 may be available to the Secretary of the Navy*
16 *for education and training purposes to contract with the*
17 *Naval Historical Foundation for the acquisition, installa-*
18 *tion, and maintenance of exhibits at the facility designated*
19 *by the Secretary as the National Museum of the United*
20 *States Navy.*

21 (c) *NATIONAL MUSEUM OF THE MARINE CORPS AND*
22 *HERITAGE CENTER.*—Of the amounts authorized to be ap-
23 *propriated by section 301(3) for operation and mainte-*
24 *nance for the Marine Corps, \$3,000,000 may be available*
25 *to the Secretary of the Navy for education and training*
26 *purposes to contract with the United States Marine Corps*

1 *Heritage Foundation for the acquisition, installation, and*
2 *maintenance of exhibits at the National Museum of the Ma-*
3 *rine Corps and Heritage Center.*

4 (d) *NATIONAL MUSEUM OF THE UNITED STATES AIR*
5 *FORCE.*—*Of the amounts authorized to be appropriated by*
6 *section 301(4) for operation and maintenance for the Air*
7 *Force, \$3,000,000 may be available to the Secretary of the*
8 *Air Force for education and training purposes to contract*
9 *with the Air Force Museum Foundation for the acquisition,*
10 *installation, and maintenance of exhibits at the facility des-*
11 *ignated by the Secretary as the National Museum of the*
12 *United States Air Force.*

13 (e) *REIMBURSEMENT.*—

14 (1) *AUTHORITY TO ACCEPT REIMBURSEMENT.*—
15 *During any fiscal year after fiscal year 2006, the Sec-*
16 *retary of a military department may accept from any*
17 *non-profit entity authorized to support the national*
18 *museum of the applicable Armed Force amounts to re-*
19 *imburse such Secretary for amounts obligated and ex-*
20 *pended by such Secretary from amounts available to*
21 *such Secretary under this section.*

22 (2) *TREATMENT.*—*Amounts accepted as reim-*
23 *bursement under paragraph (1) shall be credited to*
24 *the account that was used to cover the costs incurred*
25 *by the Secretary of the military department concerned*

1 (b) *EXCEPTION.*—*The limitation in subsection (a)*
2 *shall not apply to an activity directed exclusively at assess-*
3 *ing the adequacy of internal controls and remediating any*
4 *inadequacy identified pursuant to such assessment.*

5 **SEC. 314. LIMITATION ON AVAILABILITY OF OPERATION**
6 **AND MAINTENANCE FUNDS FOR THE MAN-**
7 **AGEMENT HEADQUARTERS OF THE DEFENSE**
8 **INFORMATION SYSTEMS AGENCY.**

9 *Of the amount authorized to be appropriated by this*
10 *title and available for purposes of the operation and main-*
11 *tenance of the management headquarters of the Defense In-*
12 *formation Systems Agency, not more than 50 percent may*
13 *be available for such purposes until the Secretary of Defense*
14 *submits to Congress the report on the acquisition strategy*
15 *of the Department of Defense for commercial satellite com-*
16 *munications services required by section 818(b) of the Na-*
17 *tional Defense Authorization Act for Fiscal Year 2006 (Pub-*
18 *lic Law 109–136; 119 Stat. 3385).*

19 **SEC. 315. EXPANSION OF JUNIOR RESERVE OFFICERS'**
20 **TRAINING CORPS PROGRAM.**

21 (a) *IN GENERAL.*—*The Secretaries of the military de-*
22 *partments shall take appropriate actions to increase the*
23 *number of secondary educational institutions at which a*
24 *unit of the Junior Reserve Officers' Training Corps is orga-*
25 *nized under chapter 102 of title 10, United States Code.*

1 (b) *EXPANSION TARGETS.*—*In increasing under sub-*
2 *section (a) the number of secondary educational institutions*
3 *at which a unit of the Junior Reserve Officers' Training*
4 *Corps is organized, the Secretaries of the military depart-*
5 *ments shall seek to organize units at an additional number*
6 *of institutions as follows:*

7 (1) *In the case of Army units, 15 institutions.*

8 (2) *In the case of Navy units, 10 institutions.*

9 (3) *In the case of Marine Corps units, 15 insti-*
10 *tutions.*

11 (4) *In the case of Air Force units, 10 institu-*
12 *tions.*

13 **SEC. 316. INFANTRY COMBAT EQUIPMENT.**

14 *Of the amount authorized to be appropriated by sec-*
15 *tion 301(8) for operation and maintenance for the Marine*
16 *Corps Reserve, \$2,500,000 may be available for Infantry*
17 *Combat Equipment (ICE).*

18 **SEC. 317. INDIVIDUAL FIRST AID KIT.**

19 *Of the amount authorized to be appropriated by sec-*
20 *tion 301(8) for operation and maintenance for the Marine*
21 *Corps Reserve, \$1,500,000 may be available for the Indi-*
22 *vidual First Aid Kit (IFAK).*

1 **SEC. 318. READING FOR THE BLIND AND DYSLEXIC PRO-**
2 **GRAM OF THE DEPARTMENT OF DEFENSE.**

3 (a) *DEFENSE DEPENDENTS.*—Of the amount author-
4 ized to be appropriated by section 301(5) for operation and
5 maintenance for Defense-wide activities, \$500,000 may be
6 available for the Reading for the Blind and Dyslexic pro-
7 gram of the Department of Defense for defense dependents
8 of elementary and secondary school age in the continental
9 United States and overseas.

10 (b) *SEVERELY WOUNDED OR INJURED MEMBERS OF*
11 *THE ARMED FORCES.*—Of the amount authorized to be ap-
12 propriated by section 1405(5) for operation and mainte-
13 nance for Defense-wide activities, \$500,000 may be avail-
14 able for the Reading for the Blind and Dyslexic program
15 of the Department of Defense for severely wounded or in-
16 jured members of the Armed Forces.

17 **SEC. 319. MILITARY TRAINING INFRASTRUCTURE IMPROVE-**
18 **MENTS AT VIRGINIA MILITARY INSTITUTE.**

19 Of the amount authorized to be appropriated by sec-
20 tion 301(1) for operation and maintenance for the Army,
21 \$2,900,000 may be available to the Virginia Military Insti-
22 tute for military training infrastructure improvements to
23 provide adequate field training of all Armed Forces Reserve
24 Officer Training Corps.

1 **SEC. 320. ENVIRONMENTAL DOCUMENTATION FOR BED-**
2 **DOWN OF F-22A AIRCRAFT AT HOLLOMAN AIR**
3 **FORCE BASE, NEW MEXICO.**

4 *The Secretary of the Air Force shall prepare environ-*
5 *mental documentation per the requirements of the National*
6 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
7 *for the beddown of F-22A aircraft at Holloman Air Force*
8 *Base, New Mexico, as replacements for the retiring F-117A*
9 *aircraft.*

10 ***Subtitle C—Environmental***
11 ***Provisions***

12 **SEC. 331. RESPONSE PLAN FOR REMEDIATION OF MILITARY**
13 **MUNITIONS.**

14 *(a) PERFORMANCE GOALS FOR REMEDIATION.—The*
15 *Department of Defense shall set the following remediation*
16 *goals:*

17 *(1) To complete, by not later than September 30,*
18 *2007, preliminary assessments of unexploded ord-*
19 *nance, discarded military munitions, and munitions*
20 *constituents at all active installations and formerly*
21 *used defense sites.*

22 *(2) To complete, by not later than September 30,*
23 *2010, site inspections of unexploded ordnance, dis-*
24 *carded military munitions, and munitions constitu-*
25 *ents at all active installations and formerly used de-*
26 *fense sites.*

1 (3) *To achieve, by not later than September 30,*
2 *2009, a remedy in place or response complete for*
3 *unexploded ordnance, discarded military munitions,*
4 *and munitions constituents at all military installa-*
5 *tions closed or realigned as part of a round of defense*
6 *base closure and realignment occurring prior to the*
7 *2005 round.*

8 (4) *To achieve, by a time certain established by*
9 *the Secretary, a remedy in place or response complete*
10 *for unexploded ordnance, discarded military muni-*
11 *tions, and munitions constituents at all active instal-*
12 *lations and formerly used defense sites (other than*
13 *operational ranges) and all military installations re-*
14 *aligned or closed under the 2005 round of defense base*
15 *closure and realignment.*

16 ***(b) RESPONSE PLAN REQUIRED.—***

17 (1) *IN GENERAL.—Not later than March 1, 2007,*
18 *the Secretary of Defense shall submit to the congres-*
19 *sional defense committees a comprehensive plan for*
20 *addressing the remediation of unexploded ordnance,*
21 *discarded military munitions, and munitions con-*
22 *stituents at current and former defense sites (other*
23 *than operational ranges).*

24 (2) *CONTENT.—The plan required by paragraph*
25 (1) *shall include—*

1 (A) a schedule, including interim goals, for
2 achieving the goals described in paragraphs (1)
3 through (3) of subsection (a), based upon the Mu-
4 nitions Response Site Prioritization Protocol es-
5 tablished by the Department of Defense;

6 (B) such interim goals as the Secretary de-
7 termines feasible for efficiently achieving the goal
8 required under paragraph (4) of such subsection;
9 and

10 (C) an estimate of the funding required to
11 achieve the goals established pursuant to such
12 subsection and the interim goals established pur-
13 suant to subparagraphs (A) and (B).

14 (3) *UPDATES.*—(A) *The Secretary shall, not*
15 *later than March 15 of 2008, 2009, and 2010, submit*
16 *to the congressional defense committees an update of*
17 *the plan required under paragraph (1). Each update*
18 *may be included in the report on environmental res-*
19 *toration activities submitted to Congress under sec-*
20 *tion 2706(a) of title 10, United States Code, that is*
21 *submitted in the year in which such update is sub-*
22 *mitted.*

23 (B) *The Secretary may include in an update*
24 *submitted under subparagraph (A) any adjustment to*
25 *the remediation goals established under subsection (a)*

1 *that the Secretary determines necessary to respond to*
2 *unforeseen circumstances.*

3 (c) *REPORT ON REUSE STANDARDS AND PRIN-*
4 *CIPLES.—Not later than March 1, 2007, the Secretary of*
5 *Defense shall submit to the congressional defense committees*
6 *a report on the status of the efforts of the Department of*
7 *Defense to achieve agreement with relevant regulatory agen-*
8 *cies on appropriate reuse standards or principles,*
9 *including—*

10 (1) *a description of any standards or principles*
11 *that have been agreed upon; and*

12 (2) *a discussion of any issues that remain in*
13 *disagreement (including the impact that any such*
14 *disagreement is likely to have on the ability of the De-*
15 *partment of Defense to carry out the plan).*

16 (d) *DEFINITIONS.—In this section, the terms*
17 *“unexploded ordnance”, “discarded military munitions”,*
18 *“munitions constituents”, “operational range”, and “de-*
19 *fense site” have the meaning given such terms in section*
20 *2710(e) of title 10, United States Code.*

21 (e) *CONFORMING REPEAL.—Section 313 of the Na-*
22 *tional Defense Authorization Act for Fiscal Year 2002 (Pub-*
23 *lic Law 107–107; 115 Stat. 1051; 10 U.S.C. 2706 note) is*
24 *repealed.*

1 **SEC. 332. EXTENSION OF AUTHORITY TO GRANT EXEMP-**
2 **TIONS TO CERTAIN REQUIREMENTS.**

3 (a) *AMENDMENT TO TOXIC SUBSTANCES CONTROL*
4 *ACT.*—Section 6(e)(3) of the Toxic Substances Control Act
5 (15 U.S.C. 2605(e)(3)) is amended—

6 (1) in subparagraph (A), by striking “subpara-

7 graphs (B) and (C)” and inserting “subparagraphs

8 (B), (C), and (D)”;

9 (2) in subparagraph (B), by striking “but not

10 more than 1 year from the date it is granted” and

11 inserting “but not more than 1 year from the date it

12 is granted, except as provided in subparagraph (D)”;

13 and

14 (3) by adding at the end the following new sub-

15 paragraph:

16 “(D) The Administrator may grant an ex-

17emption pursuant to subparagraph (B) for a pe-

18riod of up to 3 years for the purpose of author-

19izing the Secretary of Defense and the Secre-

20taries of the military departments to provide for

21the transportation into the customs territory of

22the United States of polychlorinated biphenyls

23generated by or under the control of the Depart-

24ment of Defense for purposes of their disposal,

25treatment, or storage in the customs territory of

26the United States.”.

1 (b) *SUNSET DATE.*—*The amendments made by sub-*
2 *section (a) shall cease to have effect on September 30, 2012.*
3 *The termination of the authority to grant exemptions pur-*
4 *suant to such amendments shall not effect the validity of*
5 *any exemption granted prior to such date.*

6 (c) *REPORT.*—*Not later than March 1, 2011, the Sec-*
7 *retary of Defense shall submit to the Committee on Armed*
8 *Services and the Committee on Environment and Public*
9 *Works of the Senate and the Committee on Armed Services*
10 *and the Committee on Energy and Commerce of the House*
11 *of Representatives a report on the status of polychlorinated*
12 *biphenyls generated by or under the control of the Depart-*
13 *ment of Defense outside the United States. The report shall*
14 *address, at a minimum—*

15 (1) *the remaining volume of such polychlorinated*
16 *biphenyls that may require transportation into the*
17 *customs territory of the United States for disposal,*
18 *treatment, or storage; and*

19 (2) *the efforts that have been made by the De-*
20 *partment of Defense and other Federal agencies to re-*
21 *duce such volume by—*

22 (A) *reducing the volume of polychlorinated*
23 *biphenyls generated by or under the control of*
24 *the Department of Defense outside the United*
25 *States; or*

1 (B) *developing alternative options for the*
2 *disposal, treatment, or storage of such poly-*
3 *chlorinated biphenyls.*

4 **SEC. 333. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF**
5 **MUNITIONS.**

6 (a) *IDENTIFICATION OF DISPOSAL SITES.—*

7 (1) *HISTORICAL REVIEW.—The Secretary of De-*
8 *fense, in cooperation with the Commandant of the*
9 *Coast Guard, the Administrator of the National Oce-*
10 *anic and Atmospheric Administration, and the heads*
11 *of other relevant Federal agencies, shall conduct a his-*
12 *torical review of available records to determine the*
13 *number, size, and probable locations of sites where the*
14 *Armed Forces disposed of military munitions in*
15 *coastal waters. The historical review shall, to the ex-*
16 *tent possible, identify the types of munitions at indi-*
17 *vidual sites.*

18 (2) *INTERIM REPORTS.—The Secretary of De-*
19 *fense shall periodically, but no less often than annu-*
20 *ally, release any new information obtained during the*
21 *historical review conducted under paragraph (1). The*
22 *Secretary may withhold from public release the exact*
23 *nature and locations of munitions the potential unau-*
24 *thorized retrieval of which could pose a significant*
25 *threat to the national defense or public safety.*

1 (3) *INCLUSION OF INFORMATION IN ANNUAL RE-*
2 *PORT ON ENVIRONMENTAL RESTORATION ACTIVI-*
3 *TIES.—The Secretary shall include the information*
4 *obtained pursuant to the review conducted under*
5 *paragraph (1) in the annual report on environmental*
6 *restoration activities submitted to Congress under sec-*
7 *tion 2706 of title 10, United States Code.*

8 (4) *FINAL REPORT.—The Secretary shall com-*
9 *plete the historical review required under paragraph*
10 *(1) and submit a final report on the findings of such*
11 *review in the annual report on environmental res-*
12 *toration activities submitted to Congress for fiscal*
13 *year 2009.*

14 (b) *IDENTIFICATION OF NAVIGATIONAL AND SAFETY*
15 *HAZARDS.—*

16 (1) *IDENTIFICATION OF HAZARDS.—The Sec-*
17 *retary of Defense shall provide available information*
18 *to the Secretary of Commerce to assist the National*
19 *Oceanic and Atmospheric Administration in pre-*
20 *paring nautical charts and other navigational mate-*
21 *rials for coastal waters that identify known or poten-*
22 *tial hazards posed by disposed military munitions to*
23 *private activities, including commercial shipping and*
24 *fishing operations.*

1 (2) *CONTINUATION OF INFORMATION ACTIVITIES.*—*The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.*

8 (c) *RESEARCH.*—

9 (1) *IN GENERAL.*—*The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.*

13 (2) *SCOPE.*—*Research under paragraph (1) shall include—*

15 (A) *the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;*

21 (B) *investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;*

24 (C) *investigation into the impacts any such contamination may have on the ocean environ-*

1 *ment and those who use it, including public*
2 *health risks;*

3 *(D) investigation into the feasibility of re-*
4 *moving or otherwise remediating the military*
5 *munitions; and*

6 *(E) the development of effective safety meas-*
7 *ures for dealing with such military munitions.*

8 (3) *RESEARCH CRITERIA.*—*In conducting the re-*
9 *search required by this subsection, the Secretary shall*
10 *ensure that the sampling, analysis, and investigations*
11 *are conducted at representative sites, taking into ac-*
12 *count factors such as depth, water temperature, na-*
13 *ture of the military munitions present, and relative*
14 *proximity to onshore populations. In conducting such*
15 *research, the Secretary shall select at least two rep-*
16 *resentative sites each in the areas of the Atlantic*
17 *coast, the Pacific coast (including Alaska), and the*
18 *Hawaiian Islands.*

19 (4) *AUTHORITY TO MAKE GRANTS AND ENTER*
20 *INTO COOPERATIVE AGREEMENTS.*—*In conducting re-*
21 *search under this subsection, the Secretary may make*
22 *grants to, and enter into cooperative agreements with,*
23 *qualified research entities.*

24 (d) *MONITORING.*—*If the historical review required by*
25 *subsection (a) or the research required by subsection (c) in-*

1 *dicates that contamination is being released into the ocean*
2 *waters from disposed military munitions at a particular*
3 *site or that the site poses a significant public health or safe-*
4 *ty risk, the Secretary shall institute appropriate moni-*
5 *toring mechanisms at that site and report to the congres-*
6 *sional defense committees on any additional measures that*
7 *may be necessary to address the release or risk, as applica-*
8 *ble.*

9 *(e) DEFINITIONS.—In this section:*

10 *(1) The term “coastal waters” means that part*
11 *of the ocean extending from the coast line of the*
12 *United States to the outer boundary of the outer Con-*
13 *tinental Shelf.*

14 *(2) The term “coast line” has the meaning given*
15 *that term in section 2(c) of the Submerged Lands Act*
16 *(43 U.S.C. 1301(c)).*

17 *(3) The term “outer Continental Shelf” has the*
18 *meaning given that term in section 2(a) of the Outer*
19 *Continental Shelf Lands Act (43 U.S.C. 1331(a)).*

20 **SEC. 334. CLARIFICATION OF MULTI-YEAR AUTHORITY TO**
21 **USE BASE CLOSURE FUNDS TO FUND COOP-**
22 **ERATIVE AGREEMENTS UNDER ENVIRON-**
23 **MENTAL RESTORATION PROGRAM.**

24 *Section 2701 of title 10, United States Code, is amend-*
25 *ed by adding at the end the following new sentence: “This*

1 *two-year limitation does not apply to agreements funded*
 2 *through the Department of Defense Base Closure Account*
 3 *1990 or the Department of Defense Base Closure Account*
 4 *2005 established by sections 2906 and 2906A, respectively,*
 5 *of the Defense Base Closure and Realignment Act of 1990*
 6 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*
 7 *2687 note).”.*

8 **SEC. 335. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
 9 **TION AGENCY FOR CERTAIN COSTS IN CON-**
 10 **NECTION WITH MOSES LAKE WELLFIELD**
 11 **SUPERFUND SITE, MOSES LAKE, WASH-**
 12 **INGTON.**

13 *(a) AUTHORITY TO REIMBURSE.—(1) Using funds de-*
 14 *scribed in subsection (b), the Secretary of Defense may*
 15 *transfer not more than \$111,114.03 to the Moses Lake*
 16 *Wellfield Superfund Site 10–6J Special Account.*

17 *(2) The payment under paragraph (1) is to reimburse*
 18 *the Environmental Protection Agency for its costs incurred*
 19 *in overseeing a remedial investigation/feasibility study per-*
 20 *formed by the Department of the Army under the Defense*
 21 *Environmental Restoration Program at the former Larson*
 22 *Air Force Base, Moses Lake Superfund Site, Moses Lake,*
 23 *Washington.*

24 *(3) The reimbursement described in paragraph (2) is*
 25 *provided for in the interagency agreement entered into by*

1 *the Department of the Army and the Environmental Protec-*
 2 *tion Agency for the Moses Lake Wellfield Superfund Site*
 3 *in March 1999.*

4 (b) *SOURCE OF FUNDS.*—*Any payment under sub-*
 5 *section (a) shall be made using funds authorized to be ap-*
 6 *propriated by section 301(17) for operation and mainte-*
 7 *nance for Environmental Restoration, Formerly Used De-*
 8 *fense Sites.*

9 (c) *USE OF FUNDS.*—*The Environmental Protection*
 10 *Agency shall use the amount transferred under subsection*
 11 *(a) to pay costs incurred by the Agency at the Moses Lake*
 12 *Wellfield Superfund Site.*

13 ***Subtitle D—Reports***

14 ***SEC. 351. COMPTROLLER GENERAL REPORT ON READINESS*** 15 ***OF THE GROUND FORCES OF THE ARMY AND*** 16 ***THE MARINE CORPS.***

17 (a) *REPORT REQUIRED.*—

18 (1) *IN GENERAL.*—*Not later than March 1, 2007,*
 19 *the Comptroller General of the United States shall*
 20 *submit to the congressional defense committees a re-*
 21 *port on the readiness of the active component and re-*
 22 *serve component ground forces of the Army and the*
 23 *Marine Corps.*

24 (2) *ONE OR MORE REPORTS.*—*In complying*
 25 *with the requirements of this section, the Comptroller*

1 *General may submit a single report addressing all the*
2 *elements specified in subsection (b) or two or more re-*
3 *ports addressing any combination of such elements. If*
4 *the Comptroller General submits more than one report*
5 *under this section, all such reports shall be submitted*
6 *not later than the date specified in paragraph (1).*

7 *(b) ELEMENTS.—The elements specified in this sub-*
8 *section include the following:*

9 *(1) An analysis of the current readiness status of*
10 *each of the active component and reserve component*
11 *ground forces of the Army and the Marine Corps, in-*
12 *cluding a description of any major deficiency identi-*
13 *fied, an analysis of the trends in readiness of such*
14 *forces during not less than the ten years preceding the*
15 *report, and a comparison of the current readiness in-*
16 *dicators of such ground forces with historical pat-*
17 *terns.*

18 *(2) An assessment of the ability of the Army and*
19 *the Marine Corps to provide trained and ready forces*
20 *for ongoing operations as well as other commitments*
21 *assigned to the Army and the Marine Corps in de-*
22 *fense planning documents.*

23 *(3) An analysis of the availability of equipment*
24 *for training by units of the Army and the Marine*
25 *Corps in the United States in configurations com-*

1 *parable to the equipment being used by units of the*
2 *Army and the Marine Corps, as applicable, in ongoing*
3 *operations.*

4 (4) *An analysis of the current and projected re-*
5 *quirement for repair or replacement of equipment of*
6 *the Army and the Marine Corps due to ongoing oper-*
7 *ations, and the impact of such required repair or re-*
8 *placement of equipment on the availability of equip-*
9 *ment for training.*

10 (5) *An assessment of the current personnel tempo*
11 *of Army and Marine Corps forces, including—*

12 (A) *a comparison of such tempos to histor-*
13 *ical trends;*

14 (B) *an identification of particular occupa-*
15 *tional specialties that are experiencing unusually*
16 *high or low deployment rates; and*

17 (C) *an analysis of retention rates in the oc-*
18 *cupational specialties identified under subpara-*
19 *graph (B).*

20 (6) *An assessment of the efforts of the Army and*
21 *the Marine Corps to mitigate the impact of high oper-*
22 *ational tempos, including cross-leveling of personnel*
23 *and equipment or cross training of personnel or units*
24 *for new or additional mission requirements.*

1 (7) *A description of the current policy of the*
2 *Army and the Marine Corps with respect to the mobi-*
3 *lization of reserve component personnel, together with*
4 *an analysis of the number of reserve component per-*
5 *sonnel in each of the Army and the Marine Corps*
6 *that are projected to be available for deployment*
7 *under such policy.*

8 (c) *FORM OF REPORT.*—*Any report submitted under*
9 *subsection (a) shall be submitted in both classified and un-*
10 *classified form.*

11 **SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON**
12 **HUMAN EXPOSURE TO CONTAMINATED**
13 **DRINKING WATER AT CAMP LEJEUNE, NORTH**
14 **CAROLINA.**

15 (a) *STUDY REQUIRED.*—

16 (1) *IN GENERAL.*—*Not later than 60 days after*
17 *the date of the enactment of this Act, the Secretary of*
18 *Navy shall enter into an agreement with the National*
19 *Academy of Sciences to conduct a comprehensive re-*
20 *view and evaluation of the available scientific and*
21 *medical evidence regarding associations between pre-*
22 *natal, child, and adult exposure to drinking water*
23 *contaminated with trichloroethylene (TCE) and*
24 *tetrachloroethylene (PCE) at Camp Lejeune, North*
25 *Carolina, as well as other pre-natal, child, and adult*

1 *exposures to levels of trichloroethylene and*
2 *tetrachloroethylene similar to those experienced at*
3 *Camp Lejeune, and birth defects or diseases and any*
4 *other adverse health effects.*

5 (2) *ELEMENTS.*—*In conducting the review and*
6 *evaluation, the Academy shall review and summarize*
7 *the scientific and medical evidence and assess the*
8 *strength of that evidence in establishing a link or as-*
9 *sociation between exposure to trichloroethylene and*
10 *tetrachloroethylene and each birth defect or disease*
11 *suspected to be associated with such exposure. For*
12 *each birth defect or disease reviewed, the Academy*
13 *shall determine, to the extent practicable with avail-*
14 *able scientific and medical data, whether—*

15 (A) *a statistical association with such con-*
16 *taminant exposures exists; and*

17 (B) *there exist plausible biological mecha-*
18 *nisms or other evidence of a causal relationship*
19 *between contaminant exposures and the birth de-*
20 *fect or disease.*

21 (3) *SCOPE OF REVIEW.*—*In conducting the re-*
22 *view and evaluation, the Academy shall include a re-*
23 *view and evaluation of—*

24 (A) *the toxicologic and epidemiologic lit-*
25 *erature on adverse health effects of trichloro-*

1 *ethylene and tetrachloroethylene, including epi-*
2 *demologic and risk assessment reports from gov-*
3 *ernment agencies;*

4 *(B) recent literature reviews by the Na-*
5 *tional Research Council, Institute of Medicine,*
6 *and other groups;*

7 *(C) the completed and on-going Agency for*
8 *Toxic Substances Disease Registry (ATSDR)*
9 *studies on potential trichloroethylene and*
10 *tetrachloroethylene exposure at Camp Lejeune;*
11 *and*

12 *(D) published meta-analyses.*

13 (4) *PEER REVIEW.*—*The Academy shall obtain*
14 *the peer review of the report prepared as a result of*
15 *the review and evaluation under applicable Academy*
16 *procedures.*

17 (5) *SUBMITTAL.*—*The Academy shall submit the*
18 *report prepared as a result of the review and evalua-*
19 *tion to the Secretary and Congress not later than 18*
20 *months after entering into the agreement for the re-*
21 *view and evaluation under paragraph (1).*

22 (b) *NOTICE ON EXPOSURE.*—

23 (1) *NOTICE REQUIRED.*—*Upon completion of the*
24 *current epidemiological study by the Agency for Toxic*
25 *Substances Disease Registry, known as the Exposure*

1 *to Volatile Organic Compounds in Drinking Water*
2 *and Specific Birth Defects and Childhood Cancers,*
3 *United States Marine Corps Base Camp Lejeune,*
4 *North Carolina, the Commandant of the Marine*
5 *Corps shall take appropriate actions, including the*
6 *use of national media such as newspapers, television,*
7 *and the Internet, to notify former Camp Lejeune resi-*
8 *dents and employees who may have been exposed to*
9 *drinking water impacted by trichloroethylene and*
10 *tetrachloroethylene of the results of the study.*

11 (2) *ELEMENTS.*—*The information provided by*
12 *the Commandant of the Marine Corps under para-*
13 *graph (1) shall be prepared in conjunction with the*
14 *Agency for Toxic Substances Disease Registry and*
15 *shall include a description of sources of additional in-*
16 *formation relating to such exposure, including, but*
17 *not be limited to, the following:*

18 (A) *A description of the events resulting in*
19 *exposure to contaminated drinking water at*
20 *Camp Lejeune.*

21 (B) *A description of the duration and ex-*
22 *tent of the contamination of drinking water at*
23 *Camp Lejeune.*

24 (C) *The known and suspected health effects*
25 *of exposure to the drinking water impacted by*

1 *trichloroethylene and tetrachloroethylene at*
2 *Camp Lejeune.*

3 **SEC. 353. REPORT ON AERIAL TRAINING AIRSPACE RE-**
4 **QUIREMENTS OF THE DEPARTMENT OF DE-**
5 **FENSE.**

6 *(a) FINDINGS.—Congress makes the following findings:*

7 *(1) Access to and use of available and unfettered*
8 *aerial training airspace is critical for preserving air-*
9 *crew warfighting proficiency and the ability to test,*
10 *evaluate, and improve capabilities of both personnel*
11 *and equipment within the most realistic training en-*
12 *vironments possible.*

13 *(2) The growth of civilian and commercial avia-*
14 *tion traffic and the rapid expansion of commercial*
15 *and general air traffic lanes across the continental*
16 *United States has left few remaining areas of the*
17 *country available for realistic air combat training or*
18 *expansion of existing training areas.*

19 *(3) Many Military Operating Areas (MOAs)*
20 *originally established in what was once open and*
21 *uncongested airspace are now encroached upon by a*
22 *heavy volume of commercial and general air traffic,*
23 *making training more difficult and potentially haz-*
24 *ardous.*

1 (4) *Some aerial training areas in the upper*
2 *great plains, western States, and Gulf coast remain*
3 *largely free from encroachment and available for in-*
4 *creased use, expansion, and preservation for the fu-*
5 *ture.*

6 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that the Department of Defense should—*

8 (1) *establish a policy to identify military aerial*
9 *training areas that are projected to remain viable*
10 *and free from encroachment well into the 21st cen-*
11 *tury;*

12 (2) *determine aerial training airspace require-*
13 *ments to meet future training and airspace require-*
14 *ments of current and next generation military air-*
15 *craft; and*

16 (3) *undertake all necessary actions in a timely*
17 *manner, including coordination with the Federal*
18 *Aviation Administration, to preserve and, if nec-*
19 *essary, expand those areas of airspace to meet present*
20 *and future training requirements.*

21 (c) *REPORT.—Not later than 120 days after the date*
22 *of the enactment of this Act, the Secretary of Defense shall*
23 *submit to the congressional defense committees a report set-*
24 *ting forth a proposed plan to preserve and, if necessary,*
25 *expand available aerial training airspace to meet the pro-*

1 *jected needs of the Department of Defense for such airspace*
2 *through 2025.*

3 **SEC. 354. REPORT ON ACTIONS TO REDUCE DEPARTMENT**
4 **OF DEFENSE CONSUMPTION OF PETROLEUM-**
5 **BASED FUEL.**

6 (a) *REPORT REQUIRED.*—Not later than one year
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the Committees on Armed Serv-
9 ices of the Senate and the House of Representatives a report
10 on the actions taken, and to be taken, by the Department
11 of Defense to reduce the consumption by the Department
12 of petroleum-based fuel.

13 (b) *ELEMENTS.*—The report shall include the status of
14 implementation by the Department of the requirements of
15 the following:

16 (1) *The Energy Policy Act of 2005 (Public Law*
17 *109–58).*

18 (2) *The Energy Policy Act of 1992. (Public Law*
19 *102–486)*

20 (3) *Executive Order 13123.*

21 (4) *Executive Order 13149.*

22 (5) *Any other law, regulation, or directive relat-*
23 *ing to the consumption by the Department of petro-*
24 *leum-based fuel.*

1 **SEC. 355. REPORTS ON WITHDRAWAL OR DIVERSION OF**
2 **EQUIPMENT FROM RESERVE UNITS FOR SUP-**
3 **PORT OF RESERVE UNITS BEING MOBILIZED**
4 **AND OTHER UNITS.**

5 (a) *FINDINGS.*—Congress makes the following findings:

6 (1) *The National Guard continues to provide in-*
7 *valuable resources to meet national security, home-*
8 *land defense, and civil emergency mission require-*
9 *ments.*

10 (2) *Current military operations, transnational*
11 *threats, and domestic emergencies will increase the*
12 *use of the National Guard for both military support*
13 *to civilian authorities and to execute the military*
14 *strategy of the United States.*

15 (3) *To meet the demand for certain types of*
16 *equipment for continuing United States military op-*
17 *erations, the Army has required Army National*
18 *Guard Units to leave behind many items for use by*
19 *follow-on forces.*

20 (4) *The Governors of every State and 2 Terri-*
21 *ories expressed concern in February 2006 that units*
22 *returning from deployment overseas without adequate*
23 *equipment would have trouble carrying out their*
24 *homeland security and domestic disaster duties.*

25 (5) *The Department of Defense estimates that it*
26 *has directed the Army National Guard to leave over-*

1 *seas more than 75,000 items valued at approximately*
2 *\$1,760,000,000 to support Operation Enduring Free-*
3 *dom and Operation Iraqi Freedom.*

4 *(6) Department of Defense Directive 1225.6 re-*
5 *quires a replacement and tracking plan be developed*
6 *within 90 days for equipment of the reserve compo-*
7 *nents of the Armed Forces that is transferred to the*
8 *active components of the Armed Forces.*

9 *(7) In October 2005, the Government Account-*
10 *ability Office found that the Department of Defense*
11 *can only account for about 45 percent of such equip-*
12 *ment and has not developed a plan to replace such*
13 *equipment.*

14 *(8) The Government Accountability Office also*
15 *found that without a completed and implemented*
16 *plan to replace all National Guard equipment left*
17 *overseas, Army National Guard units will likely face*
18 *growing equipment shortages and challenges in re-*
19 *gaining readiness for future missions.*

20 *(b) REPORTS ON WITHDRAWAL OR DIVERSION OF*
21 *EQUIPMENT FROM RESERVE UNITS FOR SUPPORT OF RE-*
22 *SERVE UNITS BEING MOBILIZED AND OTHER UNITS.—*

23 *(1) IN GENERAL.—Chapter 1007 of title 10,*
24 *United States Code, is amended by inserting after sec-*
25 *tion 10208 the following new section:*

1 **“§ 10208a. Mobilization: reports on withdrawal or di-**
2 **version of equipment from Reserve units**
3 **for support of Reserve units being mobi-**
4 **lized and other units**

5 “(a) *REPORT REQUIRED ON WITHDRAWAL OR DIVER-*
6 *SION OF EQUIPMENT.*—Not later than 90 days after with-
7 drawing or diverting equipment from a unit of the Reserve
8 to a unit of the Reserve being ordered to active duty under
9 section 12301, 12302, or 12304 of this title, or to a unit
10 or units of a regular component of the armed forces, for
11 purposes of the discharge of the mission of such unit or
12 units, the Secretary concerned shall submit to the Secretary
13 of Defense a status report on the withdrawal or diversion
14 of equipment.

15 “(b) *ELEMENTS.*—Each status report under subsection
16 (a) on equipment withdrawn or diverted shall include the
17 following:

18 “(1) *A plan to recapitalize or replace such*
19 *equipment within the unit from which withdrawn or*
20 *diverted.*

21 “(2) *If such equipment is to remain in a theater*
22 *of operations while the unit from which withdrawn or*
23 *diverted returns to the United States, a plan to pro-*
24 *vide such unit with recapitalized or replacement*
25 *equipment appropriate to ensure the continuation of*
26 *the readiness training of such unit.*

1 (b) *ELEMENTS.*—*The plan required by subsection (a)*
2 *shall—*

3 (1) *identify the equipment to be recapitalized or*
4 *acquired to replace the equipment described in sub-*
5 *section (a);*

6 (2) *specify a schedule for recapitalizing or ac-*
7 *quiring the equipment identified under paragraph*
8 *(1), which schedule shall take into account applicable*
9 *depot workload and acquisition considerations, in-*
10 *cluding production capacity and current production*
11 *schedules; and*

12 (3) *specify the funding to be required to recapiti-*
13 *talize or acquire the equipment identified under para-*
14 *graph (1).*

15 **SEC. 357. PLAN TO REPLACE EQUIPMENT WITHDRAWN OR**
16 **DIVERTED FROM THE RESERVE COMPONENTS**
17 **OF THE ARMED FORCES FOR OPERATION**
18 **IRAQI FREEDOM OR OPERATION ENDURING**
19 **FREEDOM.**

20 (a) *PLAN REQUIRED.*—*Not later than 90 days after*
21 *the date of the enactment of this Act, the Secretary shall*
22 *submit to the congressional defense committees a plan to*
23 *replace equipment withdrawn or diverted from units of the*
24 *reserve components of the Armed Forces for use in Oper-*
25 *ation Iraqi Freedom or Operation Enduring Freedom.*

1 (b) *ELEMENTS.*—*The plan required by subsection (a)*
2 *shall—*

3 (1) *identify the equipment to be recapitalized or*
4 *acquired to replace the equipment described in sub-*
5 *section (a);*

6 (2) *specify a schedule for recapitalizing or ac-*
7 *quiring the equipment identified under paragraph*
8 *(1), which schedule shall take into account applicable*
9 *depot workload and acquisition considerations, in-*
10 *cluding production capacity and current production*
11 *schedules; and*

12 (3) *specify the funding to be required to recapiti-*
13 *talize or acquire the equipment identified under para-*
14 *graph (1).*

15 **SEC. 358. REPORT ON VEHICLE-BASED ACTIVE PROTECTION**
16 **SYSTEMS FOR CERTAIN BATTLEFIELD**
17 **THREATS.**

18 (a) *INDEPENDENT ASSESSMENT.*—*The Secretary of*
19 *Defense shall enter into a contract with an appropriate en-*
20 *tity independent of the United States Government to con-*
21 *duct an assessment of various foreign and domestic techno-*
22 *logical approaches to vehicle-based active protection systems*
23 *for defense against both chemical energy and kinetic energy*
24 *top-attack and direct fire threats, including anti-tank mis-*

1 *siles and rocket propelled grenades, mortars, and other*
2 *similar battlefield threats.*

3 (b) *REPORT.*—

4 (1) *REPORT REQUIRED.*—*The contract required*
5 *by subsection (a) shall require the entity entering in*
6 *to such contract to submit to the Secretary of Defense,*
7 *and to the congressional defense committees, not later*
8 *than 180 days after the date of the enactment of this*
9 *Act, a report on the assessment required by that sub-*
10 *section.*

11 (2) *ELEMENTS.*—*The report required under*
12 *paragraph (1) shall include—*

13 (A) *a detailed comparative analysis and as-*
14 *essment of the technical approaches covered by*
15 *the assessment under subsection (a), including*
16 *the feasibility, military utility, cost, and poten-*
17 *tial short-term and long-term development and*
18 *deployment schedule of such approaches; and*

19 (B) *any other elements specified by the Sec-*
20 *retary in the contract under subsection (a).*

21 **SEC. 359. REPORT ON HIGH ALTITUDE AVIATION TRAINING**

22 **SITE, EAGLE COUNTY, COLORADO.**

23 (a) *REPORT REQUIRED.*—*Not later than December 15,*
24 *2006, the Secretary of the Army shall submit to the congres-*
25 *sional defense committees a report on the High Altitude*

1 *Aviation Training Site (HAATS) in Eagle County, Colo-*
2 *rado.*

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

5 (1) *A description of the type of high altitude*
6 *aviation training being conducted at the High Altitude Aviation Training Site, including the number of*
7 *pilots who receive such training on an annual basis*
8 *and the types of aircraft used in such training.*

10 (2) *A description of the number and type of heli-*
11 *copters required at the High Altitude Aviation Train-*
12 *ing Site to provide the high altitude aviation training*
13 *needed to sustain the war strategies contained in the*
14 *2006 Quadrennial Defense Review, assuming that*
15 *priority is afforded in the provision of such training*
16 *to commanders, instructor pilots, aviation safety offi-*
17 *cers, and deploying units.*

18 (3) *A thorough evaluation of accident rates for*
19 *deployed helicopter pilots of the Army who receive*
20 *high altitude aviation training at the High Altitude*
21 *Aviation Training Site, and accident rates for de-*
22 *ployed Army helicopter pilots who did not receive*
23 *such training, including the following:*

1 (A) *An estimate (set forth as a range) of the*
2 *number of accidents attributable to power man-*
3 *agement.*

4 (B) *The number of accidents occurring in a*
5 *combat environment.*

6 (C) *The number of accidents occurring in a*
7 *non-combat environment.*

8 (4) *An evaluation of the inventory and avail-*
9 *ability of Army aircraft for purposes of establishing*
10 *an appropriate schedule for the assignment of a CH-*
11 *47 aircraft to the High Altitude Aviation Training*
12 *Site, if the Chief of Staff of the Army determines*
13 *there is value in conducting such training at the*
14 *HAATS.*

15 (5) *A description of the status of any efforts to*
16 *ensure that all helicopter aircrews deployed to the*
17 *area of responsibility of the Central Command*
18 *(CENTCOM AOR) are qualified in mountain flight*
19 *and power management prior to deployment, includ-*
20 *ing the locations where such training occurred, with*
21 *particular focus on the status of such efforts with re-*
22 *spect to aircrews to be deployed in support of Oper-*
23 *ation Enduring Freedom.*

24 (c) *TRACKING SYSTEM.—The Secretary shall imple-*
25 *ment a system for tracking those pilots that have attended*

1 *a school with an established program of instruction for high*
2 *altitude aviation operations training. The system should,*
3 *if practical, utilize an existing system that permits the*
4 *query of pilot flight experience and training.*

5 **SEC. 360. REPORT ON AIR FORCE SAFETY REQUIREMENTS**
6 **FOR AIR FORCE FLIGHT TRAINING OPER-**
7 **ATIONS AT PUEBLO MEMORIAL AIRPORT,**
8 **COLORADO.**

9 *(a) REPORT REQUIRED.—Not later than February 15,*
10 *2007, the Secretary of the Air Force shall submit to the con-*
11 *gressional defense committees a report on Air Force safety*
12 *requirements for Air Force flight training operations at*
13 *Pueblo Memorial Airport, Colorado.*

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

16 *(1) A description of the Air Force flying oper-*
17 *ations at Pueblo Memorial Airport.*

18 *(2) An assessment of the impact of Air Force op-*
19 *erations at Pueblo Memorial Airport on non-Air*
20 *Force activities at the airport.*

21 *(3) A description of the requirements necessary*
22 *at Pueblo Memorial Airport to ensure safe Air Force*
23 *flying operations, including continuous availability of*
24 *fire protection, crash rescue, and other emergency re-*
25 *sponse capabilities.*

1 (4) *An assessment of the necessity of providing*
2 *for a continuous fire-fighting capability at Pueblo*
3 *Memorial Airport.*

4 (5) *A description and analysis of alternatives for*
5 *Air Force flying operations at Pueblo Memorial Air-*
6 *port, including the cost and availability of such alter-*
7 *natives.*

8 (6) *An assessment of whether Air Force funding*
9 *is required to assist the City of Pueblo, Colorado, in*
10 *meeting Air Force requirements for safe Air Force*
11 *flight operations at Pueblo Memorial Airport, and if*
12 *required, the Air Force plan to provide the funds to*
13 *the city.*

14 **SEC. 360A. REPORT ON USE OF ALTERNATIVE FUELS BY**
15 **THE DEPARTMENT OF DEFENSE.**

16 (a) *STUDY.*—*The Secretary of Defense shall conduct a*
17 *study on the use of alternative fuels by the Armed Forces*
18 *and the Defense Agencies, including any measures that can*
19 *be taken to increase the use of such fuels by the Department*
20 *of Defense and the Defense Agencies.*

21 (b) *ELEMENTS.*—*The study shall address each matter*
22 *set forth in paragraphs (1) through (7) of section 357(b)*
23 *of the National Defense Authorization Act for Fiscal Year*
24 *2006 (Public Law 109–163; 119 Stat. 3207) with respect*

1 *to alternative fuels (rather than to the fuels specified in such*
 2 *paragraphs).*

3 (c) *REPORT.*—

4 (1) *IN GENERAL.*—*Not later than 180 days after*
 5 *the date of the enactment of this Act, the Secretary*
 6 *shall submit to the Committees on Armed Services of*
 7 *the Senate and the House of Representatives a report*
 8 *on the study conducted under this section.*

9 (2) *MANNER OF SUBMITTAL.*—*The report re-*
 10 *quired by this subsection may be incorporated into, or*
 11 *provided as an annex to, the study required by sec-*
 12 *tion 357(c) of the National Defense Authorization Act*
 13 *for Fiscal Year 2006.*

14 (d) *ALTERNATIVE FUELS DEFINED.*—*In this section,*
 15 *the term “alternative fuels” means biofuels, biodiesel, re-*
 16 *newable diesel, ethanol that contain less than 85 percent*
 17 *ethyl alcohol, and cellulosic ethanol.*

18 ***Subtitle E—Workplace and Depot***
 19 ***Issues***

20 ***SEC. 361. MINIMUM CAPITAL INVESTMENT LEVELS FOR***
 21 ***PUBLIC DEPOTS SERVICED BY WORKING CAP-***
 22 ***ITAL FUNDS.***

23 (a) *MINIMUM INVESTMENT LEVELS.*—*Section 2208 of*
 24 *title 10, United States Code, is amended by adding at the*
 25 *end the following new subsection:*

1 “(s) *MINIMUM CAPITAL INVESTMENT FOR PUBLIC DE-*
2 *POTS SERVICED BY WORKING CAPITAL FUNDS.—(1) Each*
3 *public depot that is serviced by a working capital fund shall*
4 *invest in its capital budget each fiscal year an amount*
5 *equal to not less than six percent of the actual total revenue*
6 *of the public depot for the previous fiscal year.*

7 “(2) *The Secretary of Defense may waive the require-*
8 *ment in paragraph (1) with respect to a particular public*
9 *depot for a fiscal year if the Secretary determines that the*
10 *waiver is necessary for reasons of national security and no-*
11 *tifies the congressional defense committees of the reasons for*
12 *the waiver.*

13 “(3)(A) *Each year, not later than 45 days after the*
14 *President submits to Congress the budget for a fiscal year*
15 *under section 1105 of title 31, the Secretary shall submit*
16 *to the congressional defense committees budget justification*
17 *documents summarizing the level of capital investment at*
18 *each public depot serviced by working capital funds as of*
19 *the end of the previous fiscal year.*

20 “(B) *Each report under this paragraph shall include*
21 *the following:*

22 “(i) *A specification of the statutory, regulatory,*
23 *or operational impediments, if any, to achieving the*
24 *requirement in paragraph (1) with respect to each*
25 *public depot described in that paragraph.*

1 “(ii) A description of the benchmarks established
2 by each public depot and working capital fund for
3 capital investment and the relationship of the bench-
4 marks to applicable performance measurement meth-
5 ods used in the private sector.

6 “(iii) If the requirement set out in paragraph
7 (1) is not met for any public depot in the previous
8 fiscal year, a statement of the reasons why and a
9 plan of actions to meet the requirement for such pub-
10 lic depot in the fiscal year beginning in the year in
11 which such report is submitted.

12 “(4) In this subsection, the terms ‘total revenue’ and
13 ‘capital budget’ have the meaning given such terms in De-
14 partment of Defense Financial Management Regulation
15 7000.14–R of June 2004.”.

16 (b) *EFFECTIVE DATE.*—The amendment made by this
17 section shall take effect on the date of the enactment of this
18 Act, and shall apply with respect to fiscal years beginning
19 on or after that date.

1 **SEC. 362. PERMANENT EXCLUSION OF CERTAIN CONTRACT**
2 **EXPENDITURES FROM PERCENTAGE LIMITA-**
3 **TION ON THE PERFORMANCE OF DEPOT-**
4 **LEVEL MAINTENANCE.**

5 *Section 2474(f)(1) of title 10, United States Code, is*
6 *amended by striking “entered into during fiscal years 2003*
7 *through 2009”.*

8 **SEC. 363. ADDITIONAL EXCEPTION TO PROHIBITION ON**
9 **CONTRACTOR PERFORMANCE OF FIRE-**
10 **FIGHTING FUNCTIONS.**

11 *Section 2465(b) of title 10, United States Code, is*
12 *amended by adding at the end the following new paragraph:*

13 *“(5) A contract for the performance of fire-*
14 *fighting functions to—*

15 *“(A) fight wildland fires such as range or*
16 *forest fires; and*

17 *“(B) perform wildland fire management,*
18 *including the conduct of hazardous fuels treat-*
19 *ments to reduce wildland fire risks (including*
20 *prescribed fire and mechanical treatments).”.*

21 **SEC. 364. TEMPORARY SECURITY GUARD SERVICES FOR**
22 **CERTAIN WORK CAUSED BY REALIGNMENT OF**
23 **MILITARY INSTALLATIONS UNDER THE BASE**
24 **CLOSURE LAWS.**

25 *(a) AUTHORITY FOR TEMPORARY SERVICES.—Not-*
26 *withstanding section 2465 of title 10, United States Code,*

1 *the Secretary of the military department concerned may,*
2 *for a period not to exceed one year at any single military*
3 *installation, contract for security guard services at military*
4 *installations approved for realignment under a base closure*
5 *law when such services are required for the safe and secure*
6 *relocation of either of the following:*

7 (1) *Military munitions and munitions-related*
8 *equipment.*

9 (2) *High-value items in temporary storage areas.*

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

11 (1) *The term “base closure law” has the meaning*
12 *given such term in section 101(a)(17) of title 10,*
13 *United States Code.*

14 (2) *The term “military munitions” has the*
15 *meaning given such term in section 101(e)(4) of title*
16 *10, United States Code.*

17 (c) *EXPIRATION.—The authority to enter into a con-*
18 *tract under subsection (a) shall expire on September 15,*
19 *2011.*

20 ***Subtitle F—Other Matters***

21 ***SEC. 371. RECYCLING OF MILITARY MUNITIONS.***

22 (a) *IN GENERAL.—Chapter 443 of title 10, United*
23 *States Code, is amended by adding at the end the following*
24 *new section:*

1 **“§ 4690. Sale of recyclable munitions materials**

2 “(a) *AUTHORITY FOR PROGRAM.*—(1) *The Secretary*
3 *of the Army may carry out a program to—*

4 “(A) *sell recyclable munitions materials result-*
5 *ing from the demilitarization of conventional mili-*
6 *tary munitions; and*

7 “(B) *use the proceeds of sale for reclamation, re-*
8 *cycling, and reuse of conventional military muni-*
9 *tions.*

10 “(2) *The program authorized by this section may be*
11 *known as the ‘Military Munitions Recycling Program’.*

12 “(b) *GEOGRAPHIC LIMITATION.*—*The program author-*
13 *ized by subsection (a) may only be carried out in the United*
14 *States and its possessions.*

15 “(c) *METHOD OF SALE.*—(1) *Except as provided in*
16 *paragraph (2), the Secretary shall use competitive proce-*
17 *dures to sell recyclable munitions materials under the pro-*
18 *gram authorized by this section.*

19 “(2) *The Secretary may use procedures other than*
20 *competitive procedures to sell recyclable munitions mate-*
21 *rials under the program authorized by this section in any*
22 *case in which the Secretary determines there is only one*
23 *potential buyer of the items being offered for sale.*

24 “(3) *The provisions of title 40 concerning disposal of*
25 *property are not applicable to sales of materials under the*
26 *program authorized by this section.*

1 “(d) *USE OF PROCEEDS.*—(1) *Proceeds from the sale*
2 *of recyclable munitions materials under the program au-*
3 *thorized by this section shall be credited to the Ammunition*
4 *Demilitarization Account within the Procurement of Am-*
5 *munition, Army, Account.*

6 “(2) *Amounts credited to the Ammunition Demili-*
7 *tarization Account under paragraph (1) shall be available*
8 *solely for purposes of reclamation, recycling, and reuse of*
9 *conventional military munitions, including for research*
10 *and development for such purposes and for the procurement*
11 *of equipment for such purposes.*

12 “(3) *Funds credited to the Ammunition Demilitariza-*
13 *tion Account under paragraph (1) in a fiscal year shall*
14 *be available for obligation under paragraph (2) during the*
15 *fiscal year in which the funds are so credited and for three*
16 *fiscal years thereafter.*

17 “(4) *Funds credited to the Ammunition Demilitariza-*
18 *tion Account under paragraph (1) that are not obligated*
19 *under paragraph (2) within the period of availability*
20 *under paragraph (3) shall, at the end of such period, be*
21 *deposited into the Treasury as miscellaneous receipts.*

22 “(e) *REGULATIONS.*—*The Secretary shall prescribe*
23 *regulations on the operation of the program authorized by*
24 *this section. The regulations shall be consistent with the*

1 *Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and any*
 2 *regulations prescribed thereunder.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 4 *the beginning of chapter 443 of such title is amended by*
 5 *adding at the end the following new item:*

“4690. Sale of recyclable munitions materials.”.

6 **SEC. 372. INCENTIVES CLAUSES IN CHEMICAL DEMILI-**
 7 **TARIZATION CONTRACTS.**

8 (a) *IN GENERAL.*—

9 (1) *AUTHORITY TO INCLUDE CLAUSES IN CON-*
 10 *TRACTS.*—*The Secretary of Defense may, for the pur-*
 11 *pose specified in paragraph (2), authorize the inclu-*
 12 *sion of an incentives clause in any contract for the*
 13 *destruction of the United States stockpile of lethal*
 14 *chemical agents and munitions carried out pursuant*
 15 *to section 1412 of the Department of Defense Author-*
 16 *ization Act, 1986 (50 U.S.C. 1521).*

17 (2) *PURPOSE.*—*The purpose of a clause referred*
 18 *to in paragraph (1) is to provide the contractor for*
 19 *a chemical demilitarization facility an incentive to*
 20 *accelerate the safe elimination of the United States*
 21 *chemical weapons stockpile and to reduce the total*
 22 *cost of the Chemical Demilitarization Program by*
 23 *providing incentive payments for the early completion*
 24 *of destruction operations and the closure of such facil-*
 25 *ity.*

1 **(b) INCENTIVES CLAUSES.**—

2 **(1) IN GENERAL.**—*An incentives clause under*
3 *this section shall permit the contractor for the chem-*
4 *ical demilitarization facility concerned the oppor-*
5 *tunity to earn incentive payments for the completion*
6 *of destruction operations and facility closure activi-*
7 *ties within target incentive ranges specified in such*
8 *clause.*

9 **(2) LIMITATION ON INCENTIVE PAYMENTS.**—*The*
10 *maximum incentive payment under an incentives*
11 *clause with respect to a chemical demilitarization fa-*
12 *cility may not exceed amounts as follows:*

13 **(A)** *In the case of an incentive payment for*
14 *the completion of destruction operations within*
15 *the target incentive range specified in such*
16 *clause, \$110,000,000.*

17 **(B)** *In the case of an incentive payment for*
18 *the completion of facility closure activities with-*
19 *in the target incentive range specified in such*
20 *clause, \$55,000,000.*

21 **(3) TARGET RANGES.**—*An incentives clause in a*
22 *contract under this section shall specify the target in-*
23 *centive ranges of costs for completion of destruction*
24 *operations and facility closure activities, respectively,*
25 *as jointly agreed upon by the contracting officer and*

1 *the contractor concerned. An incentives clause shall*
2 *require a proportionate reduction in the maximum*
3 *incentive payment amounts in the event that the con-*
4 *tractor exceeds an agreed-upon target cost if such ex-*
5 *cess costs are the responsibility of the contractor.*

6 (4) *CALCULATION OF INCENTIVE PAYMENTS.—*

7 *The amount of the incentive payment earned by a*
8 *contractor for a chemical demilitarization facility*
9 *under an incentives clause under this section shall be*
10 *based upon a determination by the Secretary on how*
11 *early in the target incentive range specified in such*
12 *clause destruction operations or facility closure activi-*
13 *ties, as the case may be, are completed.*

14 (5) *CONSISTENCY WITH EXISTING OBLIGA-*

15 *TIONS.—The provisions of any incentives clause*
16 *under this section shall be consistent with the obliga-*
17 *tion of the Secretary of Defense under section*
18 *1412(c)(1)(A) of the Department of Defense Author-*
19 *ization Act, 1986 to provide for maximum protection*
20 *for the environment, the general public, and the per-*
21 *sonnel who are involved in the destruction of the le-*
22 *thal chemical agents and munitions.*

23 (6) *ADDITIONAL TERMS AND CONDITIONS.—In*

24 *negotiating the inclusion of an incentives clause in a*
25 *contract under this section, the Secretary may include*

1 *in such clause such additional terms and conditions*
2 *as the Secretary considers appropriate.*

3 *(c) ADDITIONAL LIMITATION ON PAYMENTS.—*

4 *(1) PAYMENT CONDITIONAL ON PERFORMANCE.—*

5 *No payment may be made under an incentives clause*
6 *under this section unless the Secretary determines*
7 *that the contractor concerned has satisfactorily per-*
8 *formed its duties under such incentives clause.*

9 *(2) PAYMENT CONTINGENT ON APPROPRIA-*

10 *TIONS.—An incentives clause under this section shall*
11 *specify that the obligation of the Government to make*
12 *payment under such incentives clause is subject to the*
13 *availability of appropriations for that purpose.*
14 *Amounts appropriated for Chemical Agents and Mu-*
15 *nitions Destruction, Defense, shall be available for*
16 *payments under incentives clauses under this section.*

17 **SEC. 373. EXTENSION OF DEPARTMENT OF DEFENSE TELE-**
18 **COMMUNICATIONS BENEFIT PROGRAM.**

19 *(a) TERMINATION AT END OF CONTINGENCY OPER-*

20 *ATION.—Subsection (c) of section 344 of the National De-*
21 *fense Authorization Act for Fiscal Year 2004 (Public Law*
22 *108–136; 117 Stat. 1449), as amended by section 341 of*
23 *the Ronald W. Reagan National Defense Authorization Act*
24 *for Fiscal Year 2005 (Public Law 108–375; 118 Stat.*
25 *1857), is further amended by striking “terminate on Sep-*

1 *tember 30, 2006” and inserting “terminate with respect to*
2 *a contingency operation on the date that is 60 days after*
3 *the date on which the Secretary determines that the contin-*
4 *gency operation has ended”.*

5 *(b) APPLICATION TO OTHER CONTINGENCY OPER-*
6 *ATIONS.—Such section is further amended—*

7 *(1) in subsection (a), by striking “Operation*
8 *Iraqi Freedom and Operation Enduring Freedom”*
9 *and inserting “a contingency operation”; and*

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

12 *“(g) CONTINGENCY OPERATION DEFINED.—In this*
13 *section, the term ‘contingency operation’ has the meaning*
14 *given that term in section 101(a)(13) of title 10, United*
15 *States Code. The term includes Operation Iraqi Freedom*
16 *and Operation Enduring Freedom.”.*

17 *(c) EXTENSION TO HOSPITALIZED MEMBERS.—Sub-*
18 *section (a) of such section is further amended—*

19 *(1) by striking “As soon as possible after the*
20 *date of the enactment of this Act, the” and inserting*
21 *“The”; and*

22 *(2) by adding at the end the following new sen-*
23 *tence: “As soon as possible after the date of the enact-*
24 *ment of the National Defense Authorization Act for*
25 *Fiscal Year 2007, the Secretary shall extend such tele-*

1 **SEC. 375. ENERGY EFFICIENCY IN WEAPONS PLATFORMS.**

2 (a) *POLICY.*—*It shall be the policy of the Department*
3 *of Defense to improve the fuel efficiency of weapons plat-*
4 *forms, consistent with mission requirements, in order to—*

5 (1) *enhance platform performance;*

6 (2) *reduce the size of the fuel logistics systems;*

7 (3) *reduce the burden high fuel consumption*
8 *places on agility;*

9 (4) *reduce operating costs; and*

10 (5) *dampen the financial impact of volatile oil*
11 *prices.*

12 (b) *REPORT REQUIRED.*—

13 (1) *IN GENERAL.*—*Not later than one year after*
14 *the date of the enactment of this Act, the Secretary of*
15 *Defense shall submit to the congressional defense com-*
16 *mittees a report on the progress of the Department of*
17 *Defense in implementing the policy established by*
18 *subsection (a).*

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

21 (A) *An assessment of the feasibility of desig-*
22 *nating a senior Department of Defense official to*
23 *be responsible for implementing the policy estab-*
24 *lished by subsection (a).*

25 (B) *A summary of the recommendations*
26 *made as of the time of the report by—*

1 (i) *the Energy Security Integrated*
2 *Product Team established by the Secretary*
3 *of Defense in April 2006;*

4 (ii) *the Defense Science Board Task*
5 *Force on Department of Defense Energy*
6 *Strategy established by the Under Secretary*
7 *of Defense for Acquisition, Technology and*
8 *Logistics on May 2, 2006; and*

9 (iii) *the January 2001 Defense Science*
10 *Board Task Force report on Improving Fuel*
11 *Efficiency of Weapons Platforms.*

12 (C) *For each recommendation summarized*
13 *under subparagraph (B)—*

14 (i) *the steps that the Department has*
15 *taken to implement such recommendation;*

16 (ii) *any additional steps the Depart-*
17 *ment plans to take to implement such rec-*
18 *ommendation; and*

19 (iii) *for any recommendation that the*
20 *Department does not plan to implement, the*
21 *reasons for the decision not to implement*
22 *such recommendation.*

23 (D) *An assessment of the extent to which the*
24 *research, development, acquisition, and logistics*
25 *guidance and directives of the Department for*

1 *weapons platforms are appropriately designed to*
2 *address the policy established by subsection (a).*

3 *(E) An assessment of the extent to which*
4 *such guidance and directives are being carried*
5 *out in the research, development, acquisition,*
6 *and logistics programs of the Department.*

7 *(F) A description of any additional actions*
8 *that, in the view of the Secretary, may be needed*
9 *to implement the policy established by subsection*
10 *(a).*

11 **SEC. 376. CHEMICAL DEMILITARIZATION PROGRAM CON-**
12 **TRACTING AUTHORITY.**

13 *(a) MULTIYEAR CONTRACTING AUTHORITY.—The Sec-*
14 *retary of Defense may carry out responsibilities under sec-*
15 *tion 1412(a) of the Department of Defense Authorization*
16 *Act, 1986 (Public Law 99–145; 50 U.S.C. 1521(a)) through*
17 *multiyear contracts entered into before the date of the enact-*
18 *ment of this Act.*

19 *(b) AVAILABILITY OF FUNDS.—Contracts entered into*
20 *under subsection (a) shall be funded through annual appro-*
21 *priations for the destruction of chemical agents and muni-*
22 *tions.*

1 **SEC. 377. UTILIZATION OF FUEL CELLS AS BACK-UP POWER**
2 **SYSTEMS IN DEPARTMENT OF DEFENSE OP-**
3 **ERATIONS.**

4 *The Secretary of Defense shall consider the utilization*
5 *of fuel cells as replacements for current back-up power sys-*
6 *tems in a variety of Department of Defense operations and*
7 *activities, including in telecommunications networks, pe-*
8 *rimeter security, and remote facilities, in order to increase*
9 *the operational longevity of back-up power systems and*
10 *stand-by power systems in such operations and activities.*

11 **SEC. 378. PREPOSITIONING OF DEPARTMENT OF DEFENSE**
12 **ASSETS TO IMPROVE SUPPORT TO CIVILIAN**
13 **AUTHORITIES.**

14 *(a) PREPOSITIONING AUTHORIZED.—The Secretary of*
15 *Defense may provide for the prepositioning of prepackaged*
16 *or preidentified basic response assets, such as medical sup-*
17 *plies, food and water, and communications equipment, in*
18 *order to improve Department of Defense support to civilian*
19 *authorities.*

20 *(b) REIMBURSEMENT.—To the extent required by sec-*
21 *tion 1535 of title 31, United States Code (popularly known*
22 *as the “Economy Act”), or other applicable law, the Sec-*
23 *retary shall require reimbursement of the Department of*
24 *Defense for costs incurred in the prepositioning of basic re-*
25 *sponse assets under subsection (a).*

1 (c) *LIMITATION.*—Basic response assets may not be
 2 prepositioned under subsection (a) if the prepositioning of
 3 such assets will adversely affect the military preparedness
 4 of the United States.

5 (d) *PROCEDURES AND GUIDELINES.*—The Secretary
 6 may develop procedures and guidelines applicable to the
 7 prepositioning of basic response assets under this section.

8 **SEC. 379. RECOVERY AND AVAILABILITY TO CORPORATION**
 9 **FOR THE PROMOTION OF RIFLE PRACTICE**
 10 **AND FIREARMS SAFETY OF CERTAIN FIRE-**
 11 **ARMS, AMMUNITION, AND PARTS.**

12 (a) *IN GENERAL.*—Subchapter II of chapter 407 of
 13 title 36, United States Code, is amended by inserting after
 14 the item relating to section 40728 the following new section:

15 **“§40728A. Recovery and availability of excess fire-**
 16 **arms, ammunition, and parts granted to**
 17 **foreign countries**

18 “(a) *RECOVERY.*—The Secretary of the Army may re-
 19 cover from any country to which a grant of rifles, ammuni-
 20 tion, repair parts, or other supplies described in section
 21 40731(a) of this title is made under section 505 of the For-
 22 eign Assistance Act of 1961 (22 U.S.C. 2314) any such ri-
 23 fles, ammunition, repair parts, or supplies that are excess
 24 to the needs of such country.

1 “(b) *COST OF RECOVERY.*—(1) *Except as provided in*
2 *paragraph (2), the cost of recovery of any rifles, ammuni-*
3 *tion, repair parts, or supplies under subsection (a) shall*
4 *be treated as incremental direct costs incurred in providing*
5 *logistical support to the corporation for which reimburse-*
6 *ment shall be required as provided in section 40727(a) of*
7 *this title.*

8 “(2) *The Secretary may require the corporation to pay*
9 *costs of recovery described in paragraph (1) in advance of*
10 *incurring such costs. Amounts so paid shall not be subject*
11 *to the provisions of section 3302 of title 31, but shall be*
12 *administered in accordance with the last sentence of section*
13 *40727(a) of this title.*

14 “(c) *AVAILABILITY.*—*Any rifles, ammunition, repair*
15 *parts, or supplies recovered under subsection (a) shall be*
16 *available for transfer to the corporation in accordance with*
17 *the provisions of section 40728 of this title under such addi-*
18 *tional terms and conditions as the Secretary shall prescribe*
19 *for purposes of this section.”.*

20 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
21 *the beginning of chapter 407 of such title is amended by*
22 *inserting after the item relating to section 40728 the fol-*
23 *lowing new item:*

“40728A. *Recovery and availability of excess firearms, ammunition, and*
parts granted to foreign countries.”.

1 **TITLE IV—MILITARY PERSONNEL**
2 **AUTHORIZATIONS**

3 **Subtitle A—Active Forces**

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

5 *The Armed Forces are authorized strengths for active*
6 *duty personnel as of September 30, 2007, as follows:*

7 (1) *The Army, 512,400.*

8 (2) *The Navy, 340,700.*

9 (3) *The Marine Corps, 180,000.*

10 (4) *The Air Force, 334,200.*

11 **SEC. 402. REPEAL OF REQUIREMENT FOR PERMANENT END**
12 **STRENGTH LEVELS TO SUPPORT TWO MAJOR**
13 **REGIONAL CONTINGENCIES.**

14 (a) *REPEAL.*—Section 691 of title 10, United States
15 *Code, is repealed.*

16 (b) *CLERICAL AMENDMENT.*—The table of sections at
17 *the beginning of chapter 39 of such title is amended by*
18 *striking the item relating to section 691.*

19 **Subtitle B—Reserve Forces**

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

21 (a) *IN GENERAL.*—The Armed Forces are authorized
22 *strengths for Selected Reserve personnel of the reserve com-*
23 *ponents as of September 30, 2007, as follows:*

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

1 (2) *The Army Reserve, 200,000.*

2 (3) *The Navy Reserve, 71,300.*

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

4 (5) *The Air National Guard of the United*
5 *States, 107,000.*

6 (6) *The Air Force Reserve, 74,900.*

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

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

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

15 (2) *the total number of individual members not*
16 *in units organized to serve as units of the Selected*
17 *Reserve of such component who are on active duty*
18 *(other than for training or for unsatisfactory partici-*
19 *ipation in training) without their consent at the end*
20 *of the fiscal year.*

21 *Whenever such units or such individual members are re-*
22 *leased from active duty during any fiscal year, the end*
23 *strength prescribed for such fiscal year for the Selected Re-*
24 *serve of such reserve component shall be increased propor-*

1 tionately by the total authorized strengths of such units and
2 by the total number of such individual members.

3 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
4 **DUTY IN SUPPORT OF THE RESERVES.**

5 *Within the end strengths prescribed in section 411(a),*
6 *the reserve components of the Armed Forces are authorized,*
7 *as of September 30, 2007, the following number of Reserves*
8 *to be serving on full-time active duty or full-time duty, in*
9 *the case of members of the National Guard, for the purpose*
10 *of organizing, administering, recruiting, instructing, or*
11 *training the reserve components:*

12 (1) *The Army National Guard of the United*
13 *States, 27,441.*

14 (2) *The Army Reserve, 15,416.*

15 (3) *The Navy Reserve, 12,564.*

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

17 (5) *The Air National Guard of the United*
18 *States, 13,206.*

19 (6) *The Air Force Reserve, 2,707.*

20 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
21 **(DUAL STATUS).**

22 *The minimum number of military technicians (dual*
23 *status) as of the last day of fiscal year 2007 for the reserve*
24 *components of the Army and the Air Force (notwith-*

1 *standing section 129 of title 10, United States Code) shall*
2 *be the following:*

3 (1) *For the Army Reserve, 7,912.*

4 (2) *For the Army National Guard of the United*
5 *States, 26,050.*

6 (3) *For the Air Force Reserve, 10,124.*

7 (4) *For the Air National Guard of the United*
8 *States, 23,255.*

9 **SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF**
10 **NON-DUAL STATUS TECHNICIANS.**

11 (a) *LIMITATIONS.—*

12 (1) *NATIONAL GUARD.—Within the limitation*
13 *provided in section 10217(c)(2) of title 10, United*
14 *States Code, the number of non-dual status techni-*
15 *cians employed by the National Guard as of Sep-*
16 *tember 30, 2007, may not exceed the following:*

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

19 (B) *For the Air National Guard of the*
20 *United States, 350.*

21 (2) *ARMY RESERVE.—The number of non-dual*
22 *status technicians employed by the Army Reserve as*
23 *of September 30, 2007, may not exceed 595.*

1 (3) *AIR FORCE RESERVE*.—*The number of non-*
2 *dual status technicians employed by the Air Force*
3 *Reserve as of September 30, 2007, may not exceed 90.*

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

8 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
9 **THORIZED TO BE ON ACTIVE DUTY FOR**
10 **OPERATIONAL SUPPORT.**

11 *During fiscal year 2007, the maximum number of*
12 *members of the reserve components of the Armed Forces who*
13 *may be serving at any time on full-time operational sup-*
14 *port duty under section 115(b) of title 10, United States*
15 *Code, is the following:*

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

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

19 (3) *The Navy Reserve, 6,200.*

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

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

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

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

3 **SEC. 421. MILITARY PERSONNEL.**

4 *There is hereby authorized to be appropriated to the*
 5 *Department of Defense for military personnel for fiscal year*
 6 *2007 a total of \$112,043,468,000. The authorization in the*
 7 *preceding sentence supersedes any other authorization of*
 8 *appropriations (definite or indefinite) for such purpose for*
 9 *fiscal year 2007.*

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

11 *There is hereby authorized to be appropriated for fiscal*
 12 *year 2007 from the Armed Forces Retirement Home Trust*
 13 *Fund the sum of \$54,846,000 for the operation of the Armed*
 14 *Forces Retirement Home.*

15 **TITLE V—MILITARY PERSONNEL**
 16 **POLICY**

17 **Subtitle A—Officer Personnel Policy**

18 **Part I—Officer Personnel Policy Generally**

19 **SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CER-**
 20 **TAIN INTELLIGENCE COMMUNITY POSITIONS.**

21 *Section 528 of title 10, United States Code, is amended*
 22 *by adding at the end the following new subsections:*

23 “(e) *MILITARY STATUS.*—*An officer of the Armed*
 24 *Forces, while serving in a position covered by this section—*

1 “(1) shall not be subject to supervision or control
2 by the Secretary of Defense or by any officer or em-
3 ployee of the Department of Defense, except as di-
4 rected by the Secretary or the Secretary’s designee
5 concerning reassignment from such position; and

6 “(2) shall not exercise, by reason of the officer’s
7 status as an officer, any supervision or control with
8 respect to any of the military or civilian personnel of
9 the Department of Defense except as otherwise author-
10 ized by law.

11 “(f) *EFFECT OF APPOINTMENT.*—Except as provided
12 in subsection (e), the appointment of an officer of the Armed
13 Forces to a position covered by this section shall not affect
14 the status, position, rank, or grade of such officer in the
15 Armed Forces, or any emolument, perquisite, right, privi-
16 lege, or benefit incident to or arising out of such status,
17 position, rank, or grade.

18 “(g) *MILITARY PAY AND ALLOWANCES.*—(1) An officer
19 of the Armed Forces on active duty who is appointed to
20 a position covered by this section shall, while serving in
21 such position and while remaining on active duty, continue
22 to receive military pay and allowances, and shall not re-
23 ceive the pay prescribed for such position.

1 “(2) *Funds from which pay and allowances under*
 2 *paragraph (1) are paid shall be reimbursed from the fol-*
 3 *lowing:*

4 “(A) *Funds available to the Director of the Cen-*
 5 *tral Intelligence Agency, for positions within the Cen-*
 6 *tral Intelligence Agency.*

7 “(B) *Funds available to the Director of National*
 8 *Intelligence, for positions within the Office of the Di-*
 9 *rector of National Intelligence.*”.

10 **SEC. 502. EXTENSION OF TEMPORARY REDUCTION OF TIME-**
 11 **IN-GRADE REQUIREMENT FOR ELIGIBILITY**
 12 **FOR PROMOTION FOR CERTAIN ACTIVE-DUTY**
 13 **LIST OFFICERS IN GRADES OF FIRST LIEU-**
 14 **TENANT AND LIEUTENANT (JUNIOR GRADE).**

15 Section 619(a)(1)(B) of title 10, United States Code,
 16 is amended by striking “October 1, 2005” and inserting
 17 “October 1, 2008”.

18 **SEC. 503. EXTENSION OF AGE LIMITS FOR ACTIVE-DUTY**
 19 **GENERAL AND FLAG OFFICERS.**

20 (a) *RESTATEMENT AND MODIFICATION OF CURRENT*
 21 *AGE LIMITS.*—Section 1251 of title 10, United States Code,
 22 is amended to read as follows:

23 **“§ 1251. Regular commissioned officers; exceptions**

24 “(a) *AGE LIMITS FOR GENERAL AND FLAG OFFI-*
 25 *CERS.*—(1) *Unless retired or separated earlier, each regular*

1 *commissioned officer of the Army, Air Force, or Marine*
2 *Corps serving in a grade at or above brigadier general, or*
3 *rear admiral (lower half) in the case of an officer in the*
4 *Navy, shall be retired on the first day of the month fol-*
5 *lowing the month in which the officer becomes 64 years of*
6 *age.*

7 “(2) *Notwithstanding paragraph (1), the Secretary of*
8 *Defense may defer the retirement of an officer serving in*
9 *a position that carries a grade above major general or rear*
10 *admiral, but such a deferment may not extend beyond the*
11 *first day of the month following the month in which the*
12 *officer becomes 66 years of age.*

13 “(3) *Notwithstanding paragraphs (1) and (2), the*
14 *President may defer the retirement of an officer serving in*
15 *a position that carries a grade above major general or rear*
16 *admiral, but such a deferment may not extend beyond the*
17 *first day of the month following the month in which the*
18 *officer becomes 68 years of age.*

19 “(b) *AGE LIMITS FOR OTHER OFFICERS.—Unless re-*
20 *tired or separated earlier, each regular commissioned officer*
21 *of the Army, Air Force, or Marine Corps other than an*
22 *officer covered by section 1252 of this title or a commis-*
23 *sioned warrant officer) serving in a grade below brigadier*
24 *general, or rear admiral (lower half) in the case of an officer*
25 *in the Navy, shall be retired on the first day of the month*

1 *following the month in which the officer becomes 62 years*
 2 *of age.*

3 “(c) *DEFERRED RETIREMENT OF HEALTH PROFES-*
 4 *SIONS OFFICERS.—(1) The Secretary of the military de-*
 5 *partment concerned may, subject to subsection (e), defer the*
 6 *retirement under subsection (b) of a health professions offi-*
 7 *cer if during the period of the deferment the officer will*
 8 *be performing duties consisting primarily of providing pa-*
 9 *tient care or performing other clinical duties.*

10 “(2) *For purposes of this subsection, a health profes-*
 11 *sions officer is—*

12 “(A) *a medical officer;*

13 “(B) *a dental officer; or*

14 “(C) *an officer in the Army Nurse Corps, an of-*
 15 *ficer in the Navy Nurse Corps, or an officer in the*
 16 *Air Force designated as a nurse.*

17 “(d) *DEFERRED RETIREMENT OF CHAPLAINS.—The*
 18 *Secretary of the military department concerned may, sub-*
 19 *ject to subsection (e), defer the retirement under subsection*
 20 *(b) of an officer who is appointed or designated as a chap-*
 21 *lain if the Secretary determines that such deferral is in the*
 22 *best interest of the military department concerned.*

23 “(e) *LIMITATION ON DEFERRAL OF RETIREMENTS.—*
 24 *(1) Except as provided in paragraph (2), a deferment under*
 25 *subsection (c) or (d) may not extend beyond the first day*

1 *of the month following the month in which the officer be-*
 2 *comes 68 years of age.*

3 “(2) *The Secretary of the military department con-*
 4 *cerned may extend a deferment under subsection (c) or (d)*
 5 *beyond the day referred to in paragraph (1) if the Secretary*
 6 *determines that extension of the deferment is necessary for*
 7 *the needs of the military department concerned. Such an*
 8 *extension shall be made on a case-by-case basis and shall*
 9 *be for such period as the Secretary considers appropriate.”.*

10 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
 11 *the beginning of chapter 63 of such title is amended by*
 12 *striking the item relating to section 1251 and inserting the*
 13 *following new item:*

“1251. Regular commissioned officers; exceptions.”.

14 **SEC. 504. MODIFICATION OF AUTHORITIES ON SENIOR**
 15 **MEMBERS OF THE JUDGE ADVOCATE GEN-**
 16 **ERAL’S CORPS.**

17 **(a) DEPARTMENT OF THE ARMY.**—

18 **(1) GRADE OF JUDGE ADVOCATE GENERAL.**—
 19 *Subsection (a) of section 3037 of title 10, United*
 20 *States Code, is amended by striking the third sentence*
 21 *and inserting the following new sentence: “The Judge*
 22 *Advocate General, while so serving, has the grade of*
 23 *lieutenant general.”.*

1 (2) *REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.*—Such section is further amended—

4 (A) in subsection (a), by striking “Assistant Judge Advocate General” each place it appears and inserting “Deputy Judge Advocate General”; and

8 (B) in subsection (d), by striking “Assistant Judge Advocate General” and inserting “Deputy Judge Advocate General”.

11 (3) *CONFORMING AND CLERICAL AMENDMENTS.*—

12 (A) The heading of such section is amended by striking “**Assistant Judge Advocate General**” and inserting “**Deputy Judge Advocate General**”.

16 (B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking “Assistant Judge Advocate General” and inserting “Deputy Judge Advocate General”.

21 (b) *GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.*—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: “The Judge Advocate General, while

1 *so serving, has the grade of vice admiral or lieutenant gen-*
 2 *eral, as appropriate.”.*

3 (c) *GRADE OF JUDGE ADVOCATE GENERAL OF THE*
 4 *AIR FORCE.*—Section 8037(a) of such title is amended by
 5 *striking the last sentence and inserting the following new*
 6 *sentence: “The Judge Advocate General, while so serving,*
 7 *has the grade of lieutenant general.”.*

8 (d) *EXCLUSION FROM ACTIVE-DUTY GENERAL AND*
 9 *FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITA-*
 10 *TIONS.*—Section 525(b) of such title is amended by adding
 11 *at the end the following new paragraph:*

12 “(9) *An officer while serving as the Judge Advocate*
 13 *General of the Army, the Judge Advocate General of the*
 14 *Navy, or the Judge Advocate General of the Air Force is*
 15 *in addition to the number that would otherwise be per-*
 16 *mitted for that officer’s armed force for officers serving on*
 17 *active duty in grades above major general or rear admiral*
 18 *under paragraph (1) or (2), as applicable.”.*

19 **SEC. 505. REQUIREMENT FOR SIGNIFICANT JOINT EXPERI-**
 20 **ENCE FOR OFFICERS APPOINTED AS SUR-**
 21 **GEON GENERAL OF THE ARMY, NAVY, AND**
 22 **AIR FORCE.**

23 (a) *RESTATEMENT AND STANDARDIZATION OF AU-*
 24 *THORITIES ON SURGEON GENERAL OF THE ARMY.*—

1 (1) *IN GENERAL.*—Chapter 305 of title 10,
2 *United States Code, is amended by inserting after sec-*
3 *tion 3036 the following new section:*

4 **“§ 3036a. Surgeon General: appointment; grade**

5 “(a) *SURGEON GENERAL.*—*There is a Surgeon Gen-*
6 *eral of the Army who is appointed by the President, by and*
7 *with the advice and consent of the Senate, from officers in*
8 *any corps of the Army Medical Department.*

9 “(b) *GRADE.*—*The Surgeon General, while so serving,*
10 *has the grade of lieutenant general.*

11 “(c) *TERM OF OFFICE.*—*An officer appointed as Sur-*
12 *geon General normally holds office for four years.*

13 “(d) *JOINT EXPERIENCE REQUIRED FOR APPOINT-*
14 *MENT.*—(1) *The Secretary of Defense may not recommend*
15 *an officer to the President for appointment as Surgeon Gen-*
16 *eral unless the officer is determined by the Chairman of*
17 *the Joint Chiefs of Staff, in accordance with criteria and*
18 *as a result of a process established by the Chairman, to have*
19 *significant joint experience.*

20 “(2) *Until October 1, 2010, the Secretary of Defense*
21 *may waive the limitation in paragraph (1) with respect*
22 *to the recommendation of an officer as Surgeon General if—*

23 “(A) *the Secretary of the Army requests the*
24 *waiver; and*

1 “(B) *in the judgment of the Secretary of*
2 *Defense—*

3 “(i) *the officer is qualified for service as*
4 *Surgeon General; and*

5 “(ii) *the waiver is necessary for the good of*
6 *the Army.*

7 “(3) *Any waiver under paragraph (2) shall be made*
8 *on a case-by-case basis.”.*

9 (2) *CONFORMING AMENDMENT.—Section 3036(b)*
10 *of such title is amended in the flush matter following*
11 *paragraph (2) by striking the second sentence.*

12 (3) *CLERICAL AMENDMENT.—The table of sec-*
13 *tions at the beginning of chapter 305 of such title is*
14 *amended by inserting after the item relating to sec-*
15 *tion 3036 the following new item:*

 “3036a. *Surgeon General: appointment; grade.”.*

16 (b) *SURGEON GENERAL OF THE NAVY.—*

17 (1) *IN GENERAL.—Section 5137 of such title is*
18 *amended—*

19 (A) *by redesignating subsection (b) as sub-*
20 *section (c); and*

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

23 “(b) *JOINT EXPERIENCE REQUIRED FOR APPOINT-*
24 *MENT AS CHIEF.—(1) The Secretary of Defense may not*
25 *recommend an officer to the President for appointment as*

1 *Surgeon General unless the officer is determined by the*
2 *Chairman of the Joint Chiefs of Staff, in accordance with*
3 *criteria and as a result of a process established by the*
4 *Chairman, to have significant joint experience.*

5 “(2) *Until October 1, 2010, the Secretary of Defense*
6 *may waive the limitation in paragraph (1) with respect*
7 *to the recommendation of an officer as Surgeon General if—*

8 “(A) *the Secretary of the Navy requests the waiv-*
9 *er; and*

10 “(B) *in the judgment of the Secretary of*
11 *Defense—*

12 “(i) *the officer is qualified for service as*
13 *Surgeon General; and*

14 “(ii) *the waiver is necessary for the good of*
15 *the Navy.*

16 “(3) *Any waiver under paragraph (2) shall be made*
17 *on a case-by-case basis.”.*

18 (2) *TECHNICAL AMENDMENTS.—Such section is*
19 *further amended—*

20 (A) *in subsection (a), by inserting*
21 *“CHIEF.—” after “(a)”;* and

22 (B) *in subsection (c), as redesignated by*
23 *paragraph (1)(A) of this subsection, by inserting*
24 *“DEPUTY CHIEF.—” after “(c)”.*

1 (c) *SURGEON GENERAL OF THE AIR FORCE.*—*The text*
2 *of section 8036 of such title is amended to read as follows:*

3 “(a) *SURGEON GENERAL.*—*There is a Surgeon Gen-*
4 *eral of the Air Force who is appointed by the President,*
5 *by and with the advice and consent of the Senate, from offi-*
6 *cers of the Air Force who are in the Air Force medical de-*
7 *partment.*

8 “(b) *GRADE.*—*The Surgeon General, while so serving,*
9 *has the grade of lieutenant general.*

10 “(c) *JOINT EXPERIENCE REQUIRED FOR APPOINT-*
11 *MENT.*—(1) *The Secretary of Defense may not recommend*
12 *an officer to the President for appointment as Surgeon Gen-*
13 *eral unless the officer is determined by the Chairman of*
14 *the Joint Chiefs of Staff, in accordance with criteria and*
15 *as a result of a process established by the Chairman, to have*
16 *significant joint experience.*

17 “(2) *Until October 1, 2010, the Secretary of Defense*
18 *may waive the limitation in paragraph (1) with respect*
19 *to the recommendation of an officer as Surgeon General if—*

20 “(A) *the Secretary of the Air Force requests the*
21 *waiver; and*

22 “(B) *in the judgment of the Secretary of*
23 *Defense—*

24 “(i) *the officer is qualified for service as*
25 *Surgeon General; and*

1 “(ii) the waiver is necessary for the good of
2 the Air Force.

3 “(3) Any waiver under paragraph (2) shall be made
4 on a case-by-case basis.”.

5 (d) *EFFECTIVE DATE.*—The amendments made by this
6 section shall take effect on October 1, 2008, and shall apply
7 with respect to appointments to the position of Surgeon
8 General of the Army, Surgeon General of the Navy, and
9 Surgeon General of the Air Force that are made on or after
10 that date.

11 **SEC. 506. GRADE AND EXCLUSION FROM ACTIVE-DUTY GEN-**
12 **ERAL AND FLAG OFFICER DISTRIBUTION AND**
13 **STRENGTH LIMITATIONS OF OFFICER SERV-**
14 **ING AS ATTENDING PHYSICIAN TO THE CON-**
15 **GRESS.**

16 (a) *GRADE.*—

17 (1) *REGULAR OFFICER.*—(A) Chapter 41 of title
18 10, United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 722. Attending Physician to the Congress: grade**

21 “A general officer serving as Attending Physician to
22 the Congress, while so serving, holds the grade of major gen-
23 eral. A flag officer serving as Attending Physician to the
24 Congress, while so serving, holds the grade of rear admiral.”.

1 (B) *The table of sections at the beginning of such*
2 *chapter is amended by adding at the end the fol-*
3 *lowing new item:*

“722. Attending Physician to the Congress: grade.”.

4 (2) *RESERVE OFFICER.—(A) Section 12210 of*
5 *such title is amended by striking “who holds” and all*
6 *that follows and inserting “holds the reserve grade of*
7 *major general or rear admiral, as appropriate.”.*

8 (B) *The heading of such section is amended to*
9 *read as follows:*

10 ***“§ 12210. Attending Physician to the Congress: reserve***
11 ***grade”.***

12 (C) *The table of sections at the beginning of*
13 *chapter 1205 of such title is amended by striking the*
14 *item relating to section 12210 and inserting the fol-*
15 *lowing new item:*

“12210. Attending Physician to the Congress: reserve grade.”.

16 (b) *DISTRIBUTION LIMITATIONS.—Section 525 of title*
17 *10, United States Code, is amended by adding at the end*
18 *the following new subsection:*

19 *“(f) An officer while serving as Attending Physician*
20 *to the Congress is in addition to the number that would*
21 *otherwise be permitted for that officer’s armed force for offi-*
22 *cers serving on active duty in grades above brigadier gen-*
23 *eral or rear admiral (lower half) under subsection (a).”.*

1 (c) *ACTIVE-DUTY STRENGTH LIMITATIONS.*—Section
 2 526 of such title is amended by adding at the end the fol-
 3 lowing new subsection:

4 “(f) *EXCLUSION OF ATTENDING PHYSICIAN TO THE*
 5 *CONGRESS.*—The limitations of this section do not apply
 6 to the general or flag officer who is serving as Attending
 7 Physician to the Congress.”.

8 **SEC. 507. DISCRETIONARY SEPARATION AND RETIREMENT**
 9 **OF CHIEF WARRANT OFFICERS, W-4, TWICE**
 10 **FAILING SELECTION FOR PROMOTION.**

11 (a) *IN GENERAL.*—Section 580(a) of title 10, United
 12 States Code, is amended—

13 (1) in paragraph (1), by inserting “, except as
 14 provided in paragraph (5),” after “shall”;

15 (2) by redesignating paragraphs (5) and (6) as
 16 paragraphs (6) and (7), respectively; and

17 (3) by inserting after paragraph (4) the fol-
 18 lowing new paragraph (5):

19 “(5) *In the case of a warrant officer described in para-*
 20 *graph (1) who is in the grade of chief warrant officer, W-*
 21 *4, the retirement or separation of such member under this*
 22 *subsection shall be subject to the discretion of the Secretary*
 23 *concerned.*”.

1 (b) *ELIGIBILITY FOR PROMOTION.*—Paragraph (6) of
 2 such section, as redesignated by subsection (a)(2) of this sec-
 3 tion, is further amended—

4 (1) by striking “A warrant officer” and insert-
 5 ing “(A) Except as provided in subparagraph (B), a
 6 warrant officer”; and

7 (2) by adding at the end the following new sub-
 8 paragraph:

9 “(B) A warrant officer who is retained on active duty
 10 pursuant to an exercise of the authority in paragraph (5)
 11 is eligible for further consideration for promotion while re-
 12 maining on active duty.”.

13 **SEC. 508. INCREASED MANDATORY RETIREMENT AGES FOR**
 14 **RESERVE OFFICERS.**

15 (a) *MAJOR GENERALS AND REAR ADMIRALS.*—

16 (1) *INCREASED AGE.*—Section 14511 of title 10,
 17 United States Code, is amended by striking “62
 18 years” and inserting “64 years”.

19 (2) *CONFORMING AMENDMENT.*—The heading of
 20 such section is amended to read as follows:

21 **“§14511. Separation at age 64: major generals and**
 22 **rear admirals”.**

23 (b) *BRIGADIER GENERALS AND REAR ADMIRALS*
 24 *(LOWER HALF).*—

1 (1) *INCREASED AGE.*—Section 14510 of such title
2 is amended by striking “60 years” and inserting “62
3 years”.

4 (2) *CONFORMING AMENDMENT.*—The heading of
5 such section is amended to read as follows:

6 “§14510. **Separation at age 62: brigadier generals**
7 **and rear admirals (lower half)**”.

8 (c) *OFFICERS BELOW BRIGADIER GENERAL OR REAR*
9 *ADMIRAL (LOWER HALF).*—

10 (1) *INCREASED AGE.*—Section 14509 of such title
11 is amended by striking “60 years” and inserting “62
12 years”.

13 (2) *CONFORMING AMENDMENT.*—The heading of
14 such section is amended to read as follows:

15 “§14509. **Separation at age 62: reserve officers in**
16 **grades below brigadier general or rear**
17 **admiral (lower half)**”.

18 (d) *CERTAIN OTHER OFFICERS.*—

19 (1) *INCREASED AGE.*—Section 14512 of such title
20 is amended by striking “64 years” both places it ap-
21 pears and inserting “66 years”.

22 (2) *CONFORMING AMENDMENT.*—The heading of
23 such section is amended to read as follows:

1 **“§ 14512. Separation at age 66: officers holding cer-**
 2 **tain offices”.**

3 (e) *CONFORMING AMENDMENTS.*—Section 14508 of
 4 such title is amended—

5 (1) in subsection (c), by striking “60 years” and
 6 inserting “62 years”; and

7 (2) in subsection (d), by striking “62 years” and
 8 inserting “64 years”.

9 (f) *CLERICAL AMENDMENT.*—The table of sections at
 10 the beginning of chapter 1407 of such title is amended by
 11 striking the items relating to sections 14509, 14510, 14511,
 12 and 14512 and inserting the following new items:

“14509. Separation at age 62: reserve officers in grades below brigadier general
 or rear admiral (lower half).

“14510. Separation at age 62: brigadier generals and rear admirals (lower half).

“14511. Separation at age 64: major generals and rear admirals.

“14512. Separation at age 66: officers holding certain offices.”.

13 **SEC. 509. MODIFICATION OF QUALIFICATIONS FOR LEADER-**
 14 **SHIP OF THE NAVAL POSTGRADUATE**
 15 **SCHOOL.**

16 Section 7042(a) of title 10, United States Code, is
 17 amended—

18 (1) in paragraph (1)(A)—

19 (A) by inserting “active-duty or retired”
 20 after “An”;

21 (B) by inserting “or Marine Corps” after
 22 “Navy”;

1 (C) by inserting “or colonel, respectively”
2 after “captain”; and

3 (D) by inserting “or assigned” after “de-
4 tailed”;

5 (2) in paragraph (2), by inserting “and the
6 Commandant of the Marine Corps” after “Oper-
7 ations”; and

8 (3) in paragraph (4)(A)—

9 (A) by inserting “(unless such individual is
10 a retired officer of the Navy or Marine Corps in
11 a grade not below the grade of captain or colonel,
12 respectively)” after “in the case of a civilian”;

13 (B) by inserting “active-duty or retired”
14 after “in the case of an”; and

15 (C) by inserting “or Marine Corps” after
16 “Navy”.

17 **Part II—Officer Promotion Policy**

18 **SEC. 515. PROMOTIONS.**

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

20 (1) *CLARIFICATION OF APPROVAL OF SELECTION*
21 *BOARD REPORTS.*—Subsection (a)(1) of section 624 of
22 title 10, United States Code, is amended by inserting
23 “or a delegate of the President” after “the President”.

24 (2) *DATE OF ESTABLISHMENT OF PROMOTION*
25 *LIST.*—Such subsection is further amended by adding

1 *at the end the following new sentence: “For pro-*
2 *motions that occur by and with the advice and con-*
3 *sent of the Senate, a promotion list shall be treated*
4 *as being established for purposes of this chapter on*
5 *the date on which the list is received by the Senate*
6 *for consideration.”.*

7 (3) *UNIFORM PROCEDURES FOR DELAYS OF AP-*
8 *POINTMENT UPON PROMOTION.—Subsection (d) of*
9 *such section is amended—*

10 (A) *in paragraph (1), by striking “pre-*
11 *scribed by the Secretary concerned” and insert-*
12 *ing “prescribed by the Secretary of Defense”; and*

13 (B) *in paragraph (2), by striking “pre-*
14 *scribed by the Secretary concerned” and insert-*
15 *ing “prescribed by the Secretary of Defense”.*

16 (4) *ADDITIONAL BASIS FOR DELAY OF APPOINT-*
17 *MENT.—Subsection (d)(1) of such section is further*
18 *amended—*

19 (A) *in subparagraph (C), by striking “or”*
20 *at the end;*

21 (B) *in subparagraph (D), by striking the*
22 *period at the end and inserting “; or”;*

23 (C) *by inserting after subparagraph (D) the*
24 *following new subparagraph (E):*

1 “(E) substantiated adverse information about the
2 officer that is material to the decision to appoint the
3 officer is under review by the Secretary of Defense or
4 the Secretary concerned.”; and

5 (D) in the flush matter following subpara-
6 graph (E), as inserted by subparagraph (C) of
7 this paragraph—

8 (i) by striking “or if the officer is ac-
9 quitted” and inserting “if the officer is ac-
10 quitted”; and

11 (ii) by inserting after “brought against
12 him,” the following: “or if after a review of
13 substantiated adverse information about the
14 officer regarding the requirement for exem-
15 plary conduct set forth in section 3583,
16 5947, or 8583 of this title, as applicable, the
17 officer is determined to be among the offi-
18 cers best qualified for promotion,”.

19 (5) *ADDITIONAL BASIS FOR DELAY IN APPOINT-*
20 *MENT FOR LACK OF QUALIFICATIONS.*—Subsection
21 (d)(2) of such section is further amended—

22 (A) in the first sentence, by inserting before
23 “is mentally, physically,” the following: “has not
24 met the requirement for exemplary conduct set

1 *forth in section 3583, 5947, or 8583 of this title,*
2 *as applicable, or”;* and

3 *(B) in the second sentence, by striking “If*
4 *the Secretary concerned later determines that the*
5 *officer is qualified for promotion to such grade”*
6 *and inserting “If it is later determined by a ci-*
7 *vilian official of the Department of Defense (not*
8 *below the level of Secretary of a military depart-*
9 *ment) that the officer is qualified for promotion*
10 *to such grade and, after a review of adverse in-*
11 *formation regarding the requirement for exem-*
12 *plary conduct set forth in section 3583, 5947, or*
13 *8583 of this title, as applicable, the officer is de-*
14 *termined to be among the officers best qualified*
15 *for promotion to such grade”.*

16 *(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—*

17 *(1) CLARIFICATION OF APPROVAL OF SELECTION*
18 *BOARD REPORTS.—Subsection (a) of section 14308 of*
19 *title 10, United States Code, is amended by inserting*
20 *“or a delegate of the President” after “the President”.*

21 *(2) DATE OF ESTABLISHMENT OF PROMOTION*
22 *LIST.—Such subsection is further amended by adding*
23 *at the end the following new sentence: “For pro-*
24 *motions that occur by and with the advice and con-*
25 *sent of the Senate, a promotion list shall be treated*

1 *as being established for purposes of this chapter on*
2 *the date on which the list is received by the Senate*
3 *for consideration.”.*

4 (3) *UNIFORM PROCEDURES FOR DELAYS OF AP-*
5 *POINTMENT UPON PROMOTION.—Section 14311 of*
6 *such title is amended—*

7 (A) *in subsection (a)(1), by striking “Sec-*
8 *retary of the military department concerned”*
9 *and inserting “Secretary of Defense”; and*

10 (B) *in subsection (b), by striking “Secretary*
11 *of the military department concerned” and in-*
12 *serting “Secretary of Defense”.*

13 (4) *ADDITIONAL BASIS FOR ORIGINAL DELAY OF*
14 *APPOINTMENT.—Section 14311(a) of such title is fur-*
15 *ther amended—*

16 (A) *in paragraph (1), by adding at the end*
17 *the following new subparagraph:*

18 “(E) *Substantiated adverse information about*
19 *the officer that is material to the decision to appoint*
20 *the officer is under review by the Secretary of Defense*
21 *or the Secretary concerned.”; and*

22 (B) *in paragraph (2)—*

23 (i) *by striking “or if the officer is ac-*
24 *quitted” and inserting “if the officer is ac-*
25 *quitted”; and*

1 (ii) by inserting after “brought against
2 him,” the following: “or if after a review of
3 substantiated adverse information about the
4 officer regarding the requirement for exem-
5 plary conduct set forth in section 3583,
6 5947, or 8583 of this title, as applicable, the
7 officer is determined to be among the offi-
8 cers best qualified for promotion,”.

9 (5) *ADDITIONAL BASIS FOR DELAY IN APPOINT-*
10 *MENT FOR LACK OF QUALIFICATIONS.*—Section
11 14311(b) of such section is further amended—

12 (A) in the first sentence, by inserting before
13 “is mentally, physically,” the following: “has not
14 met the requirement for exemplary conduct set
15 forth in section 3583, 5947, or 8583 of this title,
16 as applicable, or”; and

17 (B) in the second sentence, by striking “If
18 the Secretary concerned later determines that the
19 officer is qualified for promotion to the higher
20 grade” and inserting “If it is later determined
21 by a civilian official of the Department of De-
22 fense (not below the level of Secretary of a mili-
23 tary department) that the officer is qualified for
24 promotion to the higher grade and, after a re-
25 view of adverse information regarding the re-

1 (2) *in paragraph (2), by striking the period at*
2 *the end and inserting “; and”; and*

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

5 “(3) *a majority of the members of the board,*
6 *after consideration by all members of the board of any*
7 *adverse information about the officer that is provided*
8 *to the board under section 615 of this title, finds that*
9 *the officer is among the officers best qualified for pro-*
10 *motion to meet the needs of the armed force concerned*
11 *consistent with the requirement of exemplary conduct*
12 *set forth in section 3583, 5947, or 8583 of this title,*
13 *as applicable.”.*

14 (b) *OFFICERS ON RESERVE-ACTIVE STATUS LIST.—*
15 *Section 14108(b) of such title is amended—*

16 (1) *in the heading, by striking “MAJORITY RE-*
17 *QUIRED” and inserting “ACTIONS REQUIRED”;*

18 (2) *in paragraph (1), by striking “and” at the*
19 *end;*

20 (3) *in paragraph (2), by striking the period at*
21 *the end and inserting “; and”; and*

22 (4) *by adding at the end the following new para-*
23 *graph:*

24 “(3) *a majority of the members of the board,*
25 *after consideration by all members of the board of any*

1 *adverse information about the officer that is provided*
 2 *to the board under section 14107 of this title, finds*
 3 *that the officer is among the officers best qualified for*
 4 *promotion to meet the needs of the armed force con-*
 5 *cerned consistent with the requirement of exemplary*
 6 *conduct set forth in section 3583, 5947, or 8583 of*
 7 *this title, as applicable.”.*

8 *(c) EFFECTIVE DATE.—The amendments made by this*
 9 *section shall take effect on the date of the enactment of this*
 10 *Act, and shall apply with respect to promotion selection*
 11 *boards convened on or after that date.*

12 **SEC. 517. EXPANDED AUTHORITY FOR REMOVAL FROM RE-**
 13 **PORTS OF SELECTION BOARDS OF OFFICERS**
 14 **RECOMMENDED FOR PROMOTION TO GRADES**
 15 **BELOW GENERAL AND FLAG GRADES.**

16 *(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 618(d)*
 17 *of title 10, United States Code, is amended—*

18 *(1) by striking “The name” and inserting “(1)*
 19 *Except as provided in paragraph (2), the name”; and*

20 *(2) by adding at the end the following new para-*
 21 *graph:*

22 *“(2) In the case of an officer recommended by a selec-*
 23 *tion board for promotion to a grade below brigadier general*
 24 *or rear admiral (lower half), the name of the officer may*
 25 *also be removed from the report of the selection board by*

1 *the Secretary of Defense or the Deputy Secretary of De-*
2 *fense.”.*

3 (b) *OFFICERS ON RESERVE-ACTIVE STATUS LIST.*—

4 *Section 14111(b) of such title is amended—*

5 (1) *by striking “The name” and inserting “(1*
6 *Except as provided in paragraph (2), the name”;* and

7 (2) *by adding at the end the following new para-*
8 *graph:*

9 “(2) *In the case of an officer recommended by a selec-*
10 *tion board for promotion to a grade below brigadier general*
11 *or rear admiral (lower half), the name of the officer may*
12 *also be removed from the report of the selection board by*
13 *the Secretary of Defense or the Deputy Secretary of De-*
14 *fense.”.*

15 (c) *EFFECTIVE DATE.*—*The amendments made by this*
16 *section shall take effect on the date of the enactment of this*
17 *Act, and shall apply with respect to promotion selection*
18 *boards convened on or after that date.*

19 **SEC. 518. CLARIFICATION OF NONDISCLOSURE REQUIRE-**
20 **MENTS APPLICABLE TO PROMOTION SELEC-**
21 **TION BOARD PROCEEDINGS.**

22 (a) *SELECTION BOARD PROCEEDINGS FOR ACTIVE*
23 *DUTY OFFICERS.*—*Subsection (f) of section 618 of title 10,*
24 *United States Code, is amended to read as follows:*

1 “(f)(1) *Proceedings of a selection board convened under*
 2 *section 611 of this title shall not be disclosed to any person*
 3 *not a member of the board.*

4 “(2) *Discussions and deliberations of a selection board*
 5 *described in paragraph (1), and any written or documen-*
 6 *tary records thereof, shall—*

7 “(A) *be immune from legal process;*

8 “(B) *not be admitted as evidence; and*

9 “(C) *not be used for any purpose in any action,*
 10 *suit, or judicial or administrative proceeding without*
 11 *the consent of the Secretary of the military depart-*
 12 *ment concerned.”.*

13 (b) *SELECTION BOARD PROCEEDINGS FOR RESERVE*
 14 *OFFICERS.—*

15 (1) *IN GENERAL.—Section 14104 of such title is*
 16 *amended to read as follows:*

17 “**§ 14104. Nondisclosure of board proceedings**

18 “(a) *IN GENERAL.—The proceedings of a selection*
 19 *board convened under section 14101 of this title shall not*
 20 *be disclosed to any person not a member of the board.*

21 “(b) *DISCUSSIONS AND DELIBERATIONS.—Discussions*
 22 *and deliberations of a selection board described in sub-*
 23 *section (a), and any written or documentary records there-*
 24 *of, shall—*

25 “(1) *be immune from legal process;*

1 “(2) not be admitted as evidence; and

2 “(3) not be used for any purpose in any action,
3 suit, or judicial or administrative proceeding without
4 the consent of the Secretary of the military depart-
5 ment concerned.”.

6 (2) *CLERICAL AMENDMENT.*—The table of sec-
7 tions at the beginning of chapter 1403 of such title is
8 amended by striking the item relating to section
9 14104 and inserting the following new item:

“14104. Nondisclosure of board proceedings.”.

10 (c) *EFFECTIVE DATE.*—The amendments made by this
11 section shall take effect on the date of the enactment of this
12 Act, and shall apply with respect to the proceedings of any
13 promotion selection board, whether convened before, on, or
14 after such date.

15 **SEC. 519. SPECIAL SELECTION BOARD AUTHORITIES.**

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

17 (1) *BOARDS FOR ADMINISTRATIVE ERROR AVAIL-*
18 *ABLE ONLY TO OFFICERS IN OR ABOVE PROMOTION*
19 *ZONE.*—Subsection (a)(1) of section 628 of title 10,
20 United States Code, is amended by inserting “from in
21 or above the promotion zone” after “for selection for
22 promotion”.

23 (2) *ACTIONS TREATABLE AS MATERIAL UNFAIR-*
24 *NESS.*—Subsection (b)(1)(A) of such section is amend-

1 “(c)(1) *If an officer or group of officers on a list of*
2 *officers approved for promotion by the President and sub-*
3 *mitted to the Senate for consideration is returned by the*
4 *Senate to the President pursuant to the rules and proce-*
5 *dures of the Senate, the officer or group of officers, as the*
6 *case may be, shall automatically be removed from the list*
7 *at the end of the 365-day period beginning on the date of*
8 *such return.*

9 “(2) *Prior to the end of the 365-day period referred*
10 *to in paragraph (1), the President may extend by an addi-*
11 *tional 365 days the period specified in that paragraph for*
12 *the removal of an officer or group of officers from a list*
13 *of officers approved for promotion by the President.*

14 “(3) *The President may, during the period specified*
15 *in paragraph (1), as extended (if at all) under paragraph*
16 *(2), resubmit to the Senate any officer or group of officers*
17 *removed under paragraph (1) from a list of officers ap-*
18 *proved for promotion by the President.*

19 “(4) *If an officer or group of officers resubmitted to*
20 *the Senate under paragraph (3) is returned by the Senate*
21 *to the President pursuant to the rules and procedures of*
22 *the Senate, the officer or group of officers, as the case may*
23 *be, shall automatically be removed from the list of officers*
24 *approved for promotion by the President.”; and*

1 (C) in paragraph (1) of subsection (d), as
2 redesignated by paragraph (1) of this subsection,
3 by striking “or (b)” and inserting “(b), or (c)”.

4 (b) OFFICERS ON RESERVE ACTIVE STATUS LIST.—

5 (1) CLARIFICATION OF REMOVAL AUTHORITY.—

6 Subsection (a) of section 14310 of such title is amend-
7 ed by inserting “or a delegee of the President” after
8 “The President”.

9 (2) REMOVAL FOLLOWING RETURN.—Such sec-
10 tion is further amended—

11 (A) by redesignating subsection (c) as sub-
12 section (d);

13 (B) by inserting after subsection (b) the fol-
14 lowing new subsection (c):

15 “(c) REMOVAL FOLLOWING RETURN BY THE SENATE
16 TO THE PRESIDENT.—(1) If an officer or group of officers
17 on a list of officers approved for promotion by the President
18 and submitted to the Senate for consideration is returned
19 by the Senate to the President pursuant to the rules and
20 procedures of the Senate, the officer or group of officers, as
21 the case may be, shall automatically be removed from the
22 list at the end of the 365-day period beginning on the date
23 of such return.

24 “(2) Prior to the end of the 365-day period referred
25 to in paragraph (1), the President may extend by an addi-

1 tional 365 days the period specified in that paragraph for
2 the removal of an officer or group of officers from a list
3 of officers approved for promotion by the President.

4 “(3) The President may, during the period specified
5 in paragraph (1), as extended (if at all) under paragraph
6 (2), resubmit to the Senate any officer or group of officers
7 removed under paragraph (1) from a list of officers ap-
8 proved for promotion by the President.

9 “(4) If an officer or group of officers resubmitted to
10 the Senate under paragraph (3) is returned by the Senate
11 to the President pursuant to the rules and procedures of
12 the Senate, the officer or group of officers, as the case may
13 be, shall automatically be removed from the list of officers
14 approved for promotion by the President.”; and

15 (C) in subsection (d), as redesignated by
16 paragraph (1) of this subsection, by striking “or
17 (b)” and inserting “(b), or (c)”.

18 (c) *EFFECTIVE DATE.*—

19 (1) *IN GENERAL.*—The amendments made by
20 this section shall take effect on January 1, 2007.

21 (2) *APPLICABILITY TO CERTAIN OFFICERS.*—The
22 amendments made by this section shall not apply to
23 any officer on the active-duty list or reserve active
24 status list whose name is on a promotion list or re-
25 port of a selection board on the date of the enactment

1 *of this Act. Any officer whose name is on a promotion*
2 *list as of the date of the enactment of this Act fol-*
3 *lowing the return of the officer's nomination to the*
4 *President by the Senate and who is eligible as of that*
5 *date for retirement for years of service shall be retired*
6 *not later than October 1, 2008.*

7 **SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.**

8 *(a) REPORT REQUIRED.—Not later than June 1, 2007,*
9 *the Secretary of Defense shall submit to the Committee on*
10 *Armed Services of the Senate and House of Representatives*
11 *a report on the desirability and feasibility of conducting*
12 *joint officer promotion selection boards.*

13 *(b) ELEMENTS.—The report under subsection (a) shall*
14 *include—*

15 *(1) a discussion of the limitations in existing of-*
16 *ficer career paths and promotion procedures that*
17 *might warrant the conduct of joint officer promotion*
18 *selection boards;*

19 *(2) an identification of the requirements for offi-*
20 *cers for which joint officer promotion selection boards*
21 *would be advantageous;*

22 *(3) recommendations on methods to demonstrate*
23 *how joint officer promotion selection boards might be*
24 *structured, and an evaluation of the feasibility of*
25 *such methods; and*

1 (4) any proposals for legislative action that the
2 Secretary considers appropriate.

3 **Part III—Joint Officer Management Requirements**

4 **SEC. 526. MODIFICATION AND ENHANCEMENT OF GENERAL**
5 **AUTHORITIES ON MANAGEMENT OF JOINT**
6 **QUALIFIED OFFICERS.**

7 (a) *REDESIGNATION OF APPLICABILITY OF POLICIES*
8 *TOWARD JOINT QUALIFICATION.*—Subsection (a) of section
9 661 of title 10, United States Code, is amended by striking
10 the last sentence and inserting the following new sentence:
11 “*For purposes of this chapter, officers to be managed by*
12 *such policies, procedures, and practices are referred to as*
13 *‘joint qualified’.*”.

14 (b) *NUMBERS AND DESIGNATION.*—Subsection (b) of
15 such section is amended—

16 (1) in the heading, by striking “*SELECTION*” and
17 inserting “*DESIGNATION*”;

18 (2) in paragraph (1), by striking “*of officers*
19 *with the joint specialty*” and inserting “*and levels of*
20 *joint qualified officers*”;

21 (3) in paragraph (2)—

22 (A) by striking “*selected for the joint spe-*
23 *cialty*” and inserting “*designated as joint quali-*
24 *fied officers*”; and

1 (B) by striking the second and third sen-
2 tences and inserting the following new sentence:

3 “Officers considered for joint qualification
4 shall—

5 “(A) meet criteria prescribed by the Secretary of
6 Defense; and

7 “(B) be those officers who are serving in the
8 grade of captain or, in the case of the Navy, lieuten-
9 ant, or a higher grade.”; and

10 (4) in paragraph (3)—

11 (A) by striking “select officers for the joint
12 specialty” and inserting “designate officers as
13 joint qualified officers”; and

14 (B) by striking “the Deputy Secretary of
15 Defense” and inserting “the Under Secretary of
16 Defense for Personnel and Readiness”.

17 (c) *EDUCATION AND EXPERIENCE REQUIREMENTS.*—

18 Subsection (c) of such section is amended to read as follows:

19 “(c) *EDUCATION AND EXPERIENCE REQUIREMENTS.*—

20 (1) An officer may not be designated as a joint qualified
21 officer until the officer—

22 “(A)(i) successfully completes an appropriate
23 program at a joint professional military education
24 school; and

1 “(i) successfully completes a full tour of duty in
2 a joint duty assignment (as described in section
3 664(f) of this title (other than in paragraph (2) of
4 such section)); or

5 “(B) under regulations and policy prescribed by
6 the Secretary of Defense, successfully demonstrates a
7 mastery of knowledge, skills, and abilities in joint
8 matters.

9 “(2)(A) In the case of an officer who has completed
10 two full tours of duty in a joint duty assignment (as de-
11 scribed in section 664(f) of this title) and demonstrates a
12 mastery of knowledge, skills, and abilities on joint matters,
13 the Secretary of Defense may waive the requirement that
14 the officer have successfully completed a program of edu-
15 cation referred to in paragraph (1)(A)(i) if the Secretary
16 determines that the types of joint duty experiences com-
17 pleted by the officer have been of sufficient breadth to pre-
18 pare the officer adequately for the highest level of joint qual-
19 ification.

20 “(B) The authority of the Secretary of Defense to grant
21 a waiver under subparagraph (A) may be delegated only
22 to the Under Secretary of Defense for Personnel and Readiness.
23 ness.

24 “(C)(i) A waiver under subparagraph (A) may be
25 granted only on a case-by-case basis.

1 “(ii) A waiver under subparagraph (A) may be grant-
2 ed only under circumstances justifying variation from the
3 requirements of paragraph (1) for designation of an officer
4 for the highest level of joint qualification as specified by
5 the Secretary of Defense.

6 “(iii) In the case of a general or flag officer, a waiver
7 under subparagraph (A) may be granted only under cir-
8 cumstances described in clause (ii) and circumstances in
9 which the waiver is necessary to meet a critical need of the
10 Armed Forces, as determined by the Chairman of the Joint
11 Chiefs of Staff.

12 “(iv) In the case of officers in grades below brigadier
13 general or rear admiral (lower half), the total number of
14 waivers granted under subparagraph (A) for officers in the
15 same pay grade during a fiscal year may not exceed 10
16 percent of the total number of officers in that pay grade
17 selected for the highest level of joint qualification during
18 that fiscal year.

19 “(D) There may not be more than 32 general and flag
20 officers on active duty at the same time who were selected
21 for the joint specialty or highest level of joint qualification
22 while holding a general or flag officer grade and for whom
23 a waiver was granted under subparagraph (A).”.

24 (d) NUMBER OF JOINT DUTY ASSIGNMENTS.—Sub-
25 section (d) of such section is amended to read as follows:

1 “(d) *NUMBER OF JOINT DUTY ASSIGNMENTS.—(1)*
2 *The Secretary of Defense shall ensure that approximately*
3 *one-half of the joint duty assignment positions in grades*
4 *above major or, in the case of the Navy, lieutenant com-*
5 *mander are filled at any time by officers who have the high-*
6 *est level of joint qualification.*

7 “(2) *The Secretary of Defense, with the advice of the*
8 *Chairman of the Joint Chiefs of Staff, shall designate an*
9 *appropriate number of joint duty assignment positions as*
10 *critical joint duty assignment positions. A position may be*
11 *designated as a critical joint duty assignment position only*
12 *if the duties and responsibilities of the position make it im-*
13 *portant that the occupant be particularly trained in, and*
14 *oriented toward, joint matters.*

15 “(3)(A) *Except as provided in subparagraph (B), a*
16 *position designated under paragraph (2) may be held only*
17 *by an officer who has the highest level of joint qualification.*

18 “(B) *The Secretary of Defense may waive the require-*
19 *ment in subparagraph (A) with respect to the assignment*
20 *of an officer to a position designated under paragraph (1).*
21 *Any such waiver shall be granted on a case-by-case basis.*
22 *The authority of the Secretary to grant such a waiver may*
23 *be delegated only to the Chairman of the Joint Chiefs of*
24 *Staff.*

1 “(4) *The Secretary of Defense shall ensure that, of those*
 2 *joint duty assignment positions that are filled by general*
 3 *or flag officers, a substantial portion are among those posi-*
 4 *tions that are designated under paragraph (2) as critical*
 5 *joint duty assignment positions.”.*

6 (e) *CAREER GUIDELINES.*—Subsection (e) of such sec-
 7 *tion is amended by striking “officers with the joint spe-*
 8 *cialty” and inserting “officers who are joint qualified offi-*
 9 *cers”.*

10 (f) *TREATMENT OF CERTAIN SERVICE.*—Subsection (f)
 11 *of such section is amended by striking “(including section*
 12 *619(e)(1) of this title)”.*

13 (g) *CLERICAL AMENDMENT.*—The table of sections at
 14 *the beginning of chapter 38 of such title is amended by*
 15 *striking the item relating to section 661 and inserting the*
 16 *following new item:*

“661. *Management policies for joint qualified officers.”.*

17 **SEC. 527. MODIFICATION OF PROMOTION POLICY OBJEC-**
 18 **TIVES FOR JOINT OFFICERS.**

19 Section 662(a) of title 10, United States Code, is
 20 *amended—*

21 (1) *in paragraph (1), by inserting “and” after*
 22 *the semicolon; and*

23 (2) *by striking paragraphs (2) and (3) and in-*
 24 *serting the following new paragraph (2):*

1 “(c) *SCHOOL WITHIN THE NATIONAL DEFENSE UNI-*
 2 *VERSITY.*—*For purposes of this section, a school within the*
 3 *National Defense University includes a school as follows:*

4 “(1) *The National War College.*

5 “(2) *The Industrial College of the Armed Forces.*

6 “(3) *The Joint Advanced Warfighting School.*

7 “(4) *The Joint Forces Staff College.*”.

8 **SEC. 529. MODIFICATION OF DEFINITIONS RELATING TO**
 9 **JOINTNESS.**

10 (a) *MODIFICATION OF DEFINITION OF “JOINT MAT-*
 11 *TERS”.*—*Subsection (a) of section 668 of title 10, United*
 12 *States Code, is amended to read as follows:*

13 “(a) *JOINT MATTERS.*—*In this chapter, the term ‘joint*
 14 *matters’ means matters involving the integrated use of mili-*
 15 *tary forces relating to national military strategy, strategic*
 16 *and contingency planning, and command and control of*
 17 *operations under unified command that may be conducted*
 18 *under unified action on land, sea, or air, in space, or in*
 19 *the information environment with participants from mul-*
 20 *tiple armed forces, the armed forces and other departments*
 21 *and agencies of the United States Government, the armed*
 22 *forces and the military forces or agencies of other countries,*
 23 *the armed forces and non-governmental persons or entities,*
 24 *or any combination thereof.*”.

1 (b) *MODIFICATION OF DEFINITION OF “JOINT DUTY*
2 *ASSIGNMENT”*.—*Paragraph (1) of subsection (b) of such*
3 *section is amended by striking “and shall exclude” and all*
4 *that follows and inserting a period.*

5 (c) *RESTATEMENT OF DEFINITION OF “CRITICAL OC-*
6 *CUPATIONAL SPECIALTY”*.—

7 (1) *IN GENERAL*.—*Section 668 of such title is*
8 *further amended by adding at the end the following*
9 *new subsection:*

10 “*(d) CRITICAL OCCUPATIONAL SPECIALTY*.—*In this*
11 *chapter, the term ‘critical occupational specialty’ means a*
12 *military occupational specialty within a combat arm of the*
13 *Army, or an equivalent arm of the Navy, Air Force, and*
14 *Marine Corps, that is designated by the Secretary of Defense*
15 *as a critical occupational specialty because such combat*
16 *arm is experiencing a severe shortage of trained officers in*
17 *that military occupational specialty.*”.

18 (2) *CONFORMING AMENDMENTS*.—*The following*
19 *provisions of such title are each amended by striking*
20 *“under section 661(c)(2) of this title”:*

21 (A) *Section 664(c)(2).*

22 (B) *Section 667(3).*

1 **SEC. 530. CONDITION ON APPOINTMENT OF COMMISSIONED**
 2 **OFFICERS TO POSITION OF DIRECTOR OF NA-**
 3 **TIONAL INTELLIGENCE OR DIRECTOR OF THE**
 4 **CENTRAL INTELLIGENCE AGENCY.**

5 (a) *CONDITION.—*

6 (1) *IN GENERAL.—Chapter 32 of title 10, United*
 7 *States Code, is amended by adding at the end the fol-*
 8 *lowing new section:*

9 **“§ 529. Condition on appointment to certain positions:**
 10 **Director of National Intelligence; Director**
 11 **of the Central Intelligence Agency**

12 *“As a condition of appointment to the position of Di-*
 13 *rector of National Intelligence or Director of the Central*
 14 *Intelligence Agency, an officer shall acknowledge that upon*
 15 *termination of service in such position the officer shall be*
 16 *retired in accordance with section 1253 of this title.”.*

17 (2) *CLERICAL AMENDMENT.—The table of sec-*
 18 *tions at the beginning of chapter 32 of such title is*
 19 *amended by adding at the end the following new item:*

“529. Condition on appointment to certain positions: Director of National Intel-
ligence; Director of the Central Intelligence Agency.”.

20 (b) *RETIREMENT.—*

21 (1) *IN GENERAL.—Chapter 63 of title 10, United*
 22 *States Code, is amended by adding at the end the fol-*
 23 *lowing new section:*

1 **“§ 1253. Mandatory retirement: Director of National**
 2 **Intelligence; Director of the Central Intel-**
 3 **ligence Agency**

4 *“Upon termination of the appointment of an officer*
 5 *to the position of Director of National Intelligence or Direc-*
 6 *tor of the Central Intelligence Agency, the Secretary of the*
 7 *military department concerned shall retire the officer under*
 8 *any provision of this title under which the officer is eligible*
 9 *to retire.”.*

10 (2) *CLERICAL AMENDMENT.—The table of sec-*
 11 *tions at the beginning of chapter 63 of such title is*
 12 *amended by adding at the end the following new item:*

“1253. Mandatory retirement: Director of National Intelligence; Director of the
Central Intelligence Agency.”.

13 (c) *EFFECTIVE DATE.—The amendments made by this*
 14 *section shall take effect on the date of the enactment of this*
 15 *Act, and shall apply with respect to appointments of com-*
 16 *missioned officers of the Armed Forces to the position of*
 17 *Director of National Intelligence or Director of the Central*
 18 *Intelligence Agency on or after that date.*

19 ***Subtitle B—Reserve Component***
 20 ***Personnel Matters***

21 ***SEC. 531. ENHANCED FLEXIBILITY IN THE MANAGEMENT OF***
 22 ***RESERVE COMPONENT PERSONNEL.***

23 (a) *CLARIFICATION OF DEFINITION OF “ACTIVE*
 24 *GUARD AND RESERVE DUTY” UNDER TITLE 10, UNITED*

1 *STATES CODE.—Section 101(d)(6)(A) of title 10, United*
2 *States Code, is amended—*

3 (1) *by striking “or full-time National Guard*
4 *duty” the first place it appears;*

5 (2) *by striking “to active duty or” and inserting*
6 *“to”;*

7 (3) *by striking “Guard, pursuant” and inserting*
8 *“Guard pursuant”;* and

9 (4) *by inserting a comma before “for a period”.*

10 (b) *EXPANSION OF ACTIVE GUARD AND RESERVE*
11 *DUTY TO INCLUDE SUPPORT OF RESERVE COMPONENT OP-*
12 *ERATIONS AND ADDITIONAL INSTRUCTION AND TRAIN-*
13 *ING.—Section 12310 of title 10, United States Code, is*
14 *amended—*

15 (1) *by redesignating subsections (c) and (d) as*
16 *subsections (d) and (e), respectively;*

17 (2) *by striking subsections (a) and (b) and in-*
18 *serting the following new subsections:*

19 “(a) *ACTIVE GUARD AND RESERVE DUTY.—The Sec-*
20 *retary concerned may order a Reserve ordered to or retained*
21 *on active duty under section 12301(d) of this title to per-*
22 *form active Guard and Reserve duty.*

23 “(b) *ADDITIONAL DUTIES.—A Reserve on active duty*
24 *as described in subsection (a) who is performing active*
25 *Guard and Reserve duty pursuant to an order under that*

1 subsection may be assigned additional duties (to the extent
2 such duties do not interfere with the performance by the
3 Reserve of active Guard and Reserve duty under that sub-
4 section) as follows:

5 “(1) Supporting operations or missions assigned
6 in whole or in part to the reserve components.

7 “(2) Supporting operations or missions per-
8 formed or to be performed by—

9 “(A) a unit composed of elements from more
10 than one component of the same armed force; or

11 “(B) a joint forces unit that includes—

12 “(i) one or more reserve component
13 units; or

14 “(ii) a member of a reserve component
15 whose reserve component assignment is in a
16 position in an element of the joint forces
17 unit.

18 “(3) Advising the Secretary of Defense, the Secre-
19 taries of the military departments, the Joint Chiefs of
20 Staff, and the commanders of the combatant com-
21 mands on reserve component matters.

22 “(4) Instructing or training members of the
23 armed forces on active duty, members of foreign mili-
24 tary forces (under authorities and limitations appli-
25 cable to the provision of such instruction or training

1 *by members of the Armed Forces on active duty), De-*
2 *partment of Defense contractor personnel, and De-*
3 *partment of Defense civilian employees.*

4 “(c) *GRADE WHEN ORDERED TO ACTIVE DUTY.*—A
5 *Reserve ordered to active duty under subsection (a) shall*
6 *be ordered in his reserve grade. While so serving, he con-*
7 *tinues to be eligible for promotion as a Reserve, if he is*
8 *otherwise qualified.”; and*

9 (3) *in paragraph (1) of subsection (d), as so*
10 *redesignated—*

11 (A) *by striking “Notwithstanding subsection*
12 *(b), a Reserve” and inserting “A Reserve”; and*

13 (B) *by striking “functions” and inserting*
14 *“duty”.*

15 (c) *EXPANSION OF DUTIES OF MILITARY TECHNICIANS*
16 *(DUAL STATUS).*—

17 (1) *GENERAL DUTIES.*—*Section 10216(a)(1)(C)*
18 *of such title is amended by striking “administration*
19 *and” and inserting “organizing, administering, in-*
20 *structing, or”.*

21 (2) *SUPPORT OF RESERVE COMPONENT OPER-*
22 *ATIONS AND ADDITIONAL INSTRUCTION AND TRAIN-*
23 *ING.*—*Chapter 1007 of such title is amended by in-*
24 *serting after section 10216 the following new section:*

1 **“§ 10216a. Military technicians (dual status): addi-**
2 **tional duties**

3 *“A military technician (dual status) who is employed*
4 *under section 3101 of title 5 may perform additional duties*
5 *(to the extent such duties do not interfere with the perform-*
6 *ance by the military technician of duties assigned under*
7 *section 10216(a)(1)(C) of this title) as follows:*

8 *“(1) Supporting operations or missions assigned*
9 *in whole or in part to the military technician’s unit.*

10 *“(2) Supporting operations or missions per-*
11 *formed or to be performed by—*

12 *“(A) a unit composed of elements from more*
13 *than one component of the military technician’s*
14 *armed force; or*

15 *“(B) a joint forces unit that includes—*

16 *“(i) one or more units of the military*
17 *technician’s reserve component; or*

18 *“(ii) a member of the military techni-*
19 *cian’s reserve component whose reserve com-*
20 *ponent assignment is in a position in an*
21 *element of the joint forces unit.*

22 *“(3) Instructing or training members of the*
23 *Armed Forces on active duty, members of foreign*
24 *military forces (under authorities and limitations ap-*
25 *plicable to the provision of such instruction or train-*
26 *ing by members of the Armed Forces on active duty),*

1 *Department of Defense contractor personnel, and De-*
2 *partment of Defense civilian employees.”.*

3 (3) *CLERICAL AMENDMENT.*—*The table of sec-*
4 *tions at the beginning of chapter 1007 of such title is*
5 *amended by inserting after the item relating to sec-*
6 *tion 10216 the following new item:*

“10216a. Military technicians (dual status): additional duties.”.

7 (d) *ORDER OF NATIONAL GUARD MEMBERS TO PER-*
8 *FORM NATIONAL GUARD ACTIVE GUARD AND RESERVE*
9 *DUTY AND ADDITIONAL DUTIES.*—

10 (1) *DEFINITION OF “NATIONAL GUARD ACTIVE*
11 *GUARD AND RESERVE DUTY”.*—*Section 101 of title*
12 *32, United States Code, is amended by adding at the*
13 *end the following:*

14 “(20)(A) ‘*National Guard active Guard and Re-*
15 *serve duty*’ means *full-time National Guard duty per-*
16 *formed by a member of the National Guard pursuant*
17 *to an order to full-time National Guard duty, for a*
18 *period of 180 consecutive days or more for the pur-*
19 *pose of organizing, administering, recruiting, in-*
20 *structing, or training the reserve components.*

21 “(B) *Such term does not include the following:*

22 “(i) *Duty performed as a member of the Re-*
23 *serve Forces Policy Board under section 10301 of*
24 *title 10.*

1 “(b) *NATURE OF DUTY.*—(1) *A member of the National*
2 *Guard may be ordered to perform duty under subsection*
3 *(a)—*

4 “(A) *without his consent, but with the pay and*
5 *allowances provided by law; or*

6 “(B) *with his consent, either with or without*
7 *pay and allowances.*

8 “(2) *Duty without pay shall be considered for all pur-*
9 *poses as if it were duty with pay.*

10 “(c) *DUTIES.*—*A member of the National Guard per-*
11 *forming duty under subsection (a) may perform the fol-*
12 *lowing additional duties (to the extent such duties do not*
13 *interfere with the performance by the member of National*
14 *Guard active Guard and Reserve duty under that sub-*
15 *section) as follows:*

16 “(1) *Support of operations or missions under-*
17 *taken by the member’s unit at the request of the Presi-*
18 *dent or the Secretary of Defense.*

19 “(2) *Support of Federal training operations or*
20 *Federal training missions assigned in whole or in*
21 *part to the member’s unit.*

22 “(3) *Instructing or training members of the*
23 *Armed Forces on active duty, members of foreign*
24 *military forces (under authorities and limitations ap-*
25 *plicable to the provision of such instruction or train-*

1 *ing by members of the Armed Forces on active duty),*
2 *Department of Defense contractor personnel, and De-*
3 *partment of Defense civilian employees.”.*

4 (3) *CLERICAL AMENDMENT.—The table of sec-*
5 *tions at the beginning of such chapter is amended by*
6 *adding at the end the following new item:*

“328. National Guard active Guard and Reserve duty; additional duties.”.

7 (e) *EXPANSION OF DUTIES OF NATIONAL GUARD*
8 *TECHNICIANS.—Section 709(a) of such title is amended—*

9 (1) *in paragraph (1)—*

10 (A) *by striking “administration and” and*
11 *inserting “organizing, administering, instruct-*
12 *ing, or”;* and

13 (B) *by striking “and” at the end;*

14 (2) *in paragraph (2), by striking the period at*
15 *the end and inserting “; and”;* and

16 (3) *by adding at the end the following new para-*
17 *graph:*

18 *“(3) the performance of additional duties (to the*
19 *extent such duties do not interfere with the perform-*
20 *ance by the technician of duties under paragraphs (1)*
21 *and (2)) as follows:*

22 *“(A) Support of operations or missions un-*
23 *dertaken by the technician’s unit at the request*
24 *of the President or the Secretary of Defense.*

1 “(B) Support of Federal training oper-
2 ations or Federal training missions assigned in
3 whole or in part to the technician’s unit.

4 “(C) Instructing or training members of the
5 Armed Forces on active duty, members of foreign
6 military forces (under authorities and limita-
7 tions applicable to the provision of such instruc-
8 tion or training by members of the Armed Forces
9 on active duty), Department of Defense con-
10 tractor personnel, and Department of Defense ci-
11 vilian employees.”.

12 **SEC. 532. EXPANSION OF ACTIVITIES AUTHORIZED FOR RE-**
13 **SERVES UNDER WEAPONS OF MASS DESTRUC-**
14 **TION CIVIL SUPPORT TEAMS.**

15 (a) *IN GENERAL.*—Subsection (d) of section 12310 of
16 *title 10, United States Code, as redesignated and amended*
17 *by section 531(b) of this Act, is further amended—*

18 (1) *in paragraph (1)—*

19 (A) *in subparagraph (A)—*

20 (i) *by inserting “in the United States,*
21 *Canada, or the United Mexican States”*
22 *after “title”;* and

23 (ii) *by striking “or” at the end;*

24 (B) *in subparagraph (B)—*

1 (i) by inserting “, Canada, or the
2 United Mexican States” after “United
3 States”; and

4 (ii) by striking the period at the end
5 and inserting a semicolon; and

6 (C) by adding at the end the following new
7 subparagraphs:

8 “(C) the intentional or unintentional release of
9 nuclear, biological, radiological, or toxic or poisonous
10 chemical materials in the United States, Canada, or
11 the United Mexican States that results, or could re-
12 sult, in catastrophic loss of life or property; or

13 “(D) a natural or manmade disaster in the
14 United States, Canada, or the United Mexican States
15 that results, or could result, in catastrophic loss of life
16 or property.”; and

17 (2) by striking paragraph (3) and inserting the
18 following new paragraph (3):

19 “(3)(A) A Reserve may perform duties described in
20 subparagraph (A), (B), or (C) of paragraph (1)—

21 “(i) only while assigned to a reserve component
22 civil support team; and

23 “(ii) if performing those duties in Canada or the
24 United Mexican States, only after being ordered to
25 active duty under this title.

1 “(B) A Reserve may perform the duties described in
2 paragraph (1)(D)—

3 “(i) only while assigned to a reserve component
4 civil support team;

5 “(ii) only with the approval of the Secretary of
6 Defense; and

7 “(iii) if performing those duties in Canada or
8 the United Mexican States, only after being ordered
9 to active duty under this title.

10 “(C) Any duties described in paragraph (1) that are
11 performed in Canada or the United Mexican States may
12 occur, with consultation of the Secretary of State, at any
13 distance beyond the borders of the United States with such
14 country as is agreed to by appropriate authorities in such
15 country.”.

16 (b) DEFINITION OF “UNITED STATES”.—Such sub-
17 section is further amended by adding at the end the fol-
18 lowing new paragraph:

19 “(7) In this subsection, the term ‘United States’ means
20 each of the several States, the District of Columbia, Puerto
21 Rico, Guam, and the Virgin Islands.”.

22 (c) CONFORMING AMENDMENTS.—Such subsection is
23 further amended—

1 (1) *in the heading, by inserting “, TERRORIST*
 2 *ATTACK, AND NATURAL OR MANMADE DISASTER”*
 3 *after “MASS DESTRUCTION”;*

4 (2) *in paragraph (5), by striking “rapid assess-*
 5 *ment element team” and inserting “civil support*
 6 *team”;* and

7 (3) *in paragraph (6)(B), by striking “paragraph*
 8 *(3)(B)” and inserting “that paragraph”.*

9 **SEC. 533. MODIFICATION OF AUTHORITIES RELATING TO**
 10 **THE COMMISSION ON THE NATIONAL GUARD**
 11 **AND RESERVES.**

12 (a) *ANNUITIES AND PAY OF MEMBERS ON FEDERAL*
 13 *REEMPLOYMENT.*—*Subsection (e) of section 513 of the Ron-*
 14 *ald W. Reagan National Defense Authorization Act for Fis-*
 15 *cal Year 2005 (Public Law 108–375; 118 Stat. 1882), as*
 16 *amended by section 516 of the National Defense Authoriza-*
 17 *tion Act for Fiscal Year 2006 (Public Law 109–163; 119*
 18 *Stat. 3237), is further amended by adding at the end the*
 19 *following new paragraph:*

20 “(3) *If warranted by circumstances described in sub-*
 21 *paragraph (A) or (B) of section 8344(i)(1) of title 5, United*
 22 *States Code, or by circumstances described in subparagraph*
 23 *(A) or (B) of section 8468(f)(1) of such title, as applicable,*
 24 *the chairman of the Commission may exercise, with respect*
 25 *to the members of the Commission, the same waiver author-*

1 *ity as would be available to the Director of the Office of*
2 *Personnel Management under such section.”.*

3 (b) *FINAL REPORT.*—*Subsection (f)(2) of such section*
4 *513 is amended by striking “one year” and inserting “18*
5 *months”.*

6 (c) *EFFECTIVE DATE.*—*The amendments made by this*
7 *section shall be effective on October 28, 2004, as if included*
8 *in the enactment of the Ronald W. Reagan National Defense*
9 *Authorization Act for Fiscal Year 2005. The amendment*
10 *made by subsection (a) shall apply to members of the Com-*
11 *mission on the National Guard and Reserves appointed on*
12 *or after that date.*

13 **SEC. 534. PILOT PROGRAM ON REINTEGRATION OF MEM-**
14 **BERS OF THE NATIONAL GUARD INTO CIVIL-**
15 **IAN LIFE AFTER DEPLOYMENT.**

16 (a) *PILOT PROGRAM REQUIRED.*—*The Secretary of the*
17 *Army shall carry out a pilot program to assess the feasi-*
18 *bility and advisability of utilizing the mechanisms specified*
19 *in this section to facilitate the reintegration of members of*
20 *the National Guard into civilian life after their return from*
21 *deployment overseas.*

22 (b) *LIMITATION ON LOCATION.*—*The pilot program re-*
23 *quired by subsection (a) may only be carried out in a State*
24 *that has a National Guard brigade that is returning from*
25 *deployment overseas during the period of the pilot program.*

1 (c) *PROGRAM ELEMENTS.*—*The mechanisms under the*
2 *pilot program required by subsection (a) shall include the*
3 *following:*

4 (1) *INITIAL REINTEGRATION TRAINING.*—*Train-*
5 *ing (to be known as “initial reintegration training”)*
6 *of members of the National Guard described in sub-*
7 *section (a) to facilitate the reintegration of such mem-*
8 *bers with their families and communities after their*
9 *return from deployment as described in that sub-*
10 *section. Such training shall be conducted immediately*
11 *after the return of such members from such deploy-*
12 *ment. Participation in such training shall be vol-*
13 *untary.*

14 (2) *30-DAY REINTEGRATION TRAINING.*—*Train-*
15 *ing (to be known as “30-day reintegration training”)*
16 *of members of the National Guard described in sub-*
17 *section (a) to assist such members in identifying the*
18 *signs and symptoms of combat stress. Such training*
19 *shall be conducted approximately 30 days after provi-*
20 *sion of training under paragraph (1). Participation*
21 *in such training shall be voluntary.*

22 (3) *60-DAY REINTEGRATION TRAINING.*—*Train-*
23 *ing (to be known as “60-day reintegration training”)*
24 *of members of the National Guard described in sub-*
25 *section (a) to assist such members in matters relating*

1 to combat stress, including chemical dependency,
2 anger management, and gambling abuse. Such train-
3 ing shall be conducted approximately 30 days after
4 provision of training under paragraph (2). Participa-
5 tion in such training shall be voluntary.

6 (4) *90-DAY REINTEGRATION TRAINING.*—*Train-*
7 *ing (to be known as “90-day reintegration training”)*
8 *of members of the National Guard described in sub-*
9 *section (a) to ensure a thorough physical and mental*
10 *health assessment of such members after deployment*
11 *as described in that subsection. Such training shall be*
12 *conducted approximately 30 days after provision of*
13 *training under paragraph (3). Participation in such*
14 *training shall be voluntary.*

15 (5) *EDUCATIONAL MATERIALS.*—*The development*
16 *and distribution of educational materials for families*
17 *of members of the National Guard described in sub-*
18 *section (a), and for the communities in which such*
19 *members and families reside, on matters relating to*
20 *the reintegration of such members into civilian life*
21 *after their return from deployment overseas.*

22 (d) *REPORT.*—*Not later than one year after the com-*
23 *mencement of the pilot program required by subsection (a),*
24 *the Secretary shall submit to the congressional defense com-*

1 *mittees a report on the pilot program. The report shall*
2 *include—*

3 (1) *a description of the activities undertaken*
4 *under the pilot program;*

5 (2) *an assessment of the effectiveness of such*
6 *mechanisms in facilitating the reintegration of mem-*
7 *bers of the National Guard into civilian life after*
8 *their return from deployment overseas; and*

9 (3) *such recommendations for legislative or ad-*
10 *ministrative action as the Secretary considers appro-*
11 *priate in light of the pilot program.*

12 (e) *FUNDING.—Of the amount authorized to be appro-*
13 *priated by section 301(10) for operation and maintenance*
14 *for the Army National Guard, \$6,663,000 may be available*
15 *for the pilot program required by subsection (a).*

16 ***Subtitle C—Military Justice and***
17 ***Related Matters***

18 ***SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY***
19 ***JUSTICE TO MEMBERS OF THE ARMED***
20 ***FORCES ORDERED TO ACTIVE DUTY OVER-***
21 ***SEAS IN INACTIVE DUTY FOR TRAINING STA-***
22 ***TUS.***

23 *Not later than March 1, 2007, the Secretaries of the*
24 *military departments shall prescribe regulations, or amend*
25 *current regulations, in order to provide that officers and*

1 *enlisted personnel of the Armed Forces who are ordered to*
2 *active duty at locations overseas in an inactive duty for*
3 *training status are subject to the jurisdiction of the Uniform*
4 *Code of Military Justice, pursuant to the provisions of sec-*
5 *tion 802(a)(3) of title 10, United States Code (article*
6 *2(a)(3) of the Uniform Code of Military Justice), continu-*
7 *ously from the commencement of execution of such orders*
8 *to the conclusion of such orders.*

9 **SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM**
10 **CODE OF MILITARY JUSTICE DURING A TIME**
11 **OF WAR.**

12 *Paragraph (10) of section 802(a) of title 10, United*
13 *States Code (article 2(a) of the Uniform Code of Military*
14 *Justice), is amended by striking “war” and inserting “de-*
15 *clared war or a contingency operation”.*

16 ***Subtitle D—Education and***
17 ***Training Matters***

18 **SEC. 561. DETAIL OF COMMISSIONED OFFICERS AS STU-**
19 **DENTS AT MEDICAL SCHOOLS.**

20 *(a) IN GENERAL.—Chapter 101 of title 10, United*
21 *States Code, is amended by inserting after section 2004 the*
22 *following new section:*

1 **“§ 2004a. Detail of commissioned officers as students**
2 **at medical schools**

3 “(a) *DETAIL AUTHORIZED.*—*The Secretary of each*
4 *military department may detail commissioned officers of*
5 *the Armed Forces as students at accredited medical schools*
6 *or schools of osteopathy located in the United States for a*
7 *period of training leading to the degree of doctor of medi-*
8 *cine. No more than 25 officers from each military depart-*
9 *ment may commence such training in any single fiscal*
10 *year.*

11 “(b) *ELIGIBILITY FOR DETAIL.*—*To be eligible for de-*
12 *tail under subsection (a), an officer must be a citizen of*
13 *the United States and must—*

14 “(1) *have served on active duty for a period of*
15 *not less than two years nor more than six years and*
16 *be in the pay grade 0–3 or below as of the time the*
17 *training is to begin; and*

18 “(2) *sign an agreement that unless sooner sepa-*
19 *rated the officer will—*

20 “(A) *complete the educational course of*
21 *medical training;*

22 “(B) *accept transfer or detail as a medical*
23 *officer within the military department concerned*
24 *when the officer’s training is completed; and*

25 “(C) *agree to serve on active duty following*
26 *completion of training for a period of two years*

1 *for each year or part thereof of the officer's med-*
2 *ical training under subsection (a).*

3 “(c) *SELECTION OF OFFICERS FOR DETAIL.*—*Officers*
4 *detailed for medical training under subsection (a) shall be*
5 *selected on a competitive basis by the Secretary of the mili-*
6 *tary department concerned.*

7 “(d) *RELATION OF SERVICE OBLIGATIONS TO OTHER*
8 *SERVICE OBLIGATIONS.*—*Any service obligation incurred*
9 *by an officer under an agreement entered into under sub-*
10 *section (b) shall be in addition to any service obligation*
11 *incurred by the officer under any other provision of law*
12 *or agreement.*

13 “(e) *EXPENSES.*—*Expenses incident to the detail of of-*
14 *ficers under this section shall be paid from any funds ap-*
15 *propriated for the military department concerned.*

16 “(f) *FAILURE TO COMPLETE PROGRAM.*—(1) *An offi-*
17 *cer who is dropped from a program of medical training*
18 *to which detailed under subsection (a) for deficiency in con-*
19 *duct or studies, or for other reasons, may be required to*
20 *perform active duty in an appropriate military capacity*
21 *in accordance with the active duty obligation imposed on*
22 *the officer under regulations issued by the Secretary of De-*
23 *fense for purposes of this section.*

24 “(2) *In no case shall an officer be required to serve*
25 *on active duty under this subsection for any period in excess*

1 of one year for each year or part thereof the officer partici-
 2 pated in the program.

3 “(g) *LIMITATION ON DETAILS.*—(1) No agreement de-
 4 tailing an officer of the Armed Forces to an accredited med-
 5 ical school or school of osteopathy may be entered into dur-
 6 ing any period in which the President is authorized by law
 7 to induct persons into the Armed Forces involuntarily.

8 “(2) Nothing in this subsection shall affect any agree-
 9 ment entered into during any period when the President
 10 is not authorized by law to so induct persons into the
 11 Armed Forces.”.

12 (b) *CLERICAL AMENDMENT.*—The table of sections at
 13 the beginning of chapter 101 of such title is amended by
 14 inserting after the item relating to section 2004 the fol-
 15 lowing new item:

“2004a. Detail of commissioned officers as students at medical schools.”.

16 **SEC. 562. EXPANSION OF ELIGIBILITY TO PROVIDE JUNIOR**
 17 **RESERVE OFFICERS’ TRAINING CORPS IN-**
 18 **STRUCTION.**

19 (a) *ELIGIBILITY OF RETIRED MEMBERS OF NATIONAL*
 20 *GUARD AND RESERVES.*—Section 2031 of title 10, United
 21 States Code, is amended by adding at the end the following
 22 new subsection:

23 “(e) Instead of, or in addition to, the detailing of ac-
 24 tive duty officers and noncommissioned officers under sub-
 25 section (c)(1), and the employment of retired officers, non-

1 *commissioned officers, and members of the Fleet Reserve*
2 *and Fleet Marine Corps Reserve under subsection (d), the*
3 *Secretary of the military department concerned may au-*
4 *thorize qualified institutions to employ as administrators*
5 *and instructors in the program retired officers and non-*
6 *commissioned officers who qualify for retired pay for non-*
7 *regular service under section 12731 of this title (other than*
8 *those who qualify for age under subsection (a)(1) of such*
9 *section) whose qualifications are approved by the Secretary*
10 *and the institution concerned and who request such employ-*
11 *ment, subject to the following:*

12 “(1) *The Secretary shall pay to the institution*
13 *an amount equal to one-half of the amount paid to*
14 *the member by the institution for any period up to*
15 *a maximum of one-half of the difference between the*
16 *retired or retainer pay for an active duty officer or*
17 *noncommissioned offer of the same grade and years of*
18 *service for such period and the active duty pay and*
19 *allowances which the member would have received for*
20 *such period if on active duty. Amounts may be paid*
21 *with respect to members under this subsection after*
22 *such members reach the age of 60. Payments by the*
23 *Secretary under this paragraph shall be made from*
24 *funds appropriated for that purpose.*

1 “(2) Notwithstanding any other provision of law,
2 such a member is not, while so employed, considered
3 to be on active duty or inactive duty training for any
4 purpose.”.

5 **(b) CLARIFICATION OF STATUS OF RETIRED MEMBERS**
6 **CURRENTLY PROVIDING INSTRUCTION.**—Subsection (d) of
7 such section is amended in the matter preceding paragraph
8 (1) by striking “and noncommissioned officers, and mem-
9 bers of the Fleet Reserve and Fleet Marine Corps Reserve”
10 and inserting “, noncommissioned officers, and members of
11 the Fleet Reserve and Fleet Marine Corps Reserve who are
12 drawing retired or retained pay”.

13 **SEC. 563. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT**
14 **UNDER EDUCATION LOAN REPAYMENT FOR**
15 **OFFICERS IN SPECIFIED HEALTH PROFES-**
16 **SIONS.**

17 **(a) INCREASE IN MAXIMUM AMOUNT.**—Section
18 2173(e)(2) of title 10, United States Code, is amended by
19 striking “\$22,000” and inserting “\$60,000”.

20 **(b) EFFECTIVE DATE.**—

21 **(1) IN GENERAL.**—The amendment made by sub-
22 section (a) shall take effect on October 1, 2006, and
23 shall apply with respect agreements entered into
24 under section 2173 of title 10, United States Code, on
25 or after that date.

1 (2) *PROHIBITION ON ADJUSTMENT.*—*The adjust-*
2 *ment required by the second sentence of section*
3 *2173(e)(2) of title 10, United States Code, to be made*
4 *on October 1, 2006, shall not be made.*

5 **SEC. 564. INCREASE IN BENEFITS UNDER HEALTH PROFES-**
6 **SIONS SCHOLARSHIP AND FINANCIAL ASSIST-**
7 **ANCE PROGRAM.**

8 (a) *STIPEND.*—*Section 2121(d) of title 10, United*
9 *States Code, is amended—*

10 (1) *by striking “the rate of \$579 per month” and*
11 *inserting “in an amount not to exceed \$30,000 per*
12 *year”;* and

13 (2) *by striking “That rate” and inserting “The*
14 *maximum amount of the stipend”.*

15 (b) *ANNUAL GRANT.*—*Section 2127(e) of such title is*
16 *amended—*

17 (1) *by striking “\$15,000” and inserting “in an*
18 *amount not to exceed \$45,000”;* and

19 (2) *by striking “The amount” and inserting*
20 *“The maximum amount”.*

21 (c) *EFFECTIVE DATE.*—*The amendments made by this*
22 *section shall take effect on October 1, 2006.*

23 (d) *PROHIBITION ON ADJUSTMENTS IN 2007.*—*No ad-*
24 *justment under subsection (d) of section 2122 of title 10,*
25 *United States Code, in the maximum amount of the stipend*

1 *payable under such section 2122, and no adjustment under*
2 *subsection (e) of section 2127 of such title in the maximum*
3 *amount of the annual grant payable under such section*
4 *2127, shall be made in 2007.*

5 **SEC. 565. REPORT ON HEALTH PROFESSIONS SCHOLARSHIP**
6 **AND FINANCIAL ASSISTANCE PROGRAM.**

7 (a) *REPORT REQUIRED.*—*Not later than March 1,*
8 *2007, the Secretary of Defense shall submit to the congres-*
9 *sional defense committees a report on the health professions*
10 *scholarship and financial assistance program for active*
11 *service under subchapter I of chapter 105 of title 10, United*
12 *States Code.*

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

15 (1) *An assessment of the success of each military*
16 *department in achieving its recruiting goals under*
17 *the health professions scholarship and financial as-*
18 *sistance program for active service during each of fis-*
19 *cal years 2000 through 2006.*

20 (2) *If any military department failed to achieve*
21 *its recruiting goals under the program during any*
22 *fiscal year covered by paragraph (1), an explanation*
23 *of the failure of the military department to achieve*
24 *such goal during such fiscal year.*

1 (3) *An assessment of the adequacy of the stipend*
2 *authorized by section 2121(d) of title 10, United*
3 *States Code, in meeting the objectives of the program.*

4 (4) *Such recommendations for legislative or ad-*
5 *ministrative action as the Secretary considers appro-*
6 *priate to enhance the effectiveness of the program in*
7 *meeting the annual recruiting goals of the military*
8 *departments for medical personnel covered by the pro-*
9 *gram.*

10 **SEC. 566. EXPANSION OF INSTRUCTION AVAILABLE AT THE**
11 **NAVAL POSTGRADUATE SCHOOL FOR EN-**
12 **LISTED MEMBERS OF THE ARMED FORCES.**

13 (a) *CERTIFICATE PROGRAMS AND COURSES.*—Sub-
14 *paragraph (C) of subsection (a)(2) of section 7045 of title*
15 *10, United States Code, is amended by striking “Navy or*
16 *Marine Corps” and inserting “armed forces”.*

17 (b) *GRADUATE LEVEL INSTRUCTION.*—*Such subsection*
18 *is further amended—*

19 (1) *by redesignating subparagraph (D) as sub-*
20 *paragraph (E);*

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

23 “(D)(i) *The Secretary may, pursuant to regulations*
24 *prescribed by the Secretary, permit an eligible enlisted*
25 *member of the armed forces to receive graduate level instruc-*

1 *tion at the Naval Postgraduate School in a program leading*
2 *to a master's degree in a technical, analytical, or engineer-*
3 *ing curricula.*

4 “(ii) *To be eligible for instruction under this subpara-*
5 *graph, an enlisted member shall hold a baccalaureate degree*
6 *granted by an institution of higher education.*

7 “(iii) *Instruction shall be provided under this sub-*
8 *paragraph on a space-available basis.*

9 “(iv) *An enlisted member who successfully completes*
10 *a course of instruction under this subparagraph may be*
11 *awarded a master's degree under section 7048 of this title.*

12 “(v) *The regulations prescribed under clause (i) may*
13 *include criteria for eligibility of enlisted members for in-*
14 *struction under this subparagraph and obligations for fur-*
15 *ther service in the armed forces by enlisted members relating*
16 *to receipt of such instruction.”; and*

17 (3) *in subparagraph (E), as so redesignated, by*
18 *striking “and (C)” and inserting “(C), and (D)”.*

19 (c) *CONFORMING AMENDMENT.—Subsection (b)(2) of*
20 *such section is amended by striking “(a)(2)(D)” and insert-*
21 *ing “(a)(2)(E)”.*

22 (d) *REPEAL OF CERTAIN REQUIREMENTS ON INSTRUCC-*
23 *TION.—Section 526 of the National Defense Authorization*
24 *Act for Fiscal Year 2006 (Public Law 109–163) is amended*
25 *by striking subsections (c) and (d).*

1 **SEC. 567. MODIFICATION OF ACTIONS TO ADDRESS SEXUAL**
2 **HARASSMENT AND SEXUAL VIOLENCE AT THE**
3 **SERVICE ACADEMIES.**

4 (a) *CLARIFICATION OF SCOPE OF ACTIONS.*—Section
5 527 of the National Defense Authorization Act for Fiscal
6 Year 2004 (Public Law 108–136; 117 Stat. 1468; 10 U.S.C.
7 4331 note) is amended—

8 (1) *in subsection (a)*—

9 (A) *in the subsection caption, by inserting*
10 *“SEXUAL” before “VIOLENCE”; and*

11 (B) *in paragraph (1)*—

12 (i) *in subparagraph (A), by striking*
13 *“personnel of” and inserting “cadets at”;*

14 (ii) *in subparagraph (B), by striking*
15 *“personnel of” and inserting “midshipmen*
16 *at”;* and

17 (iii) *in subparagraph (C), by striking*
18 *“personnel of” and inserting “cadets at”;*

19 (2) *by inserting “sexual” before “violence” each*
20 *place it appears; and*

21 (3) *by striking “academy personnel” each place*
22 *it appears and inserting “cadets or midshipmen”.*

23 (b) *ASSESSMENTS OF ACADEMY POLICIES.*—

24 (1) *ADMINISTRATION OF ASSESSMENTS.*—Sub-
25 *section (b) of such section is further amended—*

26 (A) *in paragraph (1)*—

1 (i) by striking “to conduct” and insert-
2 ing “to provide”; and

3 (ii) by inserting “(to be administered
4 by the Department of Defense)” after “an
5 assessment”; and

6 (B) in paragraph (2), by striking “shall
7 conduct” and inserting “shall provide for the
8 conduct of”.

9 (2) *SCHEDULE FOR ASSESSMENTS*.—Such sub-
10 section is further amended—

11 (A) in the subsection caption, by striking
12 “ANNUAL ASSESSMENT” and inserting “ASSESS-
13 MENTS REQUIRED”;

14 (B) in paragraph (1), by inserting “speci-
15 fied in paragraph (2)” after “each program
16 year”; and

17 (C) in paragraph (2), by striking “2007,
18 and 2008” and inserting “2008, and 2010”.

19 (c) *REPORTS ON ACTIVITIES ON CAMPUS*.—Subsection
20 (c) of such section is further amended—

21 (1) in the subsection caption, by striking “AN-
22 NUAL REPORT” and inserting “REPORTS”;

23 (2) in paragraph (1), by striking “2007, and
24 2008” and inserting “2008, and 2010”;

25 (3) in paragraph (2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “The annual report” and insert-
3 ing “The report”; and

4 (B) in subparagraph (D), by striking “each
5 of the subsequent academy program years” and
6 inserting “each other academy program year
7 covered by this subsection”; and

8 (4) in paragraphs (3) and (4), by striking “the
9 annual” and inserting “each”.

10 (d) *CONFORMING AMENDMENT.*—The heading of such
11 section is amended to read as follows:

12 **“SEC. 527. ACTIONS TO ADDRESS SEXUAL HARASSMENT**
13 **AND SEXUAL VIOLENCE AT THE SERVICE**
14 **ACADEMIES.”**

15 **SEC. 568. DEPARTMENT OF DEFENSE POLICY ON SERVICE**
16 **ACADEMY AND ROTC GRADUATES SEEKING**
17 **TO PARTICIPATE IN PROFESSIONAL SPORTS**
18 **BEFORE COMPLETION OF THEIR ACTIVE-**
19 **DUTY SERVICE OBLIGATIONS.**

20 (a) *POLICY REQUIRED.*—

21 (1) *IN GENERAL.*—Not later than July 1, 2007,
22 the Secretary of Defense shall prescribe the policy of
23 the Department of Defense on—

24 (A) whether to authorize graduates of the
25 service academies and the Reserve Officers’

1 *Training Corps to participate in professional*
2 *sports before the completion of their obligations*
3 *for service on active duty as commissioned offi-*
4 *cers; and*

5 *(B) if so, the obligations for service on ac-*
6 *tive duty as commissioned officers of such grad-*
7 *uates who participate in professional sports be-*
8 *fore the satisfaction of the obligations referred to*
9 *in subparagraph (A).*

10 (2) *REVIEW OF CURRENT POLICIES.*—*In pre-*
11 *scribing the policy, the Secretary shall review current*
12 *policies, practices, and regulations of the military de-*
13 *partments on the obligations for service on active*
14 *duty as commissioned officers of graduates of the serv-*
15 *ice academies and the Reserve Officers' Training*
16 *Corps, including policies on authorized leaves of ab-*
17 *sence and policies under excess leave programs.*

18 (3) *CONSIDERATIONS.*—*In prescribing the policy,*
19 *the Secretary shall take into account the following:*

20 *(A) The compatibility of participation in*
21 *professional sports (including training for pro-*
22 *fessional sports) with service on active duty in*
23 *the Armed Forces or as a member of a reserve*
24 *component of the Armed Forces.*

1 (B) *The benefits for the Armed Forces of*
2 *waiving obligations for service on active duty for*
3 *cadets, midshipmen, and commissioned officers*
4 *in order to permit such individuals to partici-*
5 *pate in professional sports.*

6 (C) *The manner in which the military de-*
7 *partments have resolved issues relating to the*
8 *participation of personnel in professional sports,*
9 *including the extent of and any reasons for, dif-*
10 *ferences in the resolution of such issues by such*
11 *departments.*

12 (D) *The recoupment of the costs of edu-*
13 *cation provided by the service academies or*
14 *under the Reserve Officers' Training Corps pro-*
15 *gram if graduates of the service academies or the*
16 *Reserve Officers' Training Corps, as the case*
17 *may be, do not complete the period of obligated*
18 *service to which they have agreed by reason of*
19 *participation in professional sports.*

20 (E) *Any other matters that the Secretary*
21 *considers appropriate.*

22 (b) *ELEMENTS OF POLICY.—The policy prescribed*
23 *under subsection (a) shall address the following matters:*

24 (1) *The eligibility of graduates of the service*
25 *academies and the Reserve Officers' Training Corps*

1 *for a reduction in the obligated length of service on*
2 *active duty as a commissioned officer otherwise re-*
3 *quired of such graduates on the basis of their partici-*
4 *pation in professional sports.*

5 *(2) Criteria for the treatment of an individual*
6 *as a participant or potential participant in profes-*
7 *sional sports.*

8 *(3) The effect on obligations for service on active*
9 *duty as a commissioned officer of any unsatisfied ob-*
10 *ligations under prior enlistment contracts or other*
11 *forms of advanced education assistance.*

12 *(4) Any authorized variations in the policy that*
13 *are warranted by the distinctive requirements of a*
14 *particular Armed Force.*

15 *(5) The eligibility of individuals for medical dis-*
16 *charge or disability benefits as a result of injuries in-*
17 *curring while participating in professional sports.*

18 *(6) A prospective effective date for the policy and*
19 *for the application of the policy to individuals serving*
20 *on such effective date as a commissioned officer, cadet,*
21 *or midshipman.*

22 *(c) APPLICATION OF POLICY TO ARMED FORCES.—Not*
23 *later than December 1, 2007, the Secretary of each military*
24 *department shall prescribe regulations, or modify current*
25 *regulations, in order to implement the policy prescribed by*

1 *the Secretary of Defense under subsection (a) with respect*
2 *to the Armed Forces under the jurisdiction of such Sec-*
3 *retary.*

4 **SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PRO-**
5 **GRAM.**

6 (a) *REVIEW.*—*The Secretary of Defense shall conduct*
7 *a review of the 1976 legal opinion issued by the General*
8 *Counsel of the Department of Defense regarding instruction*
9 *of non-host unit students participating in Junior Reserve*
10 *Officers' Training Corps programs. The review shall con-*
11 *sider whether changes to law after the issuance of that opin-*
12 *ion allow in certain circumstances for the arrangement for*
13 *assignment of instructors that provides for the travel of an*
14 *instructor from one educational institution to another once*
15 *during the regular school day for the purposes of the Junior*
16 *Reserve Officers' Training Corps program as an authorized*
17 *arrangement that enhances administrative efficiency in the*
18 *management of the program. If the Secretary, as a result*
19 *of the review, determines that such authority is not avail-*
20 *able, the Secretary should also consider whether such au-*
21 *thority should be available and whether there should be au-*
22 *thority to waive the restrictions under certain cir-*
23 *cumstances.*

24 (b) *REPORT.*—*The Secretary shall submit to the Com-*
25 *mittee on Armed Services of the Senate and the Committee*

1 *on Armed Services of the House of Representatives a report*
 2 *containing the results of the review not later than 180 days*
 3 *after the date of the enactment of this Act.*

4 (c) *INTERIM AUTHORITY.*—*A current institution that*
 5 *has more than 70 students and is providing support to an-*
 6 *other educational institutional with more than 70 students*
 7 *and has been providing for the assignment of instructors*
 8 *from one school to the other may continue to provide such*
 9 *support until 180 days following receipt of the report under*
 10 *subsection (b).*

11 **SEC. 570. JUNIOR RESERVE OFFICERS' TRAINING CORPS IN-**
 12 **STRUCTOR QUALIFICATIONS.**

13 (a) *IN GENERAL.*—*Chapter 102 of title 10, United*
 14 *States Code, is amended by adding at the end the following*
 15 *new section:*

16 **“§ 2033. Instructor qualifications**

17 “(a) *IN GENERAL.*—*In order for a retired officer or*
 18 *noncommissioned officer to be employed as an instructor*
 19 *in the program, the officer must be certified by the Sec-*
 20 *retary of the military department concerned as a qualified*
 21 *instructor in leadership, wellness and fitness, civics, and*
 22 *other courses related to the content of the program, accord-*
 23 *ing to the qualifications set forth in subsection (b)(2) or*
 24 *(c)(2), as appropriate.*

25 “(b) *SENIOR MILITARY INSTRUCTORS.*—

1 “(1) *ROLE*.—Senior military instructors shall be
2 retired officers of the armed forces and shall serve as
3 instructional leaders who oversee the program.

4 “(2) *QUALIFICATIONS*.—A senior military in-
5 structor shall have the following qualifications:

6 “(A) *Professional military qualification, as*
7 *determined by the Secretary of the military de-*
8 *partment concerned.*

9 “(B) *Award of a baccalaureate degree from*
10 *an institution of higher learning.*

11 “(C) *Completion of secondary education*
12 *teaching certification requirements for the pro-*
13 *gram as established by the Secretary of the mili-*
14 *tary department concerned.*

15 “(D) *Award of an advanced certification by*
16 *the Secretary of the military department con-*
17 *cerned in core content areas based on—*

18 “(i) *accumulated points for profes-*
19 *sional activities, services to the profession,*
20 *awards, and recognitions;*

21 “(ii) *professional development to meet*
22 *content knowledge and instructional skills;*
23 *and*

1 “(iii) performance evaluation of com-
2 petencies and standards within the program
3 through site visits and inspections.

4 “(c) *NON-SENIOR MILITARY INSTRUCTORS.*—

5 “(1) *ROLE.*—*Non-senior military instructors*
6 *shall be retired noncommissioned officers of the armed*
7 *forces and shall serve as instructional leaders and*
8 *teach independently of, but share program respon-*
9 *sibilities with, senior military instructors.*

10 “(2) *QUALIFICATIONS.*—*A non-senior military*
11 *instructor shall demonstrate a depth of experience,*
12 *proficiency, and expertise in coaching, mentoring,*
13 *and practical arts in executing the program, and*
14 *shall have the following qualifications:*

15 “(A) *Professional military qualification, as*
16 *determined by the Secretary of the military de-*
17 *partment concerned.*

18 “(B) *Award of an associates degree from an*
19 *institution of higher learning within 5 years of*
20 *employment.*

21 “(C) *Completion of secondary education*
22 *teaching certification requirements for the pro-*
23 *gram as established by the Secretary of the mili-*
24 *tary department concerned.*

1 “(D) Award of an advanced certification by
2 the Secretary of the military department con-
3 cerned in core content areas based on—

4 “(i) accumulated points for profes-
5 sional activities, services to the profession,
6 awards, and recognitions;

7 “(ii) professional development to meet
8 content knowledge and instructional skills;
9 and

10 “(iii) performance evaluation of com-
11 petencies and standards within the program
12 through site visits and inspections.”.

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

 “2033. *Instructor qualifications.*”.

16 **SEC. 570A. MODIFICATION OF TIME LIMIT FOR USE OF EN-**
17 **TITLEMENT TO EDUCATIONAL ASSISTANCE**
18 **FOR RESERVE COMPONENT MEMBERS SUP-**
19 **PORTING CONTINGENCY OPERATIONS AND**
20 **OTHER OPERATIONS.**

21 (a) *MODIFICATION.*—Section 16164(a) of title 10,
22 United States Code, is amended by striking “this chapter
23 while serving—” and all that follows and inserting “this
24 chapter—

25 “(1) while the member is serving—

1 “(A) *in the Selected Reserve of the Ready*
2 *Reserve, in the case of a member called or or-*
3 *dered to active service while serving in the Se-*
4 *lected Reserve; or*

5 “(B) *in the Ready Reserve, in the case of a*
6 *member ordered to active duty while serving in*
7 *the Ready Reserve (other than the Selected Re-*
8 *serve); and*

9 “(2) *in the case of a person who separates from*
10 *the Selected Reserve of the Ready Reserve after com-*
11 *pletion of a period of active service described in sec-*
12 *tion 16163 of this title and completion of a service*
13 *contract under other than dishonorable conditions,*
14 *during the 10-year period beginning on the date on*
15 *which the person separates from the Selected Re-*
16 *serve.”.*

17 (b) *CONFORMING AMENDMENT.—Paragraph (2) of sec-*
18 *tion 16165(a) of such title is amended to read as follows:*

19 “(2) *when the member separates from the Ready*
20 *Reserve as provided in section 16164(a)(1) of this*
21 *title, or upon completion of the period provided for in*
22 *section 16164(a)(2) of this title, as applicable.”.*

23 (c) *EFFECTIVE DATE.—The amendments made by this*
24 *section shall take effect on October 28, 2004, as if included*
25 *in the enactment of the Ronald W. Reagan National Defense*

1 *Authorization Act for Fiscal Year 2005 (Public Law 108–*
2 *375), to which such amendments relate.*

3 ***Subtitle E—Defense Dependents***
4 ***Education Matters***

5 ***SEC. 571. FUNDING FOR ASSISTANCE TO LOCAL EDU-***
6 ***CATIONAL AGENCIES THAT BENEFIT DEPEND-***
7 ***ENTS OF MEMBERS OF THE ARMED FORCES***
8 ***AND DEPARTMENT OF DEFENSE CIVILIAN EM-***
9 ***PLOYEES.***

10 *(a) FUNDING FOR FISCAL YEAR 2007.—Of the amount*
11 *authorized to be appropriated pursuant to section 301(5)*
12 *for operation and maintenance for Defense-wide*
13 *activities—*

14 *(1) \$30,000,000 shall be available only for the*
15 *purpose of providing assistance to local educational*
16 *agencies under section 572(a) of the National Defense*
17 *Authorization Act for Fiscal Year 2006 (Public Law*
18 *109–163; 119 Stat. 3271; 20 U.S.C. 7703b); and*

19 *(2) \$10,000,000 shall be available only for the*
20 *purpose of providing assistance to local educational*
21 *agencies under section 572(b) of that Act.*

22 ***(b) TREATMENT OF FUNDING FOR NOTIFICATION PUR-***
23 ***POSES.—The funding provided under subsection (a) for fis-***
24 ***cal year 2007 shall be treated as funding for that fiscal year***
25 ***for purposes of the notification of local educational agencies***

1 *required by section 572(c) of the National Defense Author-*
2 *ization Act for Fiscal Year 2006 (119 Stat. 3272).*

3 (c) *TRANSITION OF MILITARY DEPENDENTS FROM*
4 *MILITARY TO CIVILIAN SCHOOLS.—*

5 (1) *IN GENERAL.—The Secretary of Defense shall*
6 *work collaboratively with the Secretary of Education*
7 *in any efforts to ease the transition of dependents of*
8 *members of the Armed Forces from attendance in De-*
9 *partment of Defense dependent schools to civilian*
10 *schools in systems operated by local educational agen-*
11 *cies.*

12 (2) *UTILIZATION OF EXISTING RESOURCES.—In*
13 *working with the Secretary of Education under para-*
14 *graph (1), the Secretary of Defense may utilize funds*
15 *authorized to be appropriated for operation and*
16 *maintenance for Defense-wide activities to share ex-*
17 *pertise and experience of the Department of Defense*
18 *Education Activity with local educational agencies as*
19 *dependents of members of the Armed Forces make the*
20 *transition from attendance at Department of Defense*
21 *dependent schools to attendance at civilian schools in*
22 *systems operated by such local educational agencies,*
23 *including such transitions resulting from defense base*
24 *closure and realignment, global rebasing, and force re-*
25 *structuring.*

1 (3) *DEFINITIONS.*—*In this subsection:*

2 (A) *The term “expertise and experience”,*
3 *with respect to the Department of Defense Edu-*
4 *cation Activity, means resources of such activity*
5 *relating to—*

6 (i) *academic strategies which result in*
7 *increased academic achievement;*

8 (ii) *curriculum development consulta-*
9 *tion and materials;*

10 (iii) *teacher training resources and*
11 *materials;*

12 (iv) *access to virtual and distance*
13 *learning technology capabilities and related*
14 *applications for teachers; and*

15 (v) *such other services as the Secretary*
16 *of Defense considers appropriate to improve*
17 *the academic achievement of such students.*

18 (B) *The term “local educational agency”*
19 *has the meaning given that term in section*
20 *8013(9) of the Elementary and Secondary Edu-*
21 *cation Act of 1965 (20 U.S.C. 7713(9)).*

22 (4) *EXPIRATION.*—*The authority of the Secretary*
23 *of the Defense under this subsection shall expire on*
24 *September 30, 2011.*

1 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
2 **ABILITIES.**

3 *Of the amount authorized to be appropriated pursuant*
4 *to section 301(5) for operation and maintenance for De-*
5 *fense-wide activities, \$5,000,000 shall be available for pay-*
6 *ments under section 363 of the Floyd D. Spence National*
7 *Defense Authorization Act for Fiscal Year 2001 (as enacted*
8 *into law by Public Law 106-398; 114 Stat. 1654A-77; 20*
9 *U.S.C. 7703a).*

10 **SEC. 573. PLAN TO ASSIST LOCAL EDUCATIONAL AGENCIES**
11 **EXPERIENCING GROWTH IN ENROLLMENT**
12 **DUE TO FORCE STRUCTURE CHANGES, RELO-**
13 **CATION OF MILITARY UNITS, OR BRAC.**

14 *(a) PLAN REQUIRED.—Not later than January 1,*
15 *2007, the Secretary of Defense shall submit to the congres-*
16 *sional defense committees a report setting forth a plan to*
17 *provide assistance to local educational agencies that experi-*
18 *ence growth in the enrollment of military dependent stu-*
19 *dents as a result of any of the following events:*

20 *(1) Force structure changes.*

21 *(2) The relocation of a military unit.*

22 *(3) The closure or realignment of military in-*
23 *stallations pursuant to defense base closure and re-*
24 *alignment under the base closure laws.*

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

1 (1) *An identification, current as of the date of*
2 *the report, of the total number of military dependent*
3 *students who are anticipated to be arriving at or de-*
4 *parting from military installations as a result of any*
5 *event described in subsection (a), including—*

6 (A) *an identification of the military instal-*
7 *lations affected by such arrivals and departures;*

8 (B) *an estimate of the number of such stu-*
9 *dents arriving at or departing from each such*
10 *installation; and*

11 (C) *the anticipated schedule of such arrivals*
12 *and departures.*

13 (2) *Such recommendations as the Office of Eco-*
14 *nomie Adjustment of the Department of Defense con-*
15 *siders appropriate for means of assisting affected*
16 *local educational agencies in accommodating in-*
17 *creases in enrollment of military dependent students*
18 *as a result of any such event.*

19 (3) *A plan for outreach to be conducted to af-*
20 *ected local educational agencies, commanders of mili-*
21 *tary installations, and members of the Armed Forces*
22 *and civilian personnel of the Department of Defense*
23 *regarding information on the assistance to be pro-*
24 *vided under the plan under subsection (a).*

1 (c) *UPDATE.*—Not later than July 1, 2007, and every
2 six months thereafter through January 1, 2011, the Sec-
3 retary shall submit to the congressional defense committees
4 an update of the report required by subsection (a). Each
5 update shall include an update of each matter required
6 under subsection (b) current as of the date of such update.

7 (d) *DEFINITIONS.*—In this section:

8 (1) The term “base closure law” has the meaning
9 given that term in section 101 of title 10, United
10 States Code.

11 (2) The term “local educational agency” has the
12 meaning given that term in section 8013(9) of the El-
13 ementary and Secondary Education Act of 1965 (20
14 U.S.C. 7713(9)).

15 (3) The term “military dependent students” re-
16 fers to—

17 (A) elementary and secondary school stu-
18 dents who are dependents of members of the
19 Armed Forces; and

20 (B) elementary and secondary school stu-
21 dents who are dependents of civilian employees
22 of the Department of Defense.

1 **SEC. 574. PILOT PROGRAM ON PARENT EDUCATION TO PRO-**
2 **MOTE EARLY CHILDHOOD EDUCATION FOR**
3 **DEPENDENT CHILDREN AFFECTED BY MILI-**
4 **TARY DEPLOYMENT OR RELOCATION OF MILI-**
5 **TARY UNITS.**

6 (a) *PILOT PROGRAM REQUIRED.*—*The Secretary of*
7 *Defense shall carry out a pilot program on the provision*
8 *of educational and support tools to the parents of preschool-*
9 *age children—*

10 (1) *whose parent or parents serve as members of*
11 *the Armed Forces on active duty (including members*
12 *of the Selected Reserve on active duty pursuant to a*
13 *call or order to active duty of 180 days or more); and*

14 (2) *who are affected by the deployment of their*
15 *parent or parents or the relocation of the military*
16 *unit of which their parent or parents are a member.*

17 (b) *PURPOSE.*—*The purpose of the pilot program is*
18 *to develop models for improving the capability of military*
19 *child and youth programs on or near military installations*
20 *to provide assistance to military parents with young chil-*
21 *dren through a program of activities focusing on the unique*
22 *needs of children described in subsection (a).*

23 (c) *DURATION OF PROGRAM.*—*The pilot program shall*
24 *commence on October 1, 2007, and shall conclude on Sep-*
25 *tember 30, 2010.*

1 (d) *SCOPE OF PROGRAM.*—*The pilot program shall*
2 *utilize one or more models (demonstrated through research)*
3 *of universal access of parents of children described in sub-*
4 *section (a) to assistance under the pilot program in order*
5 *to achieve the following goals:*

6 (1) *The identification and mitigation of specific*
7 *risk factors for such children related to military life.*

8 (2) *The maximization of the educational readi-*
9 *ness of such children.*

10 (e) *LOCATIONS.*—

11 (1) *IN GENERAL.*—*The pilot program shall be*
12 *carried out at military installations selected by the*
13 *Secretary for purposes of this section from among*
14 *military installations whose military personnel are*
15 *experiencing significant transition or deployment or*
16 *which are undergoing transition as a result of the re-*
17 *location or activation of military units or activities*
18 *relating to defense base closure and realignment.*

19 (2) *SELECTION OF CERTAIN INSTALLATIONS.*—*At*
20 *least one of the installations selected by the Secretary*
21 *under paragraph (1) shall be an installation that per-*
22 *mits the meaningful evaluation of a model under sub-*
23 *section (d) that provides outreach to parents in fami-*
24 *lies with a parent who is a member of the National*

1 *Guard or Reserve, which families live more than 40*
2 *miles from the installation so selected.*

3 *(f) GOALS OF PARTICIPATING INSTALLATIONS.—App-*
4 *propriate personnel at each military installation selected*
5 *for participation in the pilot program shall develop goals,*
6 *and specific outcome measures with respect to such goals,*
7 *for the conduct of the pilot program at such installation.*

8 *(g) EVALUATION.—*

9 *(1) EVALUATION REQUIRED.—Upon completion*
10 *of the pilot program at a military installation, the*
11 *personnel referred to in subsection (f) at such installa-*
12 *tion shall conduct an evaluation and assessment of*
13 *the success of the pilot program at such installation*
14 *in meeting the goals developed under that subsection.*

15 *(2) REPORT.—Upon completion of the evalua-*
16 *tions under paragraph (1) for all military installa-*
17 *tions participating in the pilot program, the Sec-*
18 *retary of Defense shall submit to the congressional de-*
19 *fense committees a report on such evaluations. The re-*
20 *port shall describe the results of such evaluations, and*
21 *may include such recommendations for legislative or*
22 *administrative action as the Secretary considers ap-*
23 *propriate in light of such evaluations, including rec-*
24 *ommendations for the continuation of the pilot pro-*
25 *gram.*

1 (h) *GUIDELINES.*—*The Secretary shall issue guidelines*
2 *applicable to the pilot program, including guidelines on the*
3 *goals to be developed under subsection (f), specific outcome*
4 *measures, and guidelines on the selection of curriculum and*
5 *the conduct of developmental screening under the pilot pro-*
6 *gram.*

7 (i) *FUNDING.*—*Of the amounts authorized to be appro-*
8 *priated by section 301(1) for operation and maintenance*
9 *for the Army, \$1,500,000 shall be available to carry out*
10 *the pilot program in fiscal year 2007.*

11 ***Subtitle F—Other Matters***

12 ***SEC. 581. ADMINISTRATION OF OATHS.***

13 (a) *IN GENERAL.*—*Section 502 of title 10, United*
14 *States Code, is amended by striking the flush matter at the*
15 *end and inserting the following new flush matter:*

16 *“This oath may be taken before the President, the Vice*
17 *President, the Secretary of Defense, any commissioned offi-*
18 *cer of any armed force, or any other person designated*
19 *under regulations prescribed by the Secretary of Defense.”.*

20 (b) *CONFORMING AMENDMENT.*—*Section 1031 of such*
21 *title is amended by striking “Any commissioned officer”*
22 *and all that follows through “on active duty,” and inserting*
23 *“The President, the Vice President, the Secretary of Defense,*
24 *any commissioned officer of an armed force, or any other*

1 *person designated under regulations prescribed by the Sec-*
2 *retary of Defense”.*

3 **SEC. 582. MILITARY ID CARDS FOR RETIREE DEPENDENTS**

4 **WHO ARE PERMANENTLY DISABLED.**

5 *(a) IN GENERAL.—Subsection (a) of section 1060b of*
6 *title 10, United States Code, is amended to read as follows:*

7 *“(a) ISSUANCE OF PERMANENT ID CARD.—(1) In*
8 *issuing military ID cards to retiree dependents, the Sec-*
9 *retary concerned shall issue a permanent ID card (not sub-*
10 *ject to renewal) to any such retiree dependent as follows:*

11 *“(A) A retiree dependent who has attained 75*
12 *years of age.*

13 *“(B) A retiree dependent who is permanently*
14 *disabled.*

15 *“(2) A permanent ID card shall be issued to a retiree*
16 *dependent under paragraph (1)(A) upon the expiration,*
17 *after the retiree dependent attains 75 years of age, of any*
18 *earlier, renewable military card or, if earlier, upon the re-*
19 *quest of the retiree dependent after attaining age 75.”.*

20 *(b) CONFORMING AND CLERICAL AMENDMENTS.—*

21 *(1) HEADING AMENDMENT.—The heading of such*
22 *section is amended to read as follows:*

1 **“§ 1060b. Military ID cards: dependents and survivors**
2 **of retirees”.**

3 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
4 *tions at the beginning of chapter 53 of such title is*
5 *amended by striking the item relating to section*
6 *1060b and inserting the following new item:*

“1060b. Military ID cards: dependents and survivors of retirees.”.

7 **SEC. 583. MILITARY VOTING MATTERS.**

8 (a) *REPEAL OF PERIODIC INSPECTOR GENERAL IN-*
9 *STALLATION VISITS FOR ASSESSMENT OF VOTING ASSIST-*
10 *ANCE PROGRAMS.*—*Section 1566 of title 10, United States*
11 *Code, is amended—*

12 (1) *by striking subsection (d); and*

13 (2) *by redesignating subsections (e) through (i)*
14 *as subsections (d) through (h), respectively.*

15 (b) *COMPTROLLER GENERAL REPORT.*—*Not later than*
16 *March 1, 2007, the Comptroller General of the United*
17 *States shall submit to Congress a report containing the as-*
18 *essment of the Comptroller General with respect to the fol-*
19 *lowing:*

20 (1) *The programs and activities undertaken by*
21 *the Department of Defense to facilitate voter registra-*
22 *tion, transmittal of ballots to absentee voters, and vot-*
23 *ing utilizing electronic means of communication*
24 *(such as electronic mail and fax transmission) for*
25 *military and civilian personnel covered by the Uni-*

1 *formed and Overseas Citizens Absentee Voting Act (42*
2 *U.S.C. 1973ff et seq.).*

3 (2) *The progress of the Department of Defense*
4 *and the Election Assistance Commission in devel-*
5 *oping a secure, deployable system for Internet-based*
6 *electronic voting pursuant to the amendment made by*
7 *section 567 of the Ronald W. Reagan National De-*
8 *fense Authorization Act for Fiscal Year 2005 (Public*
9 *Law 108–375; 118 Stat. 1919).*

10 (c) *USE OF ELECTRONIC VOTING TECHNOLOGY.—*

11 (1) *CONTINUATION OF INTERIM VOTING ASSIST-*
12 *ANCE SYSTEM.—The Secretary of Defense shall con-*
13 *tinue the Interim Voting Assistance System (IVAS)*
14 *ballot request program with respect to all absent uni-*
15 *formed services voters (as defined under section*
16 *107(1) of the Uniformed Overseas Citizens Absentee*
17 *Voting Act (42 U.S.C. 1973ff–6(1))), overseas employ-*
18 *ees of the Department of Defense, and the dependents*
19 *of such voters and employees, for the general election*
20 *and all elections through December 31, 2006.*

21 (2) *REPORTS.—*

22 (A) *IN GENERAL.—Not later than 30 days*
23 *after the date of the regularly scheduled general*
24 *election for Federal office for November 2006, the*
25 *Secretary of Defense shall submit to the congress-*

1 *sional defense committees a report setting*
2 *forth—*

3 *(i) an assessment of the success of the*
4 *implementation of the Interim Voting As-*
5 *istance System ballot request program car-*
6 *ried out under paragraph (1);*

7 *(ii) recommendations for continuation*
8 *of the Interim Voting Assistance System*
9 *and for improvements to that system; and*

10 *(iii) an assessment of available tech-*
11 *nologies and other means of achieving en-*
12 *hanced use of electronic and Internet-based*
13 *capabilities under the Interim Voting As-*
14 *istance System.*

15 *(B) FUTURE ELECTIONS.—Not later than*
16 *May 15, 2007, the Secretary of Defense shall sub-*
17 *mit to the congressional defense committees a re-*
18 *port detailing plans for expanding the use of*
19 *electronic voting technology for individuals cov-*
20 *ered under the Uniformed Overseas Citizens Ab-*
21 *sentee Voting Act (42 U.S.C. 1973ff et seq.) for*
22 *elections through November 30, 2010.*

1 **SEC. 584. PRESENTATION OF MEDAL OF HONOR FLAG TO**
2 **PRIMARY NEXT OF KIN OF MEDAL OF HONOR**
3 **RECIPIENTS.**

4 (a) *ARMY RECIPIENTS.*—Section 3755 of title 10,
5 *United States Code, is amended—*

6 (1) *by inserting “(a) PRESENTATION TO MEDAL*
7 *OF HONOR RECIPIENTS.—” before “The President”;*
8 *and*

9 (2) *by striking “after October 23, 2002”;* and

10 (3) *by adding at the end the following new sub-*
11 *section:*

12 “(b) *PRESENTATION TO PRIMARY NEXT OF KIN.*—*The*
13 *President may provide for the presentation of a Medal of*
14 *Honor Flag to the primary living next of kin (as designated*
15 *by the Secretary of Defense in regulations prescribed for*
16 *purposes of this section) of a deceased medal of honor recipi-*
17 *ent described in subsection (a).”.*

18 (b) *NAVY AND MARINE CORPS RECIPIENTS.*—Section
19 *6257 of such title is amended—*

20 (1) *by inserting “(a) IN GENERAL.—” before*
21 *“The President”;* and

22 (2) *by striking “after October 23, 2002”;* and

23 (3) *by adding at the end the following new sub-*
24 *section:*

25 “(b) *PRESENTATION TO PRIMARY NEXT OF KIN.*—*The*
26 *President may provide for the presentation of a Medal of*

1 *Honor Flag to the primary living next of kin (as designated*
2 *by the Secretary of Defense in regulations prescribed for*
3 *purposes of this section) of a deceased medal of honor recipi-*
4 *ent described in subsection (a).”.*

5 (c) *AIR FORCE RECIPIENTS.*—Section 8755 of such
6 *title is amended—*

7 (1) *by inserting “(a) IN GENERAL.—” before*
8 *“The President”; and*

9 (2) *by striking “after October 23, 2002”; and*

10 (3) *by adding at the end the following new sub-*
11 *section:*

12 “(b) *PRESENTATION TO PRIMARY NEXT OF KIN.*—The
13 *President may provide for the presentation of a Medal of*
14 *Honor Flag to the primary living next of kin (as designated*
15 *by the Secretary of Defense in regulations prescribed for*
16 *purposes of this section) of a deceased medal of honor recipi-*
17 *ent described in subsection (a).”.*

18 (d) *COAST GUARD RECIPIENTS.*—Section 505 of title
19 *14, United States Code, is amended—*

20 (1) *by inserting “(a) IN GENERAL.—” before*
21 *“The President”; and*

22 (2) *by striking “after October 23, 2002”; and*

23 (3) *by adding at the end the following new sub-*
24 *section:*

1 “(b) *PRESENTATION TO PRIMARY NEXT OF KIN.*—The
2 *President may provide for the presentation of a Medal of*
3 *Honor Flag to the primary living next of kin (as designated*
4 *by the Secretary of Homeland Security in regulations pre-*
5 *scribed for purposes of this section) of a deceased medal of*
6 *honor recipient described in subsection (a).”.*

7 **SEC. 585. MODIFICATION OF EFFECTIVE PERIOD OF AU-**
8 **THORITY TO PRESENT RECOGNITION ITEMS**
9 **FOR RECRUITMENT AND RETENTION PUR-**
10 **POSES.**

11 *Subsection (d) of section 2261 of title 10, United States*
12 *Code, is amended to read as follows:*

13 “(d) *EFFECTIVE PERIOD.*—*The authority under this*
14 *section shall be in effect during the period of any war or*
15 *national emergency declared by the President or Congress.”.*

16 **SEC. 586. MILITARY SEVERELY INJURED CENTER.**

17 (a) *CENTER REQUIRED.*—*In support of the com-*
18 *prehensive policy on the provision of assistance to severely*
19 *wounded or injured servicemembers required by section 563*
20 *of the National Defense Authorization Act for Fiscal Year*
21 *2006 (Public Law 109–163; 119 Stat. 3269; 10 U.S.C. 113*
22 *note), the Secretary of Defense shall establish within the De-*
23 *partment of Defense a center to augment and support the*
24 *programs and activities of the military departments for the*

1 *provision of such assistance, including the programs of the*
2 *military departments referred to in subsection (c).*

3 (b) *DESIGNATION.*—*The center established under sub-*
4 *section (a) shall be known as the “Military Severely Injured*
5 *Center” (in this section referred to as the “Center”).*

6 (c) *PROGRAMS OF THE MILITARY DEPARTMENTS.*—
7 *The programs of the military departments referred to in*
8 *this subsection are as follows:*

9 (1) *The Army Wounded Warrior Support Pro-*
10 *gram.*

11 (2) *The Navy Safe Harbor Program.*

12 (3) *The Palace HART Program of the Air Force.*

13 (4) *The Marine for Life Injured Support Pro-*
14 *gram of the Marine Corps.*

15 (d) *ACTIVITIES OF CENTER.*—

16 (1) *IN GENERAL.*—*The Center shall carry out*
17 *such programs and activities to augment and support*
18 *the programs and activities of the military depart-*
19 *ments for the provision of assistance through indi-*
20 *vidual case management to severely wounded or in-*
21 *jured servicemembers and their families as the Sec-*
22 *retary of Defense, in consultation with the Secretaries*
23 *of the military departments and the heads of other*
24 *appropriate departments and agencies of the Federal*
25 *Government (including the Department of Labor and*

1 *the Department of Veterans Affairs), shall assign the*
2 *Center.*

3 (2) *DATABASE.—The activities of the Center*
4 *under this subsection shall include the establishment*
5 *and maintenance of a central database of information*
6 *for purposes of tracking severely wounded or injured*
7 *servicemembers.*

8 (e) *RESOURCES.—The Secretary of Defense shall allo-*
9 *cate to the Center such personnel and other resources as the*
10 *Secretary of Defense, in consultation with the Secretaries*
11 *of the military departments, considers appropriate in order*
12 *to permit the Center to carry out effectively the programs*
13 *and activities assigned to the Center under subsection (d).*

14 **SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF**
15 **RECOGNITION OF MEMBERS OF THE ARMED**
16 **FORCES FOR EXTRAORDINARY ACTS OF**
17 **BRAVERY, HEROISM, AND ACHIEVEMENT.**

18 *It is the sense of the Senate that the Secretary of De-*
19 *fense or the Secretary of the military department concerned*
20 *should, upon awarding a medal to a member of the Armed*
21 *Forces or otherwise commending or recognizing a member*
22 *of the Armed Forces for an act of extraordinary heroism,*
23 *bravery, achievement, or other distinction, notify the Com-*
24 *mittee on Armed Services of the Senate and House of Rep-*
25 *resentatives, the Senators from the State in which such*

1 member resides, and the Member of the House of Represent-
2 atives from the district in which such member resides of
3 such extraordinary award, commendation, or recognition.

4 **SEC. 588. REPORT ON PROVISION OF ELECTRONIC COPY OF**
5 **MILITARY RECORDS ON DISCHARGE OR RE-**
6 **LEASE OF MEMBERS FROM THE ARMED**
7 **FORCES.**

8 (a) *REPORT REQUIRED.*—Not later than 120 days
9 after the date of the enactment of this Act, the Secretary
10 of Defense shall submit to the congressional defense commit-
11 tees a report on the feasibility and advisability of providing
12 an electronic copy of military records (including all mili-
13 tary service, medical, and other military records) to mem-
14 bers of the Armed Forces on their discharge or release from
15 the Armed Forces.

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

18 (1) *An estimate of the costs of the provision of*
19 *military records as described in subsection (a).*

20 (2) *An assessment of providing military records*
21 *as described in that subsection through the distribu-*
22 *tion of a portable, readily accessible medium (such as*
23 *a computer disk or other similar medium) containing*
24 *such records.*

1 (3) *A description and assessment of the mecha-*
2 *nisms required to ensure the privacy of members of*
3 *the Armed Forces in providing military records as*
4 *described in that subsection.*

5 (4) *An assessment of the benefits to the members*
6 *of the Armed Forces of receiving their military*
7 *records as described in that subsection.*

8 (5) *If the Secretary determines that providing*
9 *military records to members of the Armed Forces as*
10 *described in that subsection is feasible and advisable,*
11 *a plan (including a schedule) for providing such*
12 *records to members of the Armed Forces as so de-*
13 *scribed in order to ensure that each member of the*
14 *Armed Forces is provided such records upon discharge*
15 *or release from the Armed Forces.*

16 (6) *Any other matter to relating to the provision*
17 *of military records as described in that subsection*
18 *that the Secretary considers appropriate.*

19 **SEC. 589. PURPLE HEART AWARD ELIGIBILITY.**

20 (a) *FINDINGS.*—*Congress makes the following findings:*

21 (1) *The Purple Heart is the oldest military deco-*
22 *ration in the world in present use.*

23 (2) *The Purple Heart was established on August*
24 *7, 1782, during the Revolutionary War, when General*
25 *George Washington issued an order establishing the*

1 *Honorary Badge of Distinction, otherwise known as*
2 *the Badge of Military Merit.*

3 (3) *The award of the Purple Heart ceased with*
4 *the end of the Revolutionary War, but was revived in*
5 *1932, the 200th anniversary of George Washington's*
6 *birth, out of respect for his memory and military*
7 *achievements by War Department General Orders No.*
8 *3, dated February 22, 1932.*

9 (4) *The criteria for the award was originally an-*
10 *nounced in War Department Circular dated February*
11 *22, 1932, and revised by Presidential Executive Order*
12 *9277, dated December 3, 1942; Executive Order*
13 *10409, dated February 12, 1952; Executive Order*
14 *11016, dated April 25, 1962; and Executive Order*
15 *12464, dated February 23, 1984.*

16 (5) *The Purple Heart is awarded in the name of*
17 *the President of the United States as Commander in*
18 *Chief to members of the Armed Forces who qualify*
19 *under criteria set forth by Presidential Executive*
20 *Order.*

21 (b) *DETERMINATION.*—*As part of the review and re-*
22 *port required in subsection (d), the President shall make*
23 *a determination on expanding eligibility to all deceased*
24 *servicemembers held as a prisoner of war after December*
25 *7, 1941, and who meet the criteria establishing eligibility*

1 *for the prisoner-of-war medal under section 1128 of title*
2 *10, but who do not meet the criteria establishing eligibility*
3 *for the Purple Heart.*

4 (c) *REQUIREMENTS.—In making the determination*
5 *described in subsection (b), the President shall take into*
6 *consideration—*

7 (1) *the brutal treatment endured by thousands of*
8 *POWs incarcerated by enemy forces;*

9 (2) *that many service members died due to star-*
10 *vation, abuse, the deliberate withholding of medical*
11 *treatment for injury or disease, or other causes which*
12 *do not currently meet the criteria for award of the*
13 *Purple Heart;*

14 (3) *the views of veteran organizations, including*
15 *the Military Order of the Purple Heart;*

16 (4) *the importance and gravity that has been as-*
17 *signed to determining all available facts prior to a*
18 *decision to award the Purple Heart; and*

19 (5) *the views of the Secretary of Defense and the*
20 *Joint Chiefs of Staff.*

21 (d) *REPORT.—Not later than March 1, 2007, the Presi-*
22 *dent shall provide the Committees on Armed Services of the*
23 *Senate and House of Representatives a report on the advis-*
24 *ability of modifying the criteria for the award of the Purple*
25 *Heart to authorize the award of the Purple Heart to mili-*

1 *tary members who die in captivity under unknown cir-*
2 *cumstances or as a result of conditions and treatment which*
3 *currently do not qualify the decedent for award of the Pur-*
4 *ple Heart; and for military members who survive captivity*
5 *as prisoners of war, but die thereafter as a result of disease*
6 *or disability incurred during captivity.*

7 **SEC. 590. COMPREHENSIVE REVIEW ON PROCEDURES OF**
8 **THE DEPARTMENT OF DEFENSE ON MOR-**
9 **TUARY AFFAIRS.**

10 *(a) REPORT.—As soon as practicable after the comple-*
11 *tion of the comprehensive review of the procedures of the*
12 *Department of Defense on mortuary affairs, the Secretary*
13 *of Defense shall submit to the congressional defense commit-*
14 *tees a report on the review.*

15 *(b) ADDITIONAL ELEMENTS.—In conducting the com-*
16 *prehensive review described in subsection (a), the Secretary*
17 *shall also address, in addition to any other matters covered*
18 *by the review, the following:*

19 *(1) The utilization of additional or increased re-*
20 *frigeration (including icing) in combat theaters in*
21 *order to enhance preservation of remains.*

22 *(2) The relocation of refrigeration assets further*
23 *forward in the field.*

24 *(3) Specific time standards for the movement of*
25 *remains from combat units.*

1 (4) *The forward location of autopsy and em-*
2 *balming operations.*

3 (5) *Any other matters that the Secretary con-*
4 *siders appropriate in order to speed the return of re-*
5 *mains to the United States in a non-decomposed*
6 *state.*

7 (c) *ADDITIONAL ELEMENT OF POLICY ON CASUALTY*
8 *ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.—*
9 *Section 562(b) of the National Defense Authorization Act*
10 *for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3267;*
11 *10 U.S.C. 1475 note) is amended by adding at the end the*
12 *following new paragraph:*

13 “(12) *The process by which the Department of*
14 *Defense, upon request, briefs survivors of military de-*
15 *cedents on the cause of, and any investigation into,*
16 *the death of such military decedents and on the dis-*
17 *position and transportation of the remains of such de-*
18 *cedents, which process shall—*

19 “(A) *provide for the provision of such brief-*
20 *ings by fully qualified Department personnel;*

21 “(B) *ensure briefings take place as soon as*
22 *possible after death and updates are provided in*
23 *a timely manner when new information becomes*
24 *available;*

25 “(C) *ensure that—*

1 “(i) such briefings and updates relate
2 the most complete and accurate information
3 available at the time of such briefings or
4 updates, as the case may be; and

5 “(ii) incomplete or unverified informa-
6 tion is identified as such during the course
7 of such briefings or updates; and

8 “(D) include procedures by which such sur-
9 vivors shall, upon request, receive updates or
10 supplemental information on such briefings or
11 updates from qualified Department personnel.”.

12 **SEC. 591. REPORT ON OMISSION OF SOCIAL SECURITY NUM-**
13 **BERS ON MILITARY IDENTIFICATION CARDS.**

14 (a) *REPORT.*—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary of Defense shall
16 submit to Congress a report setting forth the assessment of
17 the Secretary of the feasibility of utilizing military identi-
18 fication cards that do not contain, display or exhibit the
19 Social Security Number of the individual identified by such
20 military identification card.

21 (b) *MILITARY IDENTIFICATION CARD DEFINED.*—In
22 this section, the term “military identification card” has the
23 meaning given the term “military ID card” in section
24 1060b(b)(1) of title 10, United States Code.

1 **SEC. 592. FUNERAL CEREMONIES FOR VETERANS.**

2 (a) *SUPPORT FOR CEREMONIES BY DETAILS CON-*
3 *SISTING SOLELY OF MEMBERS OF VETERANS AND OTHER*
4 *ORGANIZATIONS.—*

5 (1) *SUPPORT OF CEREMONIES.—Section 1491 of*
6 *title 10, United States Code, is amended—*

7 (A) *by redesignating subsections (e), (f), (g),*
8 *and (h) as subsections (f), (g), (h), and (i), re-*
9 *spectively; and*

10 (B) *by inserting after subsection (d) the fol-*
11 *lowing new subsection (e):*

12 “(e) *SUPPORT FOR FUNERAL HONORS DETAILS COM-*
13 *POSED OF MEMBERS OF VETERANS ORGANIZATIONS.—(1)*
14 *Subject to such regulations and procedures as the Secretary*
15 *of Defense may prescribe, the Secretary of the military de-*
16 *partment of which a veteran was a member may support*
17 *the conduct of funeral honors for such veteran that are pro-*
18 *vided solely by members of veterans organizations or other*
19 *organizations referred to in subsection (b)(2).*

20 “(2) *The provision of support under this subsection is*
21 *subject to the availability of appropriations for that pur-*
22 *pose.*

23 “(3) *The support provided under this subsection may*
24 *include the following:*

25 (A) *Reimbursement for costs incurred by orga-*
26 *nizations referred to in paragraph (1) in providing*

1 *funeral honors, including costs of transportation,*
2 *meals, and similar costs.*

3 *“(B) Payment to members of such organizations*
4 *providing such funeral honors of the daily stipend*
5 *prescribed under subsection (d)(2).”*

6 *(2) CONFORMING AMENDMENTS.—Such section is*
7 *further amended—*

8 *(A) in subsection (d)(2), by inserting “and*
9 *subsection (e)” after “paragraph (1)(A)”; and*

10 *(B) in paragraph (1) of section (f), as re-*
11 *designated by subsection (a)(1) of this section, by*
12 *inserting “(other than a requirement in sub-*
13 *section (e)” after “pursuant to this section”.*

14 *(b) USE OF EXCESS M–1 RIFLES FOR CEREMONIAL*
15 *AND OTHER PURPOSES.—Section 4683 of such title is*
16 *amended—*

17 *(1) in subsection (a), by adding at the end the*
18 *following new paragraph:*

19 *“(3) Rifles loaned or donated under paragraph (1)*
20 *may be used by an eligible designee for funeral ceremonies*
21 *of a member or former member of the armed forces and for*
22 *other ceremonial purposes.”;*

23 *(2) in subsection (c), by inserting after “account-*
24 *ability” the following: “, provided that such condi-*
25 *tions do not unduly hamper eligible designees from*

1 *participating in funeral ceremonies of a member or*
2 *former member of the armed forces or other cere-*
3 *monies”;*

4 *(3) in subsection (d)—*

5 *(A) in paragraph (2), by striking “; or”*
6 *and inserting “or fire department;”;*

7 *(B) in paragraph (3), by striking the period*
8 *at the end and inserting “; or”; and*

9 *(C) by adding at the end the following new*
10 *paragraph:*

11 *“(4) any other member in good standing of an*
12 *organization described in paragraphs (1), (2), or*
13 *(3).”;* and

14 *(4) by adding at the end the following new sub-*
15 *section:*

16 *“(e) ELIGIBLE DESIGNEE DEFINED.—In this section,*
17 *the term ‘eligible designee’ means a designee of an eligible*
18 *organization who—*

19 *“(1) is a spouse, son, daughter, nephew, niece, or*
20 *other family relation of a member or former member*
21 *of the armed forces;*

22 *“(2) is at least 18 years of age; and*

23 *“(3) has successfully completed a formal firearm*
24 *training program or a hunting safety program.”.*

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC**
5 **PAY AND REFORM OF BASIC PAY RATES.**

6 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-
7 justment to become effective during fiscal year 2007 re-
8 quired by section 1009 of title 37, United States Code, in
9 the rates of monthly basic pay authorized members of the
10 uniformed services shall not be made.

11 (b) *JANUARY 1, 2007, INCREASE IN BASIC PAY.*—Ef-
12 fective on January 1, 2007, the rates of monthly basic pay
13 for members of the uniformed services are increased by 2.2
14 percent.

15 (c) *REFORM OF BASIC PAY RATES.*—Effective on April
16 1, 2007, the rates of monthly basic pay for members of the
17 uniformed services within each pay grade are as follows:

MONTHLY BASIC PAY

COMMISSIONED OFFICERS¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ² ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	8,453.10	8,729.70	8,913.60	8,964.90	9,194.10
O-7	7,023.90	7,350.00	7,501.20	7,621.20	7,838.40
O-6	5,206.20	5,719.20	6,094.50	6,094.50	6,117.60
O-5	4,339.80	4,888.80	5,227.50	5,291.10	5,502.00
O-4	3,744.60	4,334.70	4,623.90	4,688.40	4,956.90
O-3 ³	3,292.20	3,732.30	4,028.40	4,392.00	4,602.00
O-2 ³	2,844.30	3,239.70	3,731.40	3,857.40	3,936.60
O-1 ³	2,469.30	2,569.80	3,106.50	3,106.50	3,106.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ² ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	9,577.20	9,666.30	10,030.20	10,134.30	10,447.80
O-7	8,052.90	8,301.30	8,548.80	8,797.20	9,577.20
O-6	6,380.10	6,414.60	6,414.60	6,779.10	7,423.80
O-5	5,628.60	5,906.40	6,110.10	6,373.20	6,776.40
O-4	5,244.60	5,602.80	5,882.40	6,076.20	6,187.50
O-3 ³	4,833.30	4,982.70	5,228.40	5,355.90	5,355.90
O-2 ³	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 ³	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ² ...	\$0.00	\$13,659.00	\$13,725.90	\$14,011.20	\$14,508.60
O-9	0.00	11,946.60	12,118.50	12,367.20	12,801.30
O-8	10,900.80	11,319.00	11,598.30	11,598.30	11,598.30
O-7	10,236.00	10,236.00	10,236.00	10,236.00	10,287.90
O-6	7,802.10	8,180.10	8,395.20	8,613.00	9,035.70
O-5	6,968.10	7,158.00	7,373.10	7,373.10	7,373.10
O-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 ³	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 ³	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 ³	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10 ² ...	\$14,508.60	\$15,234.00	\$15,234.00	\$15,995.70	\$15,995.70
O-9	12,801.30	13,441.50	13,441.50	14,113.50	14,113.50
O-8	11,598.30	11,888.40	11,888.40	12,185.70	12,185.70
O-7	10,287.90	10,493.70	10,493.70	10,493.70	10,493.70
O-6	9,035.70	9,216.30	9,216.30	9,216.30	9,216.30
O-5	7,373.10	7,373.10	7,373.10	7,373.10	7,373.10
O-4	6,252.30	6,252.30	6,252.30	6,252.30	6,252.30
O-3 ³	5,355.90	5,355.90	5,355.90	5,355.90	5,355.90
O-2 ³	3,936.60	3,936.60	3,936.60	3,936.60	3,936.60
O-1 ³	3,106.50	3,106.50	3,106.50	3,106.50	3,106.50
	Over 38	Over 40			
O-10 ² ...	\$16,795.50	\$16,795.50			
O-9	14,819.10	14,819.10			
O-8	12,185.70	12,185.70			
O-7	10,493.70	10,493.70			
O-6	9,216.30	9,216.30			
O-5	7,373.10	7,373.10			
O-4	6,252.30	6,252.30			
O-3 ³	5,355.90	5,355.90			
O-2 ³	3,936.60	3,936.60			
O-1 ³	3,106.50	3,106.50			

¹ Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O-7 through O-10 may not exceed the rate of pay for level II of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

² Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be \$17,972.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³*This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.*

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE
AS AN ENLISTED MEMBER OR WARRANT OFFICER**

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-3E ..</i>	\$0.00	\$0.00	\$0.00	\$4,392.00	\$4,602.00
<i>O-2E ..</i>	0.00	0.00	0.00	3,857.40	3,936.60
<i>O-1E ..</i>	0.00	0.00	0.00	3,106.50	3,317.70
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>O-3E ..</i>	\$4,833.00	\$4,982.70	\$5,228.40	\$5,435.40	\$5,554.20
<i>O-2E ..</i>	4,062.00	4,273.50	4,437.00	4,558.80	4,558.80
<i>O-1E ..</i>	3,440.10	3,565.50	3,688.80	3,857.40	3,857.40
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-3E ..</i>	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
<i>O-2E ..</i>	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
<i>O-1E ..</i>	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	<i>Over 28</i>	<i>Over 30</i>	<i>Over 32</i>	<i>Over 34</i>	<i>Over 36</i>
<i>O-3E ..</i>	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90	\$5,715.90
<i>O-2E ..</i>	4,558.80	4,558.80	4,558.80	4,558.80	4,558.80
<i>O-1E ..</i>	3,857.40	3,857.40	3,857.40	3,857.40	3,857.40
	<i>Over 38</i>	<i>Over 40</i>			
<i>O-3E ..</i>	\$5,715.90	\$5,715.90			
<i>O-2E ..</i>	4,558.80	4,558.80			
<i>O-1E ..</i>	3,857.40	3,857.40			

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
W-5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4	3,402.00	3,660.00	3,765.00	3,868.50	4,046.40
W-3	3,106.80	3,236.40	3,369.00	3,412.80	3,552.00
W-2	2,749.20	3,009.30	3,089.40	3,144.60	3,322.80
W-1	2,413.20	2,672.40	2,742.90	2,890.50	3,065.10
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
W-5	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4	4,222.20	4,400.70	4,669.20	4,904.40	5,128.20
W-3	3,825.90	4,110.90	4,245.30	4,400.40	4,560.30
W-2	3,600.00	3,737.10	3,872.40	4,037.70	4,166.70
W-1	3,322.20	3,442.20	3,610.20	3,775.50	3,905.10
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
W-5	\$0.00	\$6,049.50	\$6,356.40	\$6,585.00	\$6,838.20
W-4	5,310.90	5,489.70	5,752.20	5,967.60	6,213.60
W-3	4,847.70	5,042.40	5,158.50	5,282.10	5,450.10
W-2	4,284.00	4,423.80	4,515.90	4,589.40	4,589.40
W-1	4,024.50	4,170.00	4,170.00	4,170.00	4,170.00
	<i>Over 28</i>	<i>Over 30</i>	<i>Over 32</i>	<i>Over 34</i>	<i>Over 36</i>
W-5	\$6,838.20	\$7,180.20	\$7,180.20	\$7,539.30	\$7,539.30
W-4	6,213.60	6,337.80	6,337.80	6,337.80	6,337.80
W-3	5,450.10	5,450.10	5,450.10	5,450.10	5,450.10
W-2	4,589.40	4,589.40	4,589.40	4,589.40	4,589.40
W-1	4,170.00	4,170.00	4,170.00	4,170.00	4,170.00
	<i>Over 38</i>	<i>Over 40</i>			
W-5	\$7,916.40	\$7,916.40			
W-4	6,337.80	6,337.80			
W-3	5,450.10	5,450.10			
W-2	4,589.50	4,589.40			
W-1	4,170.00	4,170.00			

ENLISTED MEMBERS¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,339.10	2,553.00	2,650.80	2,780.70	2,881.50
E-6	2,023.20	2,226.00	2,324.40	2,419.80	2,519.40
E-5	1,854.00	1,977.90	2,073.30	2,171.40	2,323.80
E-4	1,699.50	1,786.50	1,883.10	1,978.50	2,062.80
E-3	1,534.20	1,630.80	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	³ 1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ²	\$0.00	\$4,110.60	\$4,203.90	\$4,321.20	\$4,459.50
E-8	3,364.80	3,513.90	3,606.00	3,716.40	3,835.80
E-7	3,055.20	3,152.70	3,326.70	3,471.00	3,569.70
E-6	2,744.10	2,831.40	3,000.00	3,051.90	3,089.70
E-5	2,483.70	2,613.90	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ²	\$4,598.40	\$4,821.60	\$5,010.30	\$5,209.20	\$5,512.80
E-8	4,051.80	4,161.30	4,347.30	4,450.50	4,704.90
E-7	3,674.40	3,715.50	3,852.00	3,925.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9 ²	\$5,512.80	\$5,788.50	\$5,788.50	\$6,078.00	\$6,078.00
E-8	4,704.90	4,799.10	4,799.10	4,799.10	4,799.10
E-7	4,204.20	4,204.20	4,204.20	4,204.20	4,204.20
E-6	3,133.50	3,133.50	3,133.50	3,133.50	3,133.50
E-5	2,630.10	2,630.10	2,630.10	2,630.10	2,630.10
E-4	2,062.80	2,062.80	2,062.80	2,062.80	2,062.80
E-3	1,729.20	1,729.20	1,729.20	1,729.20	1,729.20
E-2	1,458.90	1,458.90	1,458.90	1,458.90	1,458.90
E-1	1,301.40	1,301.40	1,301.40	1,301.40	1,301.40
	Over 38	Over 40			
E-9 ²	\$6,381.90	\$6,381.90			
E-8	4,799.10	4,799.10			
E-7	4,204.20	4,204.20			
E-6	3,133.50	3,133.50			
E-5	2,630.10	2,630.10			
E-4	2,062.80	2,062.80			
E-3	1,729.20	1,729.20			
E-2	1,458.90	1,458.90			
E-1	1,301.40	1,301.40			

¹Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is \$6,642.60, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$1,203.90.

1 **SEC. 602. INCREASE IN MAXIMUM RATE OF BASIC PAY FOR**
2 **GENERAL AND FLAG OFFICER GRADES.**

3 (a) *INCREASE.*—Section 203(a)(2) of title 37, United
4 States Code, is amended by striking “level III of the Execu-
5 tive Schedule” and inserting “level II of the Executive
6 Schedule”.

7 (b) *EFFECTIVE DATE.*—The amendment made by sub-
8 section (a) shall take effect on January 1, 2007, and shall
9 apply with respect to months beginning on or after that
10 date.

11 **SEC. 603. CLARIFICATION OF EFFECTIVE DATE OF PROHIBI-**
12 **TION ON COMPENSATION FOR CORRESPOND-**
13 **ENCE COURSES.**

14 Section 206(d) of title 37, United States Code, is
15 amended by adding at the end the following new paragraph:

16 “(3) The prohibition in this subsection (including the
17 prohibition as it relates to a member of the National Guard
18 while not in Federal service) shall apply to—

19 “(A) any work or study performed on or after
20 September 7, 1962; and

21 “(B) any claim based on such work or study
22 arising after that date.”.

1 **SEC. 604. ONE-YEAR EXTENSION OF PROHIBITION AGAINST**
2 **REQUIRING CERTAIN INJURED MEMBERS TO**
3 **PAY FOR MEALS PROVIDED BY MILITARY**
4 **TREATMENT FACILITIES.**

5 (a) *EXTENSION.*—Section 402(h)(3) of title 37, United
6 States Code, is amended by striking “December 31, 2006”
7 and inserting “December 31, 2007”.

8 (b) *REPORT ON ADMINISTRATION OF PROHIBITION.*—
9 Not later than February 1, 2007, the Secretary of Defense
10 shall submit to the congressional defense committees a re-
11 port on the administration of section 402(h)(3) of title 37,
12 United States Code (as amended by subsection (a)). The re-
13 port shall include—

14 (1) a description and assessment of the mecha-
15 nisms used by the military departments to implement
16 the prohibition contained in such section; and

17 (2) such recommendations as the Secretary con-
18 siders appropriate regarding making such prohibition
19 permanent.

20 **SEC. 605. ADDITIONAL HOUSING ALLOWANCE FOR RE-**
21 **SERVES ON ACTIVE DUTY IN SUPPORT OF A**
22 **CONTINGENCY OPERATION.**

23 (a) *IN GENERAL.*—Section 403(g) of title 37, United
24 States Code, is amended—

25 (1) by redesignating paragraphs (2), (3), and (4)
26 as paragraphs (3), (4), and (5), respectively;

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

3 “(2)(A) Under regulations prescribed by the Secretary
4 of Defense and the Secretary of Homeland Security with
5 respect to the Coast Guard when it is not operating as a
6 service in the Department of the Navy, the Secretary con-
7 cerned may authorize payment of a housing allowance to
8 a member described in paragraph (1) at a monthly rate
9 equal to the rate of the basic allowance for housing under
10 subsection (b) or the overseas basic allowance for housing
11 under subsection (c), whichever applies to that location, for
12 members of the regular components at that location in the
13 same grade without dependents.

14 “(B) A member may concurrently receive a basic al-
15 lowance for housing under paragraph (1) and a housing
16 allowance under this paragraph, but may not receive the
17 portion of the allowance, if any, authorized under section
18 404 of this title for lodging expenses if a housing allowance
19 is authorized to be paid under this paragraph.”; and

20 (3) in paragraph (3), as so redesignated, by
21 striking “Paragraph (1)” and inserting “Paragraphs
22 (1) and (2)”.

23 (b) *EFFECTIVE DATE.*—The amendments made by sub-
24 section (a) shall take effect on October 1, 2006, and shall

1 *apply with respect to months beginning on or after that*
2 *date.*

3 **SEC. 606. EXTENSION OF TEMPORARY CONTINUATION OF**
4 **HOUSING ALLOWANCE FOR DEPENDENTS OF**
5 **MEMBERS DYING ON ACTIVE DUTY TO**
6 **SPOUSES WHO ARE MEMBERS OF THE UNI-**
7 **FORMED SERVICES.**

8 *(a) IN GENERAL.—Section 403(l) of title 37, United*
9 *States Code, is amended—*

10 *(1) by redesignating paragraph (3) as para-*
11 *graph (4);*

12 *(2) by inserting after paragraph (2) the fol-*
13 *lowing new paragraph (3):*

14 *“(3) A member of the uniformed services who is the*
15 *spouse of a deceased member described in paragraph (2)*
16 *may be paid a basic allowance for housing as provided for*
17 *in that paragraph. An allowance paid under this para-*
18 *graph is in addition to any other pay and allowances to*
19 *which the member of the uniformed services is entitled*
20 *under any other provision of law.”; and*

21 *(3) in paragraph (4), as so redesignated, by*
22 *striking “(2)” and inserting “(2) or (3)”.*

23 *(b) EFFECTIVE DATE.—The amendments made by this*
24 *section shall take effect on October 1, 2006, and shall apply*
25 *with respect to deaths occurring on or after that date.*

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**
4 **PAY AUTHORITIES FOR RESERVE FORCES.**

5 (a) *SELECTED RESERVE REENLISTMENT BONUS.*—
6 Section 308b(g) of title 37, United States Code, is amended
7 by striking “December 31, 2006” and inserting “December
8 31, 2007”.

9 (b) *SELECTED RESERVE AFFILIATION OR ENLISTMENT*
10 *BONUS.*—Section 308c(i) of such title is amended by strik-
11 ing “December 31, 2006” and inserting “December 31,
12 2007”.

13 (c) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
14 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of
15 such title is amended by striking “December 31, 2006” and
16 inserting “December 31, 2007”.

17 (d) *READY RESERVE ENLISTMENT BONUS FOR PER-*
18 *SONS WITHOUT PRIOR SERVICE.*—Section 308g(f)(2) of
19 such title is amended by striking “December 31, 2006” and
20 inserting “December 31, 2007”.

21 (e) *READY RESERVE ENLISTMENT AND REENLIST-*
22 *MENT BONUS FOR PERSONS WITH PRIOR SERVICE.*—Sec-
23 tion 308h(e) of such title is amended by striking “December
24 31, 2006” and inserting “December 31, 2007”.

1 (f) *SELECTED RESERVE ENLISTMENT BONUS FOR*
2 *PERSONS WITH PRIOR SERVICE.*—Section 308i(f) of such
3 title is amended by striking “December 31, 2006” and in-
4 serting “December 31, 2007”.

5 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
6 **PAY AUTHORITIES FOR CERTAIN HEALTH**
7 **CARE PROFESSIONALS.**

8 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
9 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
10 is amended by striking “December 31, 2006” and inserting
11 “December 31, 2007”.

12 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
13 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
14 *RESERVE.*—Section 16302(d) of such title is amended by
15 striking “January 1, 2007” and inserting “January 1,
16 2008”.

17 (c) *ACCESSION BONUS FOR REGISTERED NURSES.*—
18 Section 302d(a)(1) of title 37, United States Code, is
19 amended by striking “December 31, 2006” and inserting
20 “December 31, 2007”.

21 (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
22 *THETISTS.*—Section 302e(a)(1) of such title is amended by
23 striking “December 31, 2006” and inserting “December 31,
24 2007”.

1 (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*
2 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*
3 *TIES.*—Section 302g(e) of such title is amended by striking
4 “December 31, 2006” and inserting “December 31, 2007”.

5 (f) *ACCESSION BONUS FOR DENTAL OFFICERS.*—Sec-
6 *tion 302h(a)(1) of such title is amended by striking “De-*
7 *cember 31, 2006” and inserting “December 31, 2007”.*

8 (g) *ACCESSION BONUS FOR PHARMACY OFFICERS.*—
9 *Section 302j(a) of such title is amended by striking “De-*
10 *cember 31, 2006” and inserting “December 31, 2007”.*

11 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**
12 **THORITIES FOR NUCLEAR OFFICERS.**

13 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
14 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
15 *of title 37, United States Code, is amended by striking “De-*
16 *cember 31, 2006” and inserting “December 31, 2007”.*

17 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section
18 *312b(c) of such title is amended by striking “December 31,*
19 *2006” and inserting “December 31, 2007”.*

20 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
21 *Section 312c(d) of such title is amended by striking “De-*
22 *cember 31, 2006” and inserting “December 31, 2007.*

1 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**
2 **MENT OF OTHER BONUSES AND SPECIAL**
3 **PAYS.**

4 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
5 301b(a) of title 37, United States Code, is amended by strik-
6 ing “December 31, 2006” and inserting “December 31,
7 2007”.

8 (b) *ASSIGNMENT INCENTIVE PAY.*—Section 307a(g) of
9 such title is amended by striking “December 31, 2007” and
10 inserting “December 31, 2008”.

11 (c) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
12 Section 308(g) of such title is amended by striking “Decem-
13 ber 31, 2006” and inserting “December 31, 2007”.

14 (d) *ENLISTMENT BONUS.*—Section 309(e) of such title
15 is amended by striking “December 31, 2006” and inserting
16 “December 31, 2007”.

17 (e) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*
18 *MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY*
19 *UNITS.*—Section 323(i) of such title is amended by striking
20 “December 31, 2006” and inserting “December 31, 2007”.

21 (f) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*
22 *ICAL SKILLS.*—Section 324(g) of such title is amended by
23 striking “December 31, 2006” and inserting “December 31,
24 2007”.

25 (g) *INCENTIVE BONUS FOR CONVERSION TO MILITARY*
26 *OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORT-*

1 AGE.—Section 326(g) of such title is amended by striking
2 “December 31, 2006” and inserting “December 31, 2007”.

3 (h) INCENTIVE BONUS FOR TRANSFER BETWEEN THE
4 ARMED FORCES.—Section 327(h) of such title is amended
5 by striking “December 31, 2006” and inserting “December
6 31, 2009”.

7 **SEC. 615. INCREASE IN SPECIAL PAY FOR SELECTED RE-**
8 **SERVE HEALTH CARE PROFESSIONALS IN**
9 **CRITICALLY SHORT WARTIME SPECIALTIES.**

10 INCREASE IN SPECIAL PAY.—Section 302g(a) of title
11 37, United States Code, is amended by striking “\$10,000”
12 and inserting “\$25,000”.

13 (b) EFFECTIVE DATE.—The amendment made by sub-
14 section (a) shall take effect on October 1, 2006, and shall
15 apply to written agreements entered into under section 302g
16 of title 37, United States Code, on or after that date.

17 **SEC. 616. EXPANSION AND ENHANCEMENT OF ACCESSION**
18 **BONUS AUTHORITIES FOR CERTAIN OFFI-**
19 **CERS IN HEALTH CARE SPECIALITIES.**

20 (a) INCREASE IN ACCESSION BONUS FOR DENTAL OF-
21 FICERS.—Section 302h(a)(2) of title 37, United States
22 Code, is amended by striking “\$30,000” and inserting
23 “\$200,000”.

24 (b) ACCESSION BONUS FOR MEDICAL OFFICERS IN
25 CRITICALLY SHORT WARTIME SPECIALITIES.—Chapter 5 of

1 *title 37, United States Code, is amended by inserting after*
2 *section 302j the following new section:*

3 **“§ 302k. Special pay: accession bonus for medical offi-**
4 **cers in critically short wartime specialties**

5 “(a) *ACCESSION BONUS AUTHORIZED.*—(1) *A person*
6 *who is a graduate of an accredited school of medicine or*
7 *osteopathy in a specialty described in subsection (c) and*
8 *who executes a written agreement described in subsection*
9 *(d) to accept a commission as an officer of the Armed Forces*
10 *and remain on active duty for a period of not less than*
11 *four consecutive years may, upon the acceptance of the*
12 *agreement by the Secretary concerned, be paid an accession*
13 *bonus in the amount determined by the Secretary con-*
14 *cerned.*

15 “(2) *The amount of an accession bonus under para-*
16 *graph (1) may not exceed \$400,000.*

17 “(b) *LIMITATION ON ELIGIBILITY FOR BONUS.*—*A per-*
18 *son may not be paid a bonus under subsection (a) if—*

19 “(1) *the person, in exchange for an agreement to*
20 *accept an appointment as an officer, received finan-*
21 *cial assistance from the Department of Defense to*
22 *pursue a course of study in medicine or osteopathy;*
23 *or*

24 “(2) *the Secretary concerned determines that the*
25 *person is not qualified to become and remain certified*

1 *as a doctor or osteopath in a specialty described in*
2 *subsection (c).*

3 “(c) *COVERED SPECIALTIES.*—*A specialty described in*
4 *this subsection is a specialty designated by regulations as*
5 *a critically short wartime specialty.*

6 “(d) *AGREEMENT.*—*The agreement referred to in sub-*
7 *section (a) shall provide that, consistent with the needs of*
8 *the armed service concerned, the person executing the agree-*
9 *ment will be assigned to duty, for the period of obligated*
10 *service covered by the agreement, as an officer of the Medical*
11 *Corps of the Army or the Navy or as an officer of the Air*
12 *Force designated as a medical officer in a specialty de-*
13 *scribed in subsection (c).*

14 “(e) *REPAYMENT.*—*A person who, after executing an*
15 *agreement under subsection (a) is not commissioned as an*
16 *officer of the armed forces, does not become licensed as a*
17 *doctor or osteopath, as the case may be, or does not complete*
18 *the period of active duty in a specialty specified in the*
19 *agreement, shall be subject to the repayment provisions of*
20 *section 303a(e) of this title.*

21 “(f) *TERMINATION OF AUTHORITY.*—*No agreement*
22 *under this section may be entered into after December 31,*
23 *2007.”.*

24 (c) *ACCESSION BONUS FOR DENTAL SPECIALIST OFFI-*
25 *CERS IN CRITICALLY SHORT WARTIME SPECIALITIES.*—

1 Chapter 5 of title 37, United States Code, as amended by
2 subsection (b), is further amended by inserting after section
3 302k the following new section:

4 **“§302l. Special pay: accession bonus for dental spe-**
5 **cialist officers in critically short wartime**
6 **specialties**

7 “(a) *ACCESSION BONUS AUTHORIZED.*—(1) A person
8 who is a graduate of an accredited dental school in a spe-
9 cialty described in subsection (c) and who executes a written
10 agreement described in subsection (d) to accept a commis-
11 sion as an officer of the Armed Forces and remain on active
12 duty for a period of not less than four consecutive years
13 may, upon the acceptance of the agreement by the Secretary
14 concerned, be paid an accession bonus in the amount deter-
15 mined by the Secretary concerned.

16 “(2) *The amount of an accession bonus under para-*
17 *graph (1) may not exceed \$400,000.*

18 “(b) *LIMITATION ON ELIGIBILITY FOR BONUS.*—A per-
19 son may not be paid a bonus under subsection (a) if—

20 “(1) *the person, in exchange for an agreement to*
21 *accept an appointment as an officer, received finan-*
22 *cial assistance from the Department of Defense to*
23 *pursue a course of study in dentistry; or*

1 “(2) *the Secretary concerned determines that the*
2 *person is not qualified to become and remain certified*
3 *as a dentist in a specialty described in subsection (c).*

4 “(c) *COVERED SPECIALTIES.—A specialty described in*
5 *this subsection is a specialty designated by regulations as*
6 *a critically short wartime specialty.*

7 “(d) *AGREEMENT.—The agreement referred to in sub-*
8 *section (a) shall provide that, consistent with the needs of*
9 *the armed service concerned, the person executing the agree-*
10 *ment will be assigned to duty, for the period of obligated*
11 *service covered by the agreement, as an officer of the Dental*
12 *Corps of the Army or the Navy or as an officer of the Air*
13 *Force designated as a dental officer in a specialty described*
14 *in subsection (c).*

15 “(e) *REPAYMENT.—A person who, after executing an*
16 *agreement under subsection (a) is not commissioned as an*
17 *officer of the armed forces, does not become licensed as a*
18 *dentist or does not complete the period of active duty in*
19 *a specialty specified in the agreement, shall be subject to*
20 *the repayment provisions of section 303a(e) of this title.*

21 “(f) *COORDINATION WITH OTHER ACCESSION BONUS*
22 *AUTHORITY.—A person eligible to execute an agreement*
23 *under both subsection (a) and section 302h of this title shall*
24 *elect which authority to execute the agreement under. A per-*

1 son may not execute an agreement under both subsection
2 (a) and such section 302h.

3 “(g) *TERMINATION OF AUTHORITY.*—No agreement
4 under this section may be entered into after December 31,
5 2007.”.

6 (d) *CLERICAL AMENDMENT.*—The table of sections at
7 the beginning of chapter 5 of such title is amended by in-
8 serting after the item relating to section 302j the following
9 new item:

“302k. *Special pay: accession bonus for medical officers in critically short war-
time specialties.*

“302l. *Special pay: accession bonus for dental specialist officers in critically short
wartime specialties.*”.

10 (e) *EFFECTIVE DATE.*—The amendments made by this
11 section shall take effect on October 1, 2006.

12 **SEC. 617. INCREASE IN NUCLEAR CAREER ACCESSION**
13 **BONUS FOR NUCLEAR-QUALIFIED OFFICERS.**

14 (a) *INCREASE.*—Section 312b(a)(1) of title 37, United
15 States Code, is amended by striking “\$20,000” and insert-
16 ing “\$30,000”.

17 (b) *EFFECTIVE DATE.*—The amendment made by sub-
18 section (a) shall take effect on October 1, 2006, and shall
19 apply with respect to agreements under section 312b of title
20 37, United States Code, entered into on or after that date.

1 **SEC. 618. MODIFICATION OF CERTAIN AUTHORITIES APPLI-**
2 **CABLE TO THE TARGETED SHAPING OF THE**
3 **ARMED FORCES.**

4 *(a) VOLUNTARY SEPARATION PAY AND BENEFITS.*

5 *(1) INCREASE IN MAXIMUM AMOUNT OF PAY.—*

6 *Subsection (f) of section 1175a of title 10, United*
7 *States Code, is amended by striking “two times” and*
8 *inserting “four times”.*

9 *(2) EXTENSION OF AUTHORITY.—Subsection*

10 *(k)(1) of such section is amended by striking “Decem-*
11 *ber 31, 2008” and inserting “December 31, 2012”.*

12 *(3) REPEAL OF LIMITATION ON APPLICABILITY.—*

13 *Subsection (b) of section 643 of the National Defense*
14 *Authorization Act for Fiscal Year 2006 (Public Law*
15 *109–163; 119 Stat. 3310; 10 U.S.C. 1175a note) is re-*
16 *pealed.*

17 *(b) RELAXATION OF LIMITATION ON SELECTIVE EARLY*

18 *RETIREMENT.—Section 638(a)(2) of title 10, United States*
19 *Code, is amended by adding at the end the following new*
20 *sentence: “However, during the period beginning on October*
21 *1, 2006, and ending on December 31, 2012, such number*
22 *may be more than 30 percent of the number of officers con-*
23 *sidered in each competitive category, but may not be more*
24 *than 30 percent of the number of officers considered in each*
25 *grade.”.*

1 (c) *ENHANCED AUTHORITY FOR SELECTIVE EARLY*
2 *RETIREMENT AND EARLY DISCHARGES.*—

3 (1) *RENEWAL OF AUTHORITY.*—Subsection (a) of
4 section 638a of title 10, United States Code, is
5 amended by inserting “and during the period begin-
6 ning on October 1, 2006, and ending on December 31,
7 2012,” after “December 31, 2001.”.

8 (2) *RELAXATION OF LIMITATION ON SELECTIVE*
9 *EARLY RETIREMENT.*—Subsection (c)(1) of such sec-
10 tion is amended by adding at the end the following
11 new sentence: “However, during the period beginning
12 on October 1, 2006, and ending on December 31,
13 2012, such number may be more than 30 percent of
14 the number of officers considered in each competitive
15 category, but may not be more than 30 percent of the
16 number of officers considered in each grade.”.

17 (3) *RELAXATION OF LIMITATION ON SELECTIVE*
18 *EARLY DISCHARGE.*—Subsection (d)(2) of such section
19 is amended—

20 (A) in subparagraph (A), by inserting be-
21 fore the semicolon the following: “, except that
22 during the period beginning on October 1, 2006,
23 and ending on December 31, 2012, such number
24 may be more than 30 percent of the officers con-
25 sidered in each competitive category, but may

1 *not be more than 30 percent of the number of of-*
2 *ficers considered in each grade”; and*

3 *(B) in subparagraph (B), by inserting be-*
4 *fore the period the following: “, except that dur-*
5 *ing the period beginning on October 1, 2006, and*
6 *ending on December 31, 2012, such number may*
7 *be more than 30 percent of the officers considered*
8 *in each competitive category, but may not be*
9 *more than 30 percent of the number of officers*
10 *considered in each grade”.*

11 *(d) INCREASE IN AMOUNT OF INCENTIVE BONUS FOR*
12 *TRANSFER BETWEEN ARMED FORCES.—Section 327(d)(1)*
13 *of title 37, United States Code, is amended by striking*
14 *“\$2,500” and inserting “\$10,000”.*

15 **SEC. 619. EXTENSION OF PILOT PROGRAM ON CONTRIBU-**
16 **TIONS TO THRIFT SAVINGS PLAN FOR INI-**
17 **TIAL ENLISTEES IN THE ARMY.**

18 *(a) EXTENSION.—Subsection (a) of section 606 of the*
19 *National Defense Authorization Act for Fiscal Year 2006*
20 *(Public Law 109–163; 119 Stat. 3287; 37 U.S.C. 211 note)*
21 *is amended by striking “During fiscal year 2006” and in-*
22 *serting “During the period beginning on January 6, 2006,*
23 *and ending on December 31, 2008”.*

1 (b) *REPORT DATE*.—Subsection (d)(1) of such section
2 is amended by striking “February 1, 2007” and inserting
3 “February 1, 2008”.

4 **SEC. 620. ACCESSION BONUS FOR MEMBERS OF THE ARMED**
5 **FORCES APPOINTED AS COMMISSIONED OFFI-**
6 **CERS AFTER COMPLETING OFFICER CAN-**
7 **DIDATE SCHOOL.**

8 (a) *ACCESSION BONUS AUTHORIZED*.—

9 (1) *IN GENERAL*.—Chapter 5 of title 37, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 329. Special pay: accession bonus for officer can-**
13 **didates**

14 “(a) *ACCESSION BONUS AUTHORIZED*.—Under regula-
15 tions prescribed by the Secretary concerned, a person who,
16 during the period beginning on October 1, 2006, and ending
17 on December 31, 2007, executes a written agreement de-
18 scribed in subsection (b) may, upon acceptance of the agree-
19 ment by the Secretary concerned, be paid an accession
20 bonus in an amount not to exceed \$8,000 determined by
21 the Secretary concerned.

22 “(b) *AGREEMENT*.—A written agreement described in
23 this subsection is a written agreement by a person—

24 “(1) to complete officer candidate school;

1 “(2) to accept a commission or appointment as
2 an officer of the armed forces; and

3 “(3) to serve on active duty as a commissioned
4 officer for a period specified in such agreement.

5 “(c) *PAYMENT METHOD.*—Upon acceptance of a writ-
6 ten agreement under subsection (a) by the Secretary con-
7 cerned, the total amount of the accession bonus payable
8 under the agreement becomes fixed. The agreement shall
9 specify whether the accession bonus will be paid in a lump
10 sum or installments.

11 “(d) *REPAYMENT.*—A person who, having received all
12 or part of the bonus under a written agreement under sub-
13 section (a), does not complete the total period of active duty
14 as a commissioned officer as specified in such agreement
15 shall be subject to the repayment provisions of section
16 303a(e) of this title.”.

17 (2) *CLERICAL AMENDMENT.*—The table of sec-
18 tions at the beginning of chapter 5 of such title is
19 amended by adding at the end the following new item:
20 “329. *Special pay: accession bonus for officer candidates.*”.

21 (3) *EFFECTIVE DATE.*—The amendments made
22 by this subsection shall take effect on October 1, 2006.

23 (b) *AUTHORITY FOR PAYMENT OF BONUS UNDER EAR-*
24 *LIER AGREEMENTS.*—

25 (1) *IN GENERAL.*—The Secretary of the Army
 may pay a bonus to a person who, during the period

1 *beginning on April 1, 2005, and ending on April 6,*
2 *2006, executed an agreement to enlist for the purpose*
3 *of attending officer candidate school and receive a*
4 *bonus under section 309 of title 37, United States*
5 *Code, and who has completed the terms of the agree-*
6 *ment required for payment of the bonus.*

7 (2) *LIMITATION ON AMOUNT.—The amount of the*
8 *bonus payable to a person under this subsection may*
9 *not exceed \$8,000.*

10 (3) *CONSTRUCTION WITH ENLISTMENT BONUS.—*
11 *The bonus payable under this subsection is in addi-*
12 *tion to a bonus payable under section 309 of title 37,*
13 *United States Code, or any other provision of law.*

14 **SEC. 621. ENHANCEMENT OF BONUS TO ENCOURAGE MEM-**
15 **BERS OF THE ARMY TO REFER OTHER PER-**
16 **SONS FOR ENLISTMENT IN THE ARMY.**

17 (a) *INDIVIDUALS ELIGIBLE FOR BONUS.—Subsection*
18 *(a) of section 645 of the National Defense Authorization Act*
19 *for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3310)*
20 *is amended—*

21 (1) *by striking “The Secretary” and inserting*
22 *the following:*

23 (1) *IN GENERAL.—The Secretary”;*

24 (2) *by striking “a member of the Army, whether*
25 *in the regular component of the Army or in the Army*

1 *National Guard or Army Reserve,” and inserting “an*
2 *individual referred to in paragraph (2)”;* and

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

5 “(2) *INDIVIDUALS ELIGIBLE FOR BONUS.—Sub-*
6 *ject to subsection (c), the following individuals are eli-*
7 *gible for a referral bonus under this section:*

8 “(A) *A member in the regular component of*
9 *the Army.*

10 “(B) *A member of the Army National*
11 *Guard.*

12 “(C) *A member of the Army Reserve.*

13 “(D) *A member of the Army in a retired*
14 *status, including a member under 60 years of*
15 *age who, but for age, would be eligible for retired*
16 *pay.*

17 “(E) *A civilian employee of the Department*
18 *of the Army.”.*

19 *(b) AMOUNT OF BONUS.—Subsection (d) of such sec-*
20 *tion is amended to read as follows:*

21 “(d) *AMOUNT OF BONUS.—The amount of the bonus*
22 *payable for a referral under subsection (a) may not exceed*
23 *\$2,000. The amount shall be payable in two lump sums as*
24 *provided in subsection (e).”.*

1 (c) *PAYMENT OF BONUS.*—*Subsection (e) of such sec-*
2 *tion is amended to read as follows:*

3 “(e) *PAYMENT.*—*A bonus payable for a referral of a*
4 *person under subsection (a) shall be paid as follows:*

5 “(1) *Not more than \$1,000 shall be paid upon*
6 *the commencement of basic training by the person re-*
7 *ferred.*

8 “(2) *Not more than \$1,000 shall be paid upon*
9 *the completion of basic training and individual ad-*
10 *vanced training by the person referred.”.*

11 (d) *COORDINATION WITH RECEIPT OF RETIRED*
12 *PAY.*—*Such section is further amended—*

13 (1) *by redesignating subsection (g) as subsection*
14 *(h); and*

15 (2) *by inserting after subsection (f) the following*
16 *new subsection (g):*

17 “(g) *COORDINATION WITH RECEIPT OF RETIRED*
18 *PAY.*—*A bonus paid under this section to a member of the*
19 *Army in a retired status is in addition to any compensa-*
20 *tion to such member is entitled under title 10, 37, or 38,*
21 *United States Code, or under any other provision of law.”.*

22 (e) *EFFECTIVE DATE.*—*The amendments made by this*
23 *section shall take effect on the date of the enactment of this*
24 *Act, and shall apply with respect to bonuses payable under*
25 *section 645 of the National Defense Authorization Act for*

1 *Fiscal Year 2006, as amended by this section, on or after*
2 *that date.*

3 ***Subtitle C—Travel and***
4 ***Transportation Allowances***

5 ***SEC. 631. EXPANSION OF PAYMENT OF REPLACEMENT***
6 ***VALUE OF PERSONAL PROPERTY DAMAGED***
7 ***DURING TRANSPORT AT GOVERNMENT EX-***
8 ***PENSE.***

9 *(a) COVERAGE OF PROPERTY OF CIVILIAN EMPLOYEES*
10 *OF DEPARTMENT OF DEFENSE.—Subsection (a) of section*
11 *2636a of title 10, United States Code, is amended by insert-*
12 *ing “or civilian employees of the Department of Defense”*
13 *after “members of the armed forces”.*

14 *(b) REQUIREMENT FOR PAYMENT.—Effective March 1,*
15 *2008, such subsection is further amended by striking “may*
16 *include” and inserting “shall include”.*

17 *(c) REQUIREMENT FOR DEDUCTION UPON FAILURE OF*
18 *CARRIER TO SETTLE.—Subsection (b) of such section is*
19 *amended by striking “may be deducted” and inserting*
20 *“shall be deducted”.*

21 *(d) CERTIFICATION ON FAMILIES FIRST PROGRAM.—*
22 *The Secretary of Defense shall submit to the congressional*
23 *defense committees a report containing the certifications of*
24 *the Secretary on the following matters with respect to the*

1 *program of the Department of Defense known as “Families*
2 *First”:*

3 (1) *Whether there is an alternative to the system*
4 *under the program that would provide equal or great-*
5 *er capability at less cost.*

6 (2) *Whether the estimates on costs, and the an-*
7 *ticipated schedule and performance parameters, for*
8 *the program and system are reasonable.*

9 (3) *Whether the management structure for the*
10 *program is adequate to manage and control program*
11 *costs.*

12 (e) *COMPTROLLER GENERAL REPORTS ON FAMILIES*
13 *FIRST PROGRAM.—*

14 (1) *REVIEW.—The Comptroller General of the*
15 *United States shall conduct a review and assessment*
16 *of the progress of the Department of Defense in imple-*
17 *menting the Families First program.*

18 (2) *ELEMENTS.—In conducting the review and*
19 *assessment required by paragraph (1), the Comp-*
20 *troller General shall—*

21 (A) *assess the progress of the Department in*
22 *achieving the goals of the Families First pro-*
23 *gram, including progress in the development and*
24 *deployment of the Defense Personal Property*
25 *System;*

1 (B) assess the organization, staffing, re-
2 sources, and capabilities of the Defense Personal
3 Property System Project Management Office es-
4 tablished on April 7, 2006;

5 (C) evaluate the growth in cost of the pro-
6 gram since the previous assessment of the pro-
7 gram by the Comptroller General, and estimate
8 the current annual cost of the Defense Personal
9 Property System and each component of that
10 system; and

11 (D) assess the feasibility of implementing
12 processes and procedures, pending the satisfac-
13 tory development of the Defense Personal Prop-
14 erty System, which would achieve the goals of the
15 program of providing improved personal prop-
16 erty management services to members of the
17 Armed Forces.

18 (3) *REPORTS.*—The Comptroller General shall
19 submit to the Committees on Armed Services of the
20 Senate and the House of Representatives reports as
21 follows:

22 (A) An interim report on the review and as-
23 sessment required by paragraph (1) not later
24 than December 1, 2006.

1 (B) A final report on the review and assess-
2 ment by not later than June 1, 2007.

3 **Subtitle D—Retired Pay and**
4 **Survivor Benefits**

5 **SEC. 641. MODIFICATION OF DEPARTMENT OF DEFENSE**
6 **CONTRIBUTIONS TO MILITARY RETIREMENT**
7 **FUND AND GOVERNMENT CONTRIBUTIONS**
8 **TO MEDICARE-ELIGIBLE RETIREE HEALTH**
9 **CARE FUND.**

10 (a) *DEPARTMENT OF DEFENSE MILITARY RETIRE-*
11 *MENT FUND.*—

12 (1) *DETERMINATION OF CONTRIBUTIONS.*—*Sec-*
13 *tion 1465 of title 10, United States Code, is*
14 *amended—*

15 (A) *in subsection (b)(1)—*

16 (i) *in subparagraph (A)(ii)—*

17 (I) *by striking “(other than active*
18 *duty for training)”;*

19 (II) *by striking “(other than full-*
20 *time National Guard duty for training*
21 *only)”;* and

22 (III) *by inserting before the pe-*
23 *riod at the end the following: “, except*
24 *that amounts expected to be paid to*
25 *members who would be excluded from*

1 *counting for active-duty end strength*
2 *purposes by section 115(i) of this title*
3 *for duty covered by such section shall*
4 *be excluded”*; and

5 *(ii) in subparagraph (B)(ii)—*

6 (I) *by striking “Ready Reserve”*
7 *and inserting “Selected Reserve”*; and

8 (II) *by striking “and other than*
9 *members on full-time National Guard*
10 *duty other than for training) who are”*
11 *and inserting “) for duty”*; and

12 (B) *in subsection (c)(1)—*

13 (i) *in subparagraph (A)—*

14 (I) *by striking “(other than active*
15 *duty for training)”*;

16 (II) *by striking “(other than full-*
17 *time National Guard duty for training*
18 *only)”*; and

19 (III) *by inserting “other than*
20 *members who would be excluded from*
21 *counting for active-duty end strength*
22 *purposes by section 115(i) of this title*
23 *for duty covered by such section,” after*
24 *“full-time National Guard duty,”*; and

25 (ii) *in subparagraph (B)—*

1 (I) by striking “Ready Reserve”
2 and inserting “Selected Reserve”; and
3 (II) by striking “and other than
4 members on full-time National Guard
5 duty other than for training) who are”
6 and inserting “) for duty”.

7 (2) PAYMENTS.—Section 1466(a) of such title is
8 amended—

9 (A) in paragraph (1)(B)—
10 (i) by striking “(other than active duty
11 for training)”;
12 (ii) by striking “(other than full-time
13 National Guard duty for training only)”;
14 and
15 (iii) by inserting before the period at
16 the end the following: “, except that
17 amounts accrued for that month by mem-
18 bers who would be excluded from counting
19 for active-duty end strength purposes by sec-
20 tion 115(i) of this title for duty covered by
21 such section shall be excluded”; and
22 (B) in paragraph (2)(B)—
23 (i) by striking “Ready Reserve” and
24 inserting “Selected Reserve”; and

1 (ii) by striking “and other than mem-
2 bers on full-time National Guard duty other
3 than for training) who are” and inserting
4 “() for duty”.

5 (b) *DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE*
6 *RETIREE HEALTH CARE FUND.*—

7 (1) *EXCLUSION OF CADETS AND MIDSHIPMEN*
8 *FROM TREATMENT ON ACTIVE DUTY.*—Section 1111(b)
9 *of such title is amended by adding at the end the fol-*
10 *lowing new paragraph:*

11 “(5) *The term ‘members of the uniformed services*
12 *on active duty’ does not include a cadet at the United*
13 *States Military Academy, the United States Air Force*
14 *Academy, or the United States Coast Guard Acad-*
15 *emy, or a midshipman at the United States Naval*
16 *Academy.’”.*

17 (2) *DETERMINATION OF CONTRIBUTIONS.*—Sec-
18 *tion 1115 of such title is amended—*

19 (A) *in subsection (b)—*

20 (i) *in paragraph (1)(B)—*

21 (I) *by striking “(other than active*
22 *duty for training)”;*

23 (II) *by striking “(other than full-*
24 *time National Guard duty for training*
25 *only)”;* and

1 (III) by inserting before the pe-
2 riod at the end the following: “, other
3 than members who would be excluded
4 from counting for active-duty end
5 strength purposes by section 115(i) of
6 this title for duty covered by such sec-
7 tion”; and

8 (ii) in paragraph (2)(B)—

9 (I) by striking “Ready Reserve”
10 and inserting “Selected Reserve”; and

11 (II) by striking “other than mem-
12 bers on full-time National Guard duty
13 other than for training)”; and

14 (B) in subsection (c)(1)—

15 (i) in subparagraph (A)—

16 (I) by striking “(other than active
17 duty for training)”; and

18 (II) by striking “(other than full-
19 time National Guard duty for training
20 only)”; and

21 (III) by inserting before the semi-
22 colon the following: “, other than mem-
23 bers who would be excluded from
24 counting for active-duty end strength

1 purposes by section 115(i) of this title
 2 for duty covered by such section”; and
 3 (ii) in subparagraph (B)—

4 (I) by striking “Ready Reserve”
 5 and inserting “Selected Reserve”; and

6 (II) by striking “(other than
 7 members on full-time National Guard
 8 duty other than for training)”.

9 (c) *EFFECTIVE DATE.*—The amendments made by this
 10 section shall take effect on October 1, 2007.

11 **SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF**
 12 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**
 13 **AND INDEMNITY COMPENSATION.**

14 (a) *REPEAL.*—

15 (1) *IN GENERAL.*—Subchapter II of chapter 73 of
 16 title 10, United States Code, is amended as follows:

17 (A) In section 1450, by striking subsection

18 (c).

19 (B) In section 1451(c)—

20 (i) by striking paragraph (2); and

21 (ii) by redesignating paragraphs (3)
 22 and (4) as paragraphs (2) and (3), respec-
 23 tively.

24 (2) *CONFORMING AMENDMENTS.*—Such sub-
 25 chapter is further amended as follows:

1 (A) *In section 1450—*

2 (i) *by striking subsection (e); and*

3 (ii) *by striking subsection (k).*

4 (B) *In section 1451(g)(1), by striking sub-*
 5 *paragraph (C).*

6 (C) *In section 1452—*

7 (i) *in subsection (f)(2), by striking*
 8 *“does not apply—” and all that follows and*
 9 *inserting “does not apply in the case of a*
 10 *deduction made through administrative*
 11 *error.”; and*

12 (ii) *by striking subsection (g).*

13 (D) *In section 1455(c), by striking “,*
 14 *1450(k)(2),”.*

15 (b) *PROHIBITION ON RETROACTIVE BENEFITS.—No*
 16 *benefits may be paid to any person for any period before*
 17 *the effective date provided under subsection (e) by reason*
 18 *of the amendments made by subsection (a).*

19 (c) *RETURN OF SBP PREMIUMS PREVIOUSLY RE-*
 20 *FUNDED TO SBP RECIPIENTS.—*

21 (1) *RETURN OF CERTAIN REFUNDED AMOUNTS*
 22 *REQUIRED.—Under regulations prescribed by the Sec-*
 23 *retary of Defense, a surviving spouse who is or has*
 24 *been in receipt of an annuity under the Survivor*
 25 *Benefit Plan under subchapter II of chapter 73 of*

1 *title 10, United States Code, that is in effect before*
2 *the effective date provided under subsection (e) and*
3 *that is adjusted by reason of the amendments made*
4 *by subsection (a) and who has received a refund of re-*
5 *tired pay under section 1450(e) of title 10, United*
6 *States Code (as in effect on the day before the effective*
7 *date provided under subsection (e)), shall be required*
8 *to repay such refund to the United States.*

9 (2) *TERMS AND CONDITIONS.—A surviving*
10 *spouse repaying a refund to the United States under*
11 *this subsection shall not be required to pay the United*
12 *States any interest that would otherwise accrue or*
13 *have accrued on any balance of such refund while*
14 *such balance remains unpaid to the United States*
15 *under this subsection. The amount repayable to the*
16 *United States shall be repayable in a lump sum or*
17 *over a period of years (not to exceed 10 years) agreed*
18 *to by the surviving spouse or specified by the Sec-*
19 *retary of Defense, in the absence of such an agree-*
20 *ment.*

21 (3) *WAIVER OF REPAYMENT.—The Secretary of*
22 *Defense may waive the repayment of a refund under*
23 *this subsection if the Secretary determines that—*

24 (A) *hardship or other circumstances make*
25 *repayment of such refund unwarranted;*

1 (B) repayment of such refund would other-
2 wise not be in the best interests of the United
3 States.

4 (d) *RECONSIDERATION OF OPTIONAL ANNUITY.*—Sec-
5 tion 1448(d)(2)(B) of title 10, United States Code, is
6 amended by adding at the end the following new sentences:
7 “The surviving spouse, however, may elect to terminate an
8 annuity under this subparagraph in accordance with regu-
9 lations prescribed by the Secretary concerned. Upon such
10 an election, payment of an annuity to dependent children
11 under this subparagraph shall terminate effective on the
12 first day of the first month that begins after the date on
13 which the Secretary concerned receives notice of the election,
14 and, beginning on that day, an annuity shall be paid to
15 the surviving spouse under paragraph (1) instead.”.

16 (e) *EFFECTIVE DATE.*—The amendments made by this
17 section shall take effect on the later of—

18 (1) the first day of the first month that begins
19 after the date of the enactment of this Act; or

20 (2) the first day of the fiscal year that begins in
21 the calendar year in which this Act is enacted.

1 **SEC. 643. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER**
2 **SURVIVOR BENEFIT PLAN.**

3 *Section 1452(j) of title 10, United States Code, is*
4 *amended by striking “October 1, 2008” and inserting “Oc-*
5 *tober 1, 2006”.*

6 **SEC. 644. EXPANSION OF CONDITIONS FOR DIRECT PAY-**
7 **MENT OF DIVISIBLE RETIRED PAY.**

8 (a) **REPEAL OF CERTAIN CONDITION.**—*Section*
9 *1408(d) of title 10, United States Code, is amended—*

10 *(1) by striking paragraph (2); and*

11 *(2) by redesignating paragraphs (3) through (7)*
12 *as paragraphs (2) through (6), respectively.*

13 (b) **EFFECTIVE DATE.**—

14 *(1) IN GENERAL.*—*The amendments made by*
15 *subsection (a) shall take effect on the first day of the*
16 *first month that begins more than 120 days after the*
17 *date of the enactment of this Act.*

18 *(2) PROHIBITION ON RETROACTIVE PAYMENTS.*—
19 *No payment may be made under section 1408(d) of*
20 *title 10, United States Code, to or for the benefit of*
21 *any person covered by paragraph (2) of such section*
22 *(as in effect on the day before the effective date speci-*
23 *fied in paragraph (1)) for any period before such ef-*
24 *fective date.*

1 **SEC. 645. AUTHORITY FOR COST OF LIVING ADJUSTMENTS**
2 **OF RETIRED PAY TREATED AS DIVISIBLE**
3 **PROPERTY.**

4 (a) *IN GENERAL.*—Section 1408 of title 10, United
5 States Code, is amended—

6 (1) by redesignating subsections (i), (j), and (k)
7 as subsections (j), (k), and (l), respectively; and

8 (2) by inserting after subsection (h) the following
9 new subsection (i):

10 “(i) *COST OF LIVING ADJUSTMENTS OF DIVISIBLE*
11 *PROPERTY.*—A court order under subsection (a)(2)(C) may
12 provide for the adjustment of the amount, if expressed in
13 dollars, payable from the disposable retired pay of a mem-
14 ber at the same time and in the same manner as retired
15 pay is adjusted to reflect changes in the Consumer Price
16 Index under section 1401a of this title.”.

17 (b) *EFFECTIVE DATE.*—The amendments made by sub-
18 section (a) shall take effect on the date of the enactment
19 of this Act, and shall apply with respect to court orders
20 that become effective after the end of the 90-day period be-
21 ginning on the date of enactment of this Act.

22 **SEC. 646. NOTICE AND COPY TO MEMBERS OF COURT OR-**
23 **DERs ON PAYMENT OF RETIRED PAY.**

24 (a) *WAIVER OF NOTICE.*—Subsection (g) of section
25 1408 of title 10, United States Code, is amended—

26 (1) by inserting “(1)” before “A person”; and

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(2) *A member may waive receipt of notice on a court*
4 *order otherwise required by paragraph (1). The waiver shall*
5 *take such form and include such requirements as the Sec-*
6 *retary concerned may prescribe.”.*

7 (b) *COPY OF COURT ORDER UPON REQUEST.—Such*
8 *subsection is further amended—*

9 (1) *in paragraph (1), as designated by subsection*
10 *(a)(1) of this section, by striking “(together with a*
11 *copy of such order)”;* and

12 (2) *by adding at the end the following new para-*
13 *graph:*

14 “(3) *Upon the request of a member, written notice of*
15 *a court order under paragraph (1) shall include a copy of*
16 *the court order.”.*

17 (c) *EFFECTIVE DATE.—The amendments made by this*
18 *section shall take effect on the date that is 90 days after*
19 *the date of the enactment of this Act, and shall apply with*
20 *respect to court orders received on or after such date.*

1 **SEC. 647. RETENTION OF ASSISTIVE TECHNOLOGY AND DE-**
2 **VICES BY CERTAIN MEMBERS OF THE ARMED**
3 **FORCES AFTER SEPARATION FROM SERVICE.**

4 (a) *RETENTION AUTHORIZED.*—Chapter 58 of title 10,
5 *United States Code*, is amended by adding at the end the
6 *following new section:*

7 **“§ 1154. Retention of assistive technology and devices**
8 ***provided before separation***

9 “(a) *IN GENERAL.*—Under regulations prescribed by
10 *the Secretary of Defense*, a member of the armed forces who
11 *is provided an assistive technology or assistive technology*
12 *device while a member of the armed forces for a severe or*
13 *debilitating illness or injury incurred or aggravated by such*
14 *member on active duty may retain such assistive technology*
15 *or assistive technology device after separation from the*
16 *armed forces.*

17 “(b) *DEFINITIONS.*—In this section, the terms ‘assist-
18 *ive technology*’ and ‘*assistive technology device*’ have the
19 *meaning given such terms in section 3 of the Assistive Tech-*
20 *nology Act of 1998 (29 U.S.C. 3002).”.*

21 (b) *CLERICAL AMENDMENT.*—The table of sections at
22 *the beginning of chapter 58 of such title is amended by add-*
23 *ing at the end the following new item:*

“1154. *Retention of assistive technology and devices provided before separation.*”.

1 **SEC. 648. RENAMING OF DEATH GRATUITY PAYABLE FOR**
2 **DEATHS OF MEMBERS OF THE ARMED**
3 **FORCES AS FALLEN HERO COMPENSATION.**

4 (a) *IN GENERAL.*—Subchapter II of chapter 75 of title
5 10, United States Code, is amended as follows:

6 (1) *In section 1475(a), by striking “have a death*
7 *gratuity paid” and inserting “have fallen hero com-*
8 *ensation paid”.*

9 (2) *In section 1476(a)—*

10 (A) *in paragraph (1), by striking “a death*
11 *gratuity” and inserting “fallen hero compensa-*
12 *tion”; and*

13 (B) *in paragraph (2), by striking “A death*
14 *gratuity” and inserting “Fallen hero compensa-*
15 *tion”.*

16 (3) *In section 1477(a), by striking “A death gra-*
17 *tuity” and inserting “Fallen hero compensation”.*

18 (4) *In section 1478(a), by striking “The death*
19 *gratuity” and inserting “The amount of fallen hero*
20 *compensation”.*

21 (5) *In section 1479(1), by striking “the death*
22 *gratuity” and inserting “fallen hero compensation”.*

23 (6) *In section 1489—*

24 (A) *in subsection (a), by striking “a gra-*
25 *tuity” in the matter preceding paragraph (1)*
26 *and inserting “fallen hero compensation”; and*

1 (B) in subsection (b)(2), by inserting “or
2 other assistance” after “lesser death gratuity”.

3 (b) *CLERICAL AMENDMENTS.*—

4 (1) *HEADING AMENDMENTS.*—Such subchapter is
5 further amended by striking “**Death Gratuity:**”
6 each place it appears in the heading of sections 1475
7 through 1480 and 1489 and inserting “**Fallen**
8 **Hero Compensation:**”.

9 (2) *TABLE OF SECTIONS.*—The table of sections
10 at the beginning of such subchapter is amended by
11 striking “Death gratuity:” in the items relating to
12 sections 1474 through 1480 and 1489 and inserting
13 “Fallen hero compensation:”.

14 (c) *GENERAL REFERENCES.*—Any reference to a death
15 gratuity payable under subchapter II of chapter 75 of title
16 10, United States Code, in any law, regulation, document,
17 paper, or other record of the United States shall be deemed
18 to be a reference to fallen hero compensation payable under
19 such subchapter, as amended by this section.

1 **SEC. 649. EFFECTIVE DATE OF TERMINATION OF PHASE-IN**
2 **OF CONCURRENT RECEIPT FOR VETERANS**
3 **WITH SERVICE-CONNECTED DISABILITIES**
4 **RATED AS TOTAL BY VIRTUE OF**
5 **UNEMPLOYABILITY.**

6 (a) *IN GENERAL.*—Section 1414(a)(1) of title 10,
7 *United States Code*, is amended by striking “100 percent”
8 *the first place it appears and all that follows and inserting*
9 *“100 percent and in the case of a qualified retiree receiving*
10 *veterans’ disability compensation at the rate payable for*
11 *a 100 percent disability by reason of a determination of*
12 *individual unemployability, payment of retired pay to such*
13 *veteran is subject to subsection (c) only during the period*
14 *beginning on January 1, 2004, and ending on December*
15 *31, 2004.”.*

16 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
17 *section (a) shall take effect on December 31, 2004.*

18 **SEC. 650. DETERMINATION OF RETIRED PAY BASE OF GEN-**
19 **ERAL AND FLAG OFFICERS BASED ON RATES**
20 **OF BASIC PAY PROVIDED BY LAW.**

21 (a) *DETERMINATION OF RETIRED PAY BASE.*—

22 (1) *IN GENERAL.*—*Chapter 71 of title 10, United*
23 *States Code*, is amended by inserting after section
24 *1407 the following new section:*

1 **“§ 1407a. Retired pay base: members who were general**
2 **or flag officers**

3 *“Notwithstanding any other provision of law, if the*
4 *determination of the retired pay base or retainer pay base*
5 *under section 1406 or 1407 of this title with respect to a*
6 *person who was a commissioned officer in pay grades O–*
7 *7 through O–10 involves a rate or rates of basic pay that*
8 *were subject to a reduction under section 203(a)(2) of title*
9 *37, such determination shall be made utilizing such rate*
10 *or rates of basic pay in effect as provided by law rather*
11 *than such rate or rates as so reduced under section*
12 *203(a)(2) of title 37.”.*

13 (2) *CLERICAL AMENDMENT.—The table of sec-*
14 *tions for chapter 71 of such title is amended by in-*
15 *serting after the item relating to section 1407 the fol-*
16 *lowing new item:*

“1407a. Retired pay base: members who were general or flag officers.”.

17 (b) *EFFECTIVE DATE.—The amendments made by sub-*
18 *section (a) shall take effect on October 1, 2006, and shall*
19 *apply with respect to the computation of retired pay for*
20 *members of the Armed Forces who retire on or after that*
21 *date.*

1 **SEC. 651. INAPPLICABILITY OF RETIRED PAY MULTIPLIER**
2 **MAXIMUM PERCENTAGE TO SERVICE OF MEM-**
3 **BERS OF THE ARMED FORCES IN EXCESS OF**
4 **30 YEARS.**

5 (a) *IN GENERAL.*—Paragraph (3) of section 1409(b)
6 of title 10, United States Code, is amended to read as fol-
7 lows:

8 “(3) *30 YEARS OF SERVICE.*—

9 “(A) *RETIREMENT BEFORE JANUARY 1,*
10 *2007.*—In the case of a member who retires be-
11 fore January 1, 2007, with more than 30 years
12 of creditable service, the percentage to be used
13 under subsection (a) is 75 percent.

14 “(B) *RETIREMENT AFTER DECEMBER 31,*
15 *2006.*—In the case of a member who retires after
16 December 31, 2006, with more than 30 years of
17 creditable service, the percentage to be used
18 under subsection (a) is the sum of—

19 “(i) 75 percent; and

20 “(ii) the product (stated as a percent-
21 age) of—

22 “(I) $2\frac{1}{2}$; and

23 “(II) the member’s years of cred-
24 itable service (as defined in subsection
25 (c)) in excess of 30 years of creditable
26 service in any service, regardless of

1 *when served, under conditions author-*
2 *ized for purposes of this subparagraph*
3 *during a period designated by the Sec-*
4 *retary of Defense for purposes of this*
5 *subparagraph.”.*

6 **(b) RETIRED PAY FOR NON-REGULAR SERVICE.**—*Sec-*
7 *tion 12739(c) of such title is amended—*

8 (1) *by striking “The total amount” and insert-*
9 *ing “(1) Except as provided in paragraph (2), the*
10 *total amount”; and*

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

13 “(2) *In the case of a person who retires after December*
14 *31, 2006, with more than 30 years of service credited to*
15 *that person under section 12733 of this title, the total*
16 *amount of the monthly retired pay computed under sub-*
17 *sections (a) and (b) may not exceed the sum of—*

18 “(A) *75 percent of the retired pay base upon*
19 *which the computation is based; and*

20 “(B) *the product of—*

21 “(i) *the retired pay base upon which the*
22 *computation is based; and*

23 “(ii) *2¹/₂ percent of the years of service*
24 *credited to that person under section 12733 of*
25 *this title for service, regardless of when served,*

1 *under conditions authorized for purposes of this*
2 *paragraph during a period designated by the*
3 *Secretary of Defense for purposes of this para-*
4 *graph.”.*

5 **SEC. 652. MODIFICATION OF ELIGIBILITY FOR COMMENCE-**
6 **MENT OF AUTHORITY FOR OPTIONAL ANNU-**
7 **ITIES FOR DEPENDENTS UNDER THE SUR-**
8 **VIVOR BENEFIT PLAN.**

9 *(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10,*
10 *United States Code, is amended by striking “who dies after*
11 *November 23, 2003” and inserting “who dies after October*
12 *7, 2001”.*

13 *(b) APPLICABILITY.—Any annuity payable to a de-*
14 *pendent child under subchapter II of chapter 73 of title 10,*
15 *United States Code, by reason of the amendment made by*
16 *subsection (a) shall be payable only for months beginning*
17 *on or after the date of the enactment of this Act.*

18 **SEC. 653. COMMENCEMENT OF RECEIPT OF NON-REGULAR**
19 **SERVICE RETIRED PAY BY MEMBERS OF THE**
20 **READY RESERVE ON ACTIVE FEDERAL STA-**
21 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PERI-**
22 **ODS.**

23 *(a) REDUCED ELIGIBILITY AGE.—Section 12731 of*
24 *title 10, United States Code, is amended—*

1 (1) *in subsection (a), by striking paragraph (1)*
2 *and inserting the following:*

3 “*(1) has attained the eligibility age applicable*
4 *under subsection (f) to that person;*”*; and*

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

7 “*(f)(1) Subject to paragraph (2), the eligibility age for*
8 *purposes of subsection (a)(1) is 60 years of age.*

9 “*(2)(A) In the case of a person who as a member of*
10 *the Ready Reserve serves on active duty or performs active*
11 *service described in subparagraph (B) after September 11,*
12 *2001, the eligibility age for purposes of subsection (a)(1)*
13 *shall be reduced below 60 years of age by three months for*
14 *each aggregate of 90 days on which such person so performs*
15 *in any fiscal year after such date, subject to subparagraph*
16 *(C). A day of duty may be included in only one aggregate*
17 *of 90 days for purposes of this subparagraph.*

18 “*(B)(i) Service on active duty described in this sub-*
19 *paragraph is service on active duty pursuant to a call or*
20 *order to active duty under a provision of law referred to*
21 *in section 101(a)(13)(B) of this title or under section*
22 *12301(d) of this title. Such service does not include service*
23 *on active duty pursuant to a call or order to active duty*
24 *under section 12310 of this title.*

1 “(ii) Active service described in this subparagraph is
2 service under a call to active service authorized by the
3 President or the Secretary of Defense under section 502(f)
4 of title 32 for purposes of responding to a national emer-
5 gency declared by the President or supported by Federal
6 funds.

7 “(C) The eligibility age for purposes of subsection
8 (a)(1) may not be reduced below 50 years of age for any
9 person under subparagraph (A).”.

10 (b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR
11 ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR
12 HEALTH CARE.—Section 1074(b) of such title is
13 amended—

14 (1) by inserting “(1)” after “(b)”; and

15 (2) by adding at the end the following new para-
16 graph:

17 “(2) Paragraph (1) does not apply to a member or
18 former member entitled to retired pay for non-regular serv-
19 ice under chapter 1223 of this title who is under 60 years
20 of age.”.

21 (c) ADMINISTRATION OF RELATED PROVISIONS OF
22 LAW OR POLICY.—With respect to any provision of law,
23 or of any policy, regulation, or directive of the executive
24 branch that refers to a member or former member of the
25 uniformed services as being eligible for, or entitled to, re-

1 *tired pay under chapter 1223 of title 10, United States*
2 *Code, but for the fact that the member or former member*
3 *is under 60 years of age, such provision shall be carried*
4 *out with respect to that member or former member by sub-*
5 *stituting for the reference to being 60 years of age a ref-*
6 *erence to having attained the eligibility age applicable*
7 *under subsection (f) of section 12731 of title 10, United*
8 *States Code (as added by subsection (a)), to such member*
9 *or former member for qualification for such retired pay*
10 *under subsection (a) of such section.*

11 *(d) EFFECTIVE DATE AND APPLICABILITY.—The*
12 *amendment made by subsection (a) shall take effect as of*
13 *September 11, 2001, and shall apply with respect to appli-*
14 *cations for retired pay that are submitted under section*
15 *12731(a) of title 10, United States Code, on or after the*
16 *date of the enactment of this Act.*

17 ***Subtitle E—Other Matters***

18 **SEC. 661. AUDIT OF PAY ACCOUNTS OF MEMBERS OF THE** 19 **ARMY EVACUATED FROM A COMBAT ZONE** 20 **FOR INPATIENT CARE.**

21 *(a) AUDIT REQUIRED.—*

22 *(1) IN GENERAL.—The Secretary of the Army*
23 *shall conduct a complete audit of the pay accounts of*
24 *each member of the Army wounded or injured in a*
25 *combat zone who was evacuated from a theater of op-*

1 *erations for inpatient care during the period begin-*
2 *ning on May 1, 2005, and ending on April 30, 2006.*

3 (2) *REPORT.*—*Not later than 120 days after the*
4 *date of the enactment of this Act, the Secretary shall*
5 *submit to the congressional defense committees a re-*
6 *port on the audit conducted under paragraph (1).*

7 (3) *REPORT ELEMENTS.*—*The report under*
8 *paragraph (2) shall include the following:*

9 (A) *A list of each member of the Army de-*
10 *scribed in paragraph (1) identified (in a manner*
11 *that protects the privacy of members so listed)*
12 *by—*

13 (i) *date of wound or injury on which*
14 *inclusion of such member on the list is*
15 *based; and*

16 (ii) *grade and unit designation as of*
17 *such date.*

18 (B) *For each member so listed, a statement*
19 *of any underpayment of each of any pay, allow-*
20 *ance, or other monetary benefit to which such*
21 *member was entitled during the period beginning*
22 *on the date of such wound or injury and ending*
23 *on April 30, 2006, including basic pay, haz-*
24 *ardous duty pay, imminent danger pay, basic*
25 *allowance for housing, basic allowance for sub-*

1 *sistence, any family separation allowance, any*
2 *tax exclusion for combat duty, and any other*
3 *pay, allowance, or monetary benefit to which*
4 *such member was entitled during such period.*

5 *(C) For each member so listed, a statement*
6 *of any disbursements made to correct underpay-*
7 *ments made to such member as identified under*
8 *subparagraph (B).*

9 *(D) For each member so listed, a statement*
10 *of any debts to the United States collected or*
11 *pending collection from such member.*

12 *(E) For each member so listed, a statement*
13 *of any reimbursements or debt relief granted to*
14 *such member for a debt identified under sub-*
15 *paragraph (D).*

16 *(F) For each member so listed who has ap-*
17 *plied to the United States for a relief of debt—*

18 *(i) a description of the nature of the*
19 *debt for which relief was applied; and*

20 *(ii) a description of the disposition of*
21 *the application, including, if granted, the*
22 *date of disbursement for relief granted, and,*
23 *if denied, the reasons for the denial.*

1 (G) *For each member so listed, a report of*
2 *any referral of such member to a collection or*
3 *credit agency.*

4 (4) *FORM.—The report under paragraph (2)*
5 *shall be in unclassified form, but may include a clas-*
6 *sified annex.*

7 (b) *ASSISTANCE WITH PAY OR ACCOUNT DIFFICUL-*
8 *TIES.—*

9 (1) *CALL ASSISTANCE CENTER.—Not later than*
10 *60 days after the date of the enactment of this Act,*
11 *the Secretary of Defense shall establish within the De-*
12 *partment of Defense an assistance center, accessible by*
13 *toll-free telephone call, through which a covered mem-*
14 *ber of the Armed Forces, or the primary next of kin*
15 *of such a member in the case of such a member who*
16 *dies, may secure assistance in resolving difficulties re-*
17 *lating to the military pay or accounts of such mem-*
18 *ber.*

19 (2) *REQUESTS FOR ASSISTANCE.—A request for*
20 *assistance under paragraph (1) may be made—*

21 (A) *by a covered member of the Armed*
22 *Forces; or*

23 (B) *by the primary next of kin on behalf of,*
24 *or with respect to, a covered member of the*
25 *Armed Forces.*

1 (3) *RESPONSE TO REQUESTS FOR ASSISTANCE.*—
 2 *The Secretary shall ensure that, in providing assist-*
 3 *ance under paragraph (1) to a covered member of the*
 4 *Armed Forces or next of kin of such a member, per-*
 5 *sonnel of the assistance center established under that*
 6 *paragraph—*

7 (A) *provide an initial response to the re-*
 8 *quest for assistance under paragraph (2) not*
 9 *later than 10 days after receipt of such request;*
 10 *and*

11 (B) *provide a final response to the request*
 12 *for assistance under that paragraph not later*
 13 *than 30 days after receipt of such request.*

14 (4) *COVERED MEMBER OF THE ARMED FORCES*
 15 *DEFINED.*—*In this subsection, the term “covered*
 16 *member of the Armed Forces” means a member of the*
 17 *Armed Forces wounded or injured in a combat zone*
 18 *who is evacuated from a theater of operations for in-*
 19 *patient care.*

20 **SEC. 662. PILOT PROGRAM ON TROOPS TO NURSE TEACH-**
 21 **ERS.**

22 (a) *PILOT PROGRAM REQUIRED.*—

23 (1) *IN GENERAL.*—*The Secretary of Defense*
 24 *shall, in coordination with the Secretary of Health*
 25 *and Human Services and the Secretary of Education,*

1 *conduct a pilot program to assess the feasibility and*
2 *potential benefits of a program to—*

3 *(A) assist nurse corps officers described in*
4 *subsection (c) in achieving necessary qualifica-*
5 *tions to become nurse educators and in securing*
6 *employment as nurse educators at accredited*
7 *schools of nursing;*

8 *(B) provide scholarships to nurse corps offi-*
9 *cers described in subsection (c) in return for con-*
10 *tinuing service in the Selected Reserve or other*
11 *forms of public service; and*

12 *(C) help alleviate the national shortage of*
13 *nurse educators and registered nurses.*

14 *(2) DURATION.—Except as provided in sub-*
15 *section (h), the pilot program shall be conducted dur-*
16 *ing the period beginning on January 1, 2007, and*
17 *ending on December 31, 2012. A nurse corps officer*
18 *may not enter into an agreement to participate in the*
19 *pilot program after December 31, 2012.*

20 *(3) REGULATIONS.—The pilot program shall be*
21 *conducted under regulations prescribed by the Sec-*
22 *retary of Defense in consultation with the Secretary*
23 *of Health and Human Services and the Secretary of*
24 *Education.*

1 (b) *DESIGNATION.*—*The pilot program required by*
2 *subsection (a) shall be known as the “Troops to Nurse*
3 *Teachers Pilot Program” (in this section referred to as the*
4 *“Program”).*

5 (c) *NURSE CORPS OFFICERS.*—*A nurse corps officer*
6 *described in this subsection is any commissioned officer of*
7 *the Armed Forces qualified and designated as an officer in*
8 *a Nurse Corps of the Armed Forces who is—*

9 (1) *serving in a reserve component of the Armed*
10 *Forces;*

11 (2) *honorably discharged from the Armed Forces;*

12 *or*

13 (3) *a retired member of the Armed Forces.*

14 (d) *SELECTION OF PARTICIPANTS IN PROGRAM.*—

15 (1) *APPLICATION.*—*An eligible nurse corps offi-*
16 *cer seeking to participate in the Program shall submit*
17 *to the Secretary of Defense an application therefor.*
18 *The application shall be in such form, and contain*
19 *such information, as the Secretary may require.*

20 (2) *SELECTION.*—*The Secretary shall select par-*
21 *ticipants in the Program from among qualified nurse*
22 *corps officers submitting applications therefor under*
23 *paragraph (1).*

24 (e) *PARTICIPANT AGREEMENT.*—

1 (1) *IN GENERAL.*—A nurse corps officer selected
2 under subsection (d) to participate in the Program
3 shall enter into an agreement with the Secretary of
4 Defense relating to participation in the Program.

5 (2) *ELEMENTS.*—The agreement of a nurse corps
6 officer under the program shall, at the election of the
7 Secretary for purposes of the Program and as appro-
8 priate with respect to that status of such nurse corps
9 officer—

10 (A) require such nurse corps officer, within
11 such time as the Secretary may require, to ac-
12 cept an offer of full-time employment as a nurse
13 educator from an accredited school of nursing for
14 a period of not less than one year; or

15 (B) require such nurse corps officer—

16 (i) within such time as the Secretary
17 may require, to successfully complete a pro-
18 gram leading to a master's degree or doc-
19 toral degree in a nursing field from an ac-
20 credited school of nursing or to a doctoral
21 degree in a related field from an accredited
22 institution of higher education;

23 (ii) to serve in the Selected Reserve or
24 some other form of public service under

1 *terms and conditions established by the Sec-*
2 *retary; and*

3 *(iii) upon completion of such program*
4 *and service, to accept an offer of full-time*
5 *employment as a nurse educator from an*
6 *accredited school of nursing for a period of*
7 *not less than 3 years.*

8 *(f) ASSISTANCE.—*

9 *(1) TRANSITION ASSISTANCE.—The Secretary of*
10 *Defense may provide a participant in the Program*
11 *who enters into an agreement described in subsection*
12 *(e)(2)(A) assistance as follows:*

13 *(A) Career placement assistance in securing*
14 *full-time employment as a nurse educator at an*
15 *accredited school of nursing.*

16 *(B) A stipend in an amount not to exceed*
17 *\$5,000 for transition to employment referred to*
18 *in paragraph (1), and for educational training*
19 *for such employment, for a period not to exceed*
20 *two years after entry by such participant into*
21 *an agreement under subsection (e).*

22 *(2) SCHOLARSHIP ASSISTANCE.—The Secretary*
23 *of Defense may provide a participant in the Program*
24 *who enters into an agreement described in subsection*
25 *(e)(2)(B) scholarship assistance to pursue a degree de-*

1 scribed in subsection (e)(2)(B)(i) in an amount not to
2 exceed \$30,000 annually for a period of not more
3 than four years.

4 (g) *TREATMENT OF ASSISTANCE.*—A stipend or schol-
5 arship provided under subsection (f) shall not be taken into
6 account in determining the eligibility of a participant in
7 the Program for Federal student financial assistance pro-
8 vided under title IV of the Higher Education Act of 1965
9 (20 U.S.C. 1070 et seq.).

10 (h) *ADMINISTRATION AFTER INITIAL PERIOD.*—

11 (1) *IN GENERAL.*—The termination of the Pro-
12 gram on December 31, 2012, under subsection (a)(2)
13 shall not terminate the entitlement to assistance
14 under the Program of any nurse corps officer entering
15 into an agreement to participate in the Program
16 under subsection (e) that continues in force after that
17 date.

18 (2) *ADMINISTRATION.*—The Secretary of Edu-
19 cation shall undertake any administration of the Pro-
20 gram that is required after December 31, 2012, in-
21 cluding responsibility for any funding necessary to
22 provide assistance under the Program after that date.

23 (i) *REPORT.*—

24 (1) *IN GENERAL.*—Not later than three years
25 after the commencement of the Program, the Secretary

1 of Defense shall, in consultation with the Secretary of
2 Health and Human Services and the Secretary of
3 Education, submit to Congress a report on the Pro-
4 gram.

5 (2) *ELEMENTS.*—The report shall—

6 (A) describe the activities undertaken under
7 the Program; and

8 (B) include an assessment of the effective-
9 ness of the Program in—

10 (i) facilitating the development of
11 nurse educators;

12 (ii) encouraging service in the Selected
13 Reserve and other forms of public service;
14 and

15 (iii) helping alleviate the national
16 shortage of nurse educators and registered
17 nurses.

18 (j) *DEFINITIONS.*—In this section:

19 (1) *NURSE EDUCATOR.*—The term “nurse educa-
20 tor” means a registered nurse who—

21 (A) is a member of the nursing faculty at
22 an accredited school of nursing;

23 (B) holds a graduate degree in nursing from
24 an accredited school of nursing or a doctoral de-

1 *gree in a related field from an accredited institu-*
 2 *tion of higher education;*

3 *(C) holds a valid, unrestricted license to*
 4 *practice nursing from a State; and*

5 *(D) has successfully completed additional*
 6 *course work in education and demonstrates com-*
 7 *petency in an advanced practice area of nursing.*

8 (2) *SCHOOL OF NURSING.*—*The term “school of*
 9 *nursing” means a school of nursing (as that term is*
 10 *defined in section 801 of the Public Health Service*
 11 *Act (42 U.S.C. 296)) that is accredited (as that term*
 12 *is defined in section 801(6) of the Public Health Serv-*
 13 *ice Act).*

14 (k) *FUNDING.*—*From amounts authorized to be appro-*
 15 *priated for the Department of Defense, \$5,000,000 may be*
 16 *available for the Program.*

17 **SEC. 663. EXPANSION AND ENHANCEMENT OF AUTHORITY**

18 **TO REMIT OR CANCEL INDEBTEDNESS OF**

19 **MEMBERS OF THE ARMED FORCES.**

20 (a) *MEMBERS OF THE ARMY.*—

21 (1) *COVERAGE OF ALL MEMBERS AND FORMER*
 22 *MEMBERS.*—*Subsection (a) of section 4837 of title 10,*
 23 *United States Code, is amended by striking “a mem-*
 24 *ber of the Army” and all that follows through “in an*
 25 *active status” and inserting “a member of the Army*

1 *(including a member on active duty or a member of*
2 *a reserve component in an active status), a retired*
3 *member of the Army, or a former member of the*
4 *Army”.*

5 (2) *TIME FOR EXERCISE OF AUTHORITY.*—Sub-
6 *section (b) of such section is amended—*

7 (A) *in paragraph (1), by adding “or” at the*
8 *end; and*

9 (B) *by striking paragraphs (2) and (3) and*
10 *inserting the following new paragraph (2):*

11 *“(2) in the case of any other member of the*
12 *Army covered by subsection (a), during such period*
13 *or periods as the Secretary of Defense may provide in*
14 *regulations prescribed by the Secretary of Defense.”.*

15 (3) *REPEAL OF TERMINATION OF MODIFIED AU-*
16 *THORITY.*—Paragraph (3) of section 683(a) of the Na-
17 *tional Defense Authorization Act for Fiscal Year 2006*
18 *(Public Law 109–163; 119 Stat. 3322; 10 U.S.C.*
19 *4837 note) is repealed.*

20 (b) *MEMBERS OF THE NAVY.*—

21 (1) *COVERAGE OF ALL MEMBERS AND FORMER*
22 *MEMBERS.*—Section 6161 of title 10, United States
23 *Code, is amended by striking “a member of the Navy”*
24 *and all that follows through “in an active status” and*
25 *inserting “a member of the Navy (including a mem-*

1 *ber on active duty or a member of a reserve compo-*
2 *nent in an active status), a retired member of the*
3 *Navy , or a former member of the Navy”.*

4 (2) *TIME FOR EXERCISE OF AUTHORITY.*—Sub-
5 *section (b) of such section is amended—*

6 (A) *in paragraph (1), by adding “or” at the*
7 *end; and*

8 (B) *by striking paragraphs (2) and (3) and*
9 *inserting the following new paragraph (2):*

10 *“(2) in the case of any other member of the Navy*
11 *covered by subsection (a), during such period or peri-*
12 *ods as the Secretary of Defense may provide in regu-*
13 *lations prescribed by the Secretary of Defense.”.*

14 (3) *REPEAL OF TERMINATION OF MODIFIED AU-*
15 *THORITY.*—*Paragraph (3) of section 683(b) of the Na-*
16 *tional Defense Authorization Act for Fiscal Year 2006*
17 *(119 Stat. 3323; 10 U.S.C. 6161 note) is repealed.*

18 (c) *MEMBERS OF THE AIR FORCE.*—

19 (1) *COVERAGE OF ALL MEMBERS AND FORMER*
20 *MEMBERS.*—*Subsection (a) of section 4837 of title 10,*
21 *United States Code, is amended by striking “a mem-*
22 *ber of the Air Force” and all that follows through “in*
23 *an active status” and inserting “a member of the Air*
24 *Force (including a member on active duty or a mem-*
25 *ber of a reserve component in an active status), a re-*

1 *tired member of the Air Force, or a former member*
2 *of the Air Force”.*

3 (2) *TIME FOR EXERCISE OF AUTHORITY.*—Sub-
4 *section (b) of such section is amended—*

5 (A) *in paragraph (1), by adding “or” at the*
6 *end; and*

7 (B) *by striking paragraphs (2) and (3) and*
8 *inserting the following new paragraph (2):*

9 “(2) *in the case of any other member of the Air*
10 *Force covered by subsection (a), during such period or*
11 *periods as the Secretary of Defense may provide in*
12 *regulations prescribed by the Secretary of Defense.”.*

13 (3) *REPEAL OF TERMINATION OF MODIFIED AU-*
14 *THORITY.*—*Paragraph (3) of section 683(c) of the Na-*
15 *tional Defense Authorization Act for Fiscal Year 2006*
16 *(119 Stat. 3324; 10 U.S.C. 9837 note) is repealed.*

17 (d) *DEADLINE FOR REGULATIONS.*—*The Secretary of*
18 *Defense shall prescribe the regulations required for purposes*
19 *of sections 4837, 6161, and 9837 of title 10, United States*
20 *Code, as amended by this section, not later than March 1,*
21 *2007.*

1 **SEC. 664. EXCEPTION FOR NOTICE TO CONSUMER REPORT-**
2 **ING AGENCIES REGARDING DEBTS OR ERRO-**
3 **NEOUS PAYMENTS PENDING A DECISION TO**
4 **WAIVE, REMIT, OR CANCEL.**

5 (a) *EXCEPTION.*—Section 2780(b) of title 10, United
6 States Code, is amended—

7 (1) by striking “The Secretary” and inserting
8 “(1) Except as provided in paragraph (2), the Sec-
9 retary”; and

10 (2) by adding at the end the following new para-
11 graph:

12 “(2) No disclosure shall be made under paragraph (1)
13 with respect to an indebtedness while a decision regarding
14 waiver of collection is pending under section 2774 of this
15 title, or a decision regarding remission or cancellation is
16 pending under section 4837, 6161, or 9837 of this title, un-
17 less the Secretary concerned (as defined in section 101(5)
18 of title 37), or the designee of such Secretary, determines
19 that disclosure under that paragraph pending such decision
20 is in the best interests of the United States.”.

21 (b) *EFFECTIVE DATE.*—

22 (1) *IN GENERAL.*—The amendments made by
23 this section shall take effect on March 1, 2007.

24 (2) *APPLICATION TO PRIOR ACTIONS.*—Para-
25 graph (2) of section 2780(b) of title 10, United States
26 Code (as added by subsection (a)), shall not be con-

1 *strued to apply to or invalidate any action taken*
2 *under such section before March 1, 2007.*

3 *(c) REPORT.—Not later than March 1, 2007, the Sec-*
4 *retary of Defense shall submit to the congressional defense*
5 *committees a report on the exercise of the authority in sec-*
6 *tion 2780(b) of title 10, United States Code, including—*

7 *(1) the total number of members of the Armed*
8 *Forces who have been reported to consumer reporting*
9 *agencies under such section;*

10 *(2) the circumstances under which such author-*
11 *ity has been exercised, or waived (as provided in*
12 *paragraph (2) of such section (as amended by sub-*
13 *section (a))), and by whom;*

14 *(3) the cost of contracts for collection services to*
15 *recover indebtedness owed to the United States that is*
16 *delinquent;*

17 *(4) an evaluation of whether or not such con-*
18 *tracts, and the practice of reporting military debtors*
19 *to collection agencies, has been effective in reducing*
20 *indebtedness to the United States; and*

21 *(5) such recommendations as the Secretary con-*
22 *siders appropriate regarding the continuing use of*
23 *such authority with respect to members of the Armed*
24 *Forces.*

1 **SEC. 665. ENHANCEMENT OF AUTHORITY TO WAIVE CLAIMS**
2 **FOR OVERPAYMENT OF PAY AND ALLOW-**
3 **ANCES.**

4 (a) *CLARIFICATION OF PAY AND ALLOWANCES.*—Sub-
5 section (a) of section 2774 of title 10, United States Code,
6 is amended in the matter preceding paragraph (1) by in-
7 serting “(including any bonus or special or incentive pay)”
8 after “pay or allowances”.

9 (b) *WAIVER BY SECRETARIES CONCERNED.*—Para-
10 graph (2) of such subsection is amended—

11 (1) in the matter preceding subparagraph (A),
12 by inserting “or the designee of such Secretary” after
13 “title 37,”; and

14 (2) in subparagraph (A), by striking “\$1,500”
15 and inserting “\$10,000”.

16 (c) *TIME FOR WAIVER.*—Subsection (b)(2) of such sec-
17 tion is amended by striking “three years” and inserting
18 “five years”.

19 (d) *EFFECTIVE DATE.*—The amendments made by this
20 section shall take effect on March 1, 2007.

21 (e) *DEADLINE FOR REVISED STANDARDS.*—The Direc-
22 tor of the Office of Management and Budget and the Sec-
23 retary of Defense shall prescribe any modifications to the
24 standards under section 2774 of title 10, United States
25 Code, that are required or authorized by reason of the

1 *amendments made by this section not later than March 1,*
2 *2007.*

3 **SEC. 666. TERMS OF CONSUMER CREDIT EXTENDED TO**
4 **SERVICEMEMBER OR SERVICEMEMBER'S DE-**
5 **PENDENT.**

6 *(a) TERMS OF CONSUMER CREDIT.—Title II of the*
7 *Servicemembers Civil Relief Act (50 U.S.C. App. 521 et*
8 *seq.) is amended by adding at the end the following new*
9 *section:*

10 **“SEC. 208. TERMS OF CONSUMER CREDIT.**

11 *“(a) INTEREST.—A creditor who extends consumer*
12 *credit to a servicemember or a servicemember’s dependent*
13 *shall not require the servicemember or the servicemember’s*
14 *dependent to pay interest with respect to the extension of*
15 *such credit, except as—*

16 *“(1) agreed to under the terms of the credit*
17 *agreement or promissory note;*

18 *“(2) authorized by applicable State or Federal*
19 *law; and*

20 *“(3) not specifically prohibited by this section.*

21 *“(b) ANNUAL PERCENTAGE RATE.—A creditor de-*
22 *scribed in subsection (a) shall not impose an annual per-*
23 *centage rate greater than 36 percent with respect to the con-*
24 *sumer credit extended to a servicemember or a*
25 *servicemember’s dependent.*

1 “(c) *MANDATORY LOAN DISCLOSURES.*—

2 “(1) *INFORMATION REQUIRED.*—*With respect to*
3 *any extension of consumer credit to a servicemember*
4 *or a servicemember’s dependent, a creditor shall pro-*
5 *vide to the servicemember or the servicemember’s de-*
6 *pendent the following information in writing, at or*
7 *before the issuance of the credit:*

8 “(A) *A statement of the annual percentage*
9 *rate applicable to the extension of credit.*

10 “(B) *Any disclosures required under the*
11 *Truth in Lending Act (15 U.S.C. 1601 et seq.).*

12 “(C) *A clear description of the payment ob-*
13 *ligations of the servicemember or the*
14 *servicemember’s dependent, as applicable.*

15 “(2) *TERMS.*—*Such disclosures shall be presented*
16 *in accordance with terms prescribed by the regula-*
17 *tions issued by the Board of Governors of the Federal*
18 *Reserve System to implement the Truth in Lending*
19 *Act (15 U.S.C. 1601 et seq.).*

20 “(d) *LIMITATION.*—*A creditor described in subsection*
21 *(a) shall not automatically renew, repay, refinance, or con-*
22 *solidate with the proceeds of other credit extended by the*
23 *same creditor any consumer credit extended to a*
24 *servicemember or a servicemember’s dependent without—*

1 “(1) *executing new loan documentation signed*
2 *by the servicemember or the servicemember’s depend-*
3 *ent, as applicable; and*

4 “(2) *providing the loan disclosures described in*
5 *subsection (c) to the servicemember or the*
6 *servicemember’s dependent.*

7 “(e) *PREEMPTION.—Except as provided in subsection*
8 *(f)(2), this section preempts any State or Federal law, rule,*
9 *or regulation, including any State usury law, to the extent*
10 *that such laws, rules, or regulations are inconsistent with*
11 *this section, except that this section shall not preempt any*
12 *such law, rule, or regulation that provides additional pro-*
13 *tection to a servicemember or a servicemember’s dependent.*

14 “(f) *PENALTIES.—*

15 “(1) *MISDEMEANOR.—Any creditor who know-*
16 *ingly violates this section shall be fined as provided*
17 *in title 18, United States Code, or imprisoned for not*
18 *more than one year, or both.*

19 “(2) *PRESERVATION OF OTHER REMEDIES.—The*
20 *remedies and rights provided under this section are*
21 *in addition to and do not preclude any remedy other-*
22 *wise available under law to the person claiming relief*
23 *under this section, including any award for con-*
24 *sequential and punitive damages.*

1 “(g) *DEFINITION.*—For purposes of this section, the
2 term ‘interest’ includes service charges, renewal charges,
3 fees, or any other charges (except bona fide insurance) with
4 respect to the extension of consumer credit.”.

5 (b) *CLERICAL AMENDMENT.*—The table of contents of
6 the Servicemembers Civil Relief Act (50 U.S.C. App. 501)
7 is amended by inserting after the item relating to section
8 207 the following new item:

“Sec. 208. *Terms of consumer credit*”.

9 **SEC. 667. JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.**

10 (a) *PROGRAM REQUIRED.*—The Secretary of Defense
11 shall carry out a joint family support assistance program
12 for the purpose of providing assistance to families of mem-
13 bers of the Armed Forces.

14 (b) *LOCATIONS.*—

15 (1) *IN GENERAL.*—The Secretary shall carry out
16 the program for at least six regions of the country
17 through sites established by the Secretary for purposes
18 of the program in such regions.

19 (2) *LOCATION OF CERTAIN SITES.*—At least three
20 of the sites established under paragraph (1) shall be
21 located in an area that it geographically isolated
22 from military installations.

23 (c) *FUNCTIONS.*—The Secretary shall provide assist-
24 ance to families of the members of the Armed Forces under

1 *the program by providing at each site established for pur-*
2 *poses of the program under subsection (b) the following:*

3 (1) *Financial, material, and other assistance to*
4 *families of members of the Armed Forces.*

5 (2) *Mobile support services to families of mem-*
6 *bers of the Armed Forces.*

7 (3) *Sponsorship of volunteers and family sup-*
8 *port professionals for the delivery of support services*
9 *to families of members of the Armed Forces.*

10 (4) *Coordination of family assistance programs*
11 *and activities provided by Military OneSource, Mili-*
12 *tary Family Life Consultants, counselors, the Depart-*
13 *ment of Defense, other departments and agencies of*
14 *the Federal Government, State and local agencies,*
15 *and non-profit entities.*

16 (5) *Facilitation of discussion on military family*
17 *assistance programs, activities, and initiatives be-*
18 *tween and among the organizations, agencies, and en-*
19 *tities referred to in paragraph (4).*

20 (d) *RESOURCES.—*

21 (1) *IN GENERAL.—The Secretary shall provide*
22 *personnel and other resources necessary for the imple-*
23 *mentation and operation of the program at each site*
24 *established under subsection (b).*

1 (2) *ACCEPTANCE OF CERTAIN SERVICES.*—*In*
2 *providing resources under paragraph (1), the Sec-*
3 *retary may accept and utilize the services of non-Fed-*
4 *eral Government volunteers and non-profit entities.*

5 (e) *PROCEDURES.*—*The Secretary shall establish pro-*
6 *cedures for the operation of each site established under sub-*
7 *section (b) and for the provision of assistance to families*
8 *of members of the Armed Forces at such site.*

9 (f) *IMPLEMENTATION PLAN.*—

10 (1) *PLAN REQUIRED.*—*Not later than 30 days*
11 *after the first obligation of amounts for the program,*
12 *the Secretary shall submit to the congressional defense*
13 *committees a report setting forth a plan for the imple-*
14 *mentation of the program.*

15 (2) *ELEMENTS.*—*The plan required under para-*
16 *graph (1) shall include the following:*

17 (A) *A description of the actions taken to se-*
18 *lect and establish sites for the program under*
19 *subsection (b).*

20 (B) *A description of the procedures estab-*
21 *lished under subsection (d).*

22 (C) *A review of proposed actions to be taken*
23 *under the program to improve coordination on*
24 *family assistance program and activities between*
25 *and among the Department of Defense, other de-*

1 *partments and agencies of the Federal Govern-*
2 *ment, State and local agencies, and non-profit*
3 *entities.*

4 *(g) REPORT.—*

5 *(1) IN GENERAL.—Not later than 270 days after*
6 *the first obligation of amounts for the program, the*
7 *Secretary shall submit to the congressional defense*
8 *committees a report on the program.*

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

11 *(A) A description of the program, including*
12 *each site established for purposes of the program,*
13 *the procedures established under subsection (d)*
14 *for operations at each such site, and the assist-*
15 *ance provided through each such site for families*
16 *of members of the Armed Forces.*

17 *(B) An assessment of the effectiveness of the*
18 *program in providing assistance to families of*
19 *members of the Armed Forces.*

20 *(C) An assessment of the advisability of ex-*
21 *tending the program or making it permanent.*

22 *(h) ASSISTANCE TO NON-PROFIT ENTITIES PROVIDING*
23 *ASSISTANCE TO MILITARY FAMILIES.—The Secretary may*
24 *provide financial, material, and other assistance to non-*
25 *profit entities in order to facilitate the provision by such*

1 *entities of assistance to geographically isolated families of*
2 *members of the Armed Forces.*

3 (i) *SUNSET.*—*The program required by this section,*
4 *and the authority to provide assistance under subsection*
5 *(h), shall cease upon the date that is three years after the*
6 *first obligation of amounts for the program.*

7 (j) *FUNDING.*—*Of the amount authorized to be appro-*
8 *priated by section 301(5) for operation and maintenance*
9 *for Defense-wide activities, \$5,000,000 may be available for*
10 *the program required by this section and the provision of*
11 *assistance under subsection (h).*

12 **SEC. 668. IMPROVEMENT OF MANAGEMENT OF ARMED**
13 **FORCES RETIREMENT HOME.**

14 (a) *REDESIGNATION OF CHIEF OPERATING OFFICER*
15 *AS CHIEF EXECUTIVE OFFICER.*—

16 (1) *IN GENERAL.*—*Section 1515 of the Armed*
17 *Forces Retirement Home Act of 1991 (24 U.S.C. 415)*
18 *is amended—*

19 (A) *by striking “Chief Operating Officer”*
20 *each place it appears and inserting “Chief Exec-*
21 *utive Officer”; and*

22 (B) *in subsection (e)(1), by striking “Chief*
23 *Operating Officer’s” and inserting “Chief Execu-*
24 *utive Officer’s”.*

1 (2) *CONFORMING AMENDMENTS.*—*Such Act is*
 2 *further amended by striking “Chief Operating Offi-*
 3 *cer” each place it appears in a provision as follows*
 4 *and inserting “Chief Executive Officer”:*

5 (A) *Section 1511 (24 U.S.C. 411).*

6 (B) *Section 1512 (24 U.S.C. 412).*

7 (C) *Section 1513(a) (24 U.S.C. 413(a)).*

8 (D) *Section 1514(c)(1) (24 U.S.C.*
 9 *414(c)(1)).*

10 (E) *Section 1516(b) (24 U.S.C. 416(b)).*

11 (F) *Section 1517 (24 U.S.C. 417).*

12 (G) *Section 1518(c) (24 U.S.C. 418(c)).*

13 (H) *Section 1519(c) (24 U.S.C. 419(c)).*

14 (I) *Section 1521(a) (24 U.S.C. 421(a)).*

15 (J) *Section 1522 (24 U.S.C. 422).*

16 (K) *Section 1523(b) (24 U.S.C. 423(b)).*

17 (L) *Section 1531 (24 U.S.C. 431).*

18 (3) *CLERICAL AMENDMENTS.*—(A) *The heading*
 19 *of section 1515 of such Act is amended to read as fol-*
 20 *lows:*

21 **“SEC. 1515. CHIEF EXECUTIVE OFFICER.”**

22 (B) *The table of contents for such Act is amended*
 23 *by striking the item relating to section 1515 and in-*
 24 *serting the following new item:*

“Sec. 1515. Chief Executive Officer.”

1 (4) *REFERENCES.*—Any reference in any law,
2 regulation, document, record, or other paper of the
3 United States to the Chief Operating Officer of the
4 Armed Forces Retirement Home shall be considered to
5 be a reference to the Chief Executive Officer of the
6 Armed Forces Retirement Home.

7 (b) *DIRECTOR AND DEPUTY DIRECTOR OF FACILI-*
8 *TIES.*—

9 (1) *MILITARY DIRECTOR.*—Subsection (b)(1) of
10 section 1517 of such Act (24 U.S.C. 417) is amended
11 by striking “a civilian with experience as a con-
12 tinuing care retirement community professional or”.

13 (2) *CIVILIAN DEPUTY DIRECTOR.*—Subsection
14 (d)(1)(A) of such section is amended by striking “or
15 a member” and all that follows and inserting “;
16 and”.

17 (3) *EFFECTIVE DATE.*—The amendments made
18 by this subsection shall take effect on the date of the
19 enactment of this Act, and shall apply with respect to
20 any vacancy that occur in the position of Director or
21 Deputy Director of a facility of the Armed Forces Re-
22 tirement Home that occurs on or after that date.

23 (c) *CLARIFICATION OF MEMBERSHIP ON LOCAL BOARD*
24 *OF TRUSTEES.*—Section 1516(c)(1)(H) of such Act (24
25 U.S.C. 416(c)(1)(K)) is amended by inserting before the pe-

1 *riod at the end the following: “, who shall be a member*
 2 *of the Armed Forces serving on active duty in the grade*
 3 *of brigadier general, or in the case of the Navy, rear admiral*
 4 *(lower half)”.*

5 ***Subtitle F—Transition Assistance***
 6 ***for Members of the National***
 7 ***Guard and Reserve Returning***
 8 ***From Deployment in Operation***
 9 ***Iraqi Freedom or Operation En-***
 10 ***during Freedom***

11 ***SEC. 681. SHORT TITLE.***

12 *This subtitle may be cited as the “Heroes at Home Act*
 13 *of 2006”.*

14 ***SEC. 682. SPECIAL WORKING GROUP ON TRANSITION TO CI-***
 15 ***VILIAN EMPLOYMENT OF MEMBERS OF THE***
 16 ***NATIONAL GUARD AND RESERVE RETURNING***
 17 ***FROM DEPLOYMENT IN OPERATION IRAQI***
 18 ***FREEDOM AND OPERATION ENDURING FREE-***
 19 ***DOM.***

20 *(a) WORKING GROUP REQUIRED.—The Secretary of*
 21 *Defense shall establish within the Department of Defense a*
 22 *working group to identify and assess the needs of members*
 23 *of the National Guard and Reserve returning from deploy-*
 24 *ment in Operation Iraqi Freedom or Operation Enduring*

1 *Freedom in transitioning to civilian employment on their*
2 *return from such deployment.*

3 (b) *MEMBERS.*—*The working group established under*
4 *subsection (a) shall include a balance of individuals ap-*
5 *pointed by the Secretary of Defense from among the fol-*
6 *lowing:*

7 (1) *Personnel of the Department of Defense.*

8 (2) *With the concurrence of the Secretary of Vet-*
9 *erans Affairs, personnel of the Department of Vet-*
10 *erans Affairs.*

11 (3) *With the concurrence of the Secretary of*
12 *Labor, personnel of the Department of Labor.*

13 (c) *RESPONSIBILITIES.*—*The working group estab-*
14 *lished under subsection (a) shall—*

15 (1) *identify and assess the needs of members of*
16 *the National Guard and Reserve described in sub-*
17 *section (a) in transitioning to civilian employment*
18 *on their return from deployment as described in that*
19 *subsection, including the needs of—*

20 (A) *members who were self-employed before*
21 *deployment and seek to return to such employ-*
22 *ment after deployment;*

23 (B) *members who were students before de-*
24 *ployment and seek to return to school or com-*
25 *mence employment after deployment;*

1 (C) members who have experienced multiple
2 recent deployments; and

3 (D) members who have been wounded or in-
4 jured during deployment; and

5 (2) develop recommendations on means of im-
6 proving assistance to members of the National Guard
7 and Reserve described in subsection (a) in meeting the
8 needs identified in paragraph (1) on their return
9 from deployment as described in subsection (a).

10 (d) *CONSULTATION.*—In carrying out its responsibil-
11 ities under subsection (c), the working group established
12 under subsection (a) shall consult with the following:

13 (1) Appropriate personnel of the Small Business
14 Administration.

15 (2) Representatives of employers who employ
16 members of the National Guard and Reserve described
17 in subsection (a) on their return to civilian employ-
18 ment as described in that subsection.

19 (3) Representatives of employee assistance orga-
20 nizations.

21 (4) Representatives of associations of employers.

22 (5) Representatives of organizations that assist
23 wounded or injured members of the National Guard
24 and Reserves in finding or sustaining employment.

1 (6) *Representatives of such other public or pri-*
2 *vate organizations and entities as the working group*
3 *considers appropriate.*

4 (e) *REPORT.—*

5 (1) *IN GENERAL.—Not later than one year after*
6 *the date of the enactment of this Act, the working*
7 *group established under subsection (a) shall submit to*
8 *the Secretary of Defense and Congress a report on its*
9 *activities under subsection (c).*

10 (2) *ELEMENTS.—The report required by para-*
11 *graph (1) shall include the following:*

12 (A) *The results of the identification and as-*
13 *essment required under subsection (c)(1).*

14 (B) *The recommendations developed under*
15 *subsection (c)(2), including recommendations on*
16 *the following:*

17 (i) *The provision of outreach and*
18 *training to employers, employment assist-*
19 *ance organizations, and associations of em-*
20 *ployers on the employment and transition*
21 *needs of members of the National Guard*
22 *and Reserve described in subsection (a)*
23 *upon their return from deployment as de-*
24 *scribed in that subsection.*

1 (ii) *The provision of outreach and*
2 *training to employers, employment assist-*
3 *ance organizations, and associations of em-*
4 *ployers on the needs of family members of*
5 *such members.*

6 (iii) *The improvement of collaboration*
7 *between the public and private sectors in*
8 *order to ensure the successful transition of*
9 *such members into civilian employment*
10 *upon their return from such deployment.*

11 (3) *AVAILABILITY TO PUBLIC.—The Secretary*
12 *shall take appropriate actions to make the report*
13 *under paragraph (1) available to the public, includ-*
14 *ing through the Internet website of the Department of*
15 *Defense.*

16 (f) *TERMINATION.—*

17 (1) *IN GENERAL.—The working group established*
18 *under subsection (a) shall terminate on the date that*
19 *is two years after the date of the enactment of this*
20 *Act.*

21 (2) *INTERIM DUTIES.—During the period begin-*
22 *ning on the date of the submittal of the report re-*
23 *quired by subsection (e) and the termination of the*
24 *working group under paragraph (1), the working*
25 *group shall serve as an advisory board to the Office*

1 *for Employers and Employment Assistance Organiza-*
2 *tions under section 683.*

3 (g) *EMPLOYMENT ASSISTANCE ORGANIZATION DE-*
4 *FINED.—In this section, the term “employment assistance*
5 *organization” means an organization or entity, whether*
6 *public or private, that provides assistance to individuals*
7 *in finding or retaining employment, including organiza-*
8 *tions and entities under military career support programs.*

9 **SEC. 683. OFFICE FOR EMPLOYERS AND EMPLOYMENT AS-**
10 **SISTANCE ORGANIZATIONS.**

11 (a) *DESIGNATION OF OFFICE.—*

12 (1) *IN GENERAL.—The Secretary of Defense shall*
13 *designate an office within the Department of Defense*
14 *to assist employers, employment assistance organiza-*
15 *tions, and associations of employers in facilitating*
16 *the successful transition to civilian employment of*
17 *members of the National Guard and Reserve return-*
18 *ing from deployment in Operation Iraqi Freedom or*
19 *Operation Enduring Freedom.*

20 (2) *NAME.—The office designated under this sub-*
21 *section shall be known as the “Office for Employers*
22 *and Employment Assistance Organizations” (in this*
23 *section referred to as the “Office”).*

24 (3) *HEAD.—The Secretary shall designate an in-*
25 *dividual to act as the head of the Office.*

1 (4) *INTEGRATION.*—*In designating the Office, the*
2 *Secretary shall ensure close communication between*
3 *the Office and the military departments, including*
4 *the commands of the reserve components of the Armed*
5 *Forces.*

6 (b) *FUNCTIONS.*—*The Office shall have the following*
7 *functions:*

8 (1) *To provide education and technical assist-*
9 *ance to employers, employment assistance organiza-*
10 *tions, and associations of employers to assist them in*
11 *facilitating the successful transition to civilian em-*
12 *ployment of members of the National Guard and Re-*
13 *serve described in subsection (a) on their return from*
14 *deployment as described in that subsection.*

15 (2) *To provide education and technical assist-*
16 *ance to employers, employment assistance organiza-*
17 *tions, and associations of employers to assist them in*
18 *facilitating the successful adjustment of family mem-*
19 *bers of the National Guard and Reserve to the deploy-*
20 *ment and return from deployment of members of the*
21 *National Guard and Reserve as described in that sub-*
22 *section.*

23 (c) *RESOURCES TO BE PROVIDED.*—

24 (1) *IN GENERAL.*—*In carrying out the functions*
25 *specified in subsection (b), the Office shall provide*

1 *employers, employment assistance organizations, and*
2 *associations of employers resources, services, and as-*
3 *sistance that include the following:*

4 *(A) Guidelines on best practices and effec-*
5 *tive strategies.*

6 *(B) Education on the physical and mental*
7 *health conditions that can and may be experi-*
8 *enced by members of the National Guard and*
9 *Reserve described in subsection (a) on their re-*
10 *turn from deployment as described in that sub-*
11 *section in transitioning to civilian employment,*
12 *including Post Traumatic Stress Disorder*
13 *(PTSD) and traumatic brain injury (TBI), in-*
14 *cluding education on—*

15 *(i) the detection of warning signs of*
16 *such conditions;*

17 *(ii) the medical, mental health, and*
18 *employment services available to such mem-*
19 *bers, including materials on services offered*
20 *by the Department of Defense, the Depart-*
21 *ment of Veterans Affairs (including through*
22 *the vet center program under section 1712A*
23 *of title 38, United States Code), the Depart-*
24 *ment of Labor, military support programs,*
25 *and community mental health clinics; and*

1 (iii) the mechanisms for referring such
2 members for services described in clause (ii)
3 and for other medical and mental health
4 screening and care when appropriate.

5 (C) Education on the range and types of
6 potential physical and mental health effects of
7 deployment and post-deployment adjustment on
8 family members of members of the National
9 Guard and Reserve described in subsection (a),
10 including education on—

11 (i) the detection of warning signs of
12 such effects on family members of members
13 of the National Guard and Reserves;

14 (ii) the medical, mental health, and
15 employment services available to such fam-
16 ily members, including materials on such
17 services as described in subparagraph
18 (B)(ii); and

19 (iii) mechanisms for referring such
20 family members for services described in
21 clause (ii) and for medical and mental
22 health screening and care when appro-
23 priate.

24 (D) Education on mechanisms, strategies,
25 and resources for accommodating and employing

1 wounded or injured members of the National
2 Guard and Reserves in work settings.

3 (2) *PROVISION OF RESOURCES.*—The Office shall
4 make resources, services, and assistance available
5 under this subsection through such mechanisms as the
6 head of the Office considers appropriate, including the
7 Internet, video conferencing, telephone services, work-
8 shops, trainings, presentations, group forums, and
9 other mechanisms.

10 (d) *PERSONNEL AND OTHER RESOURCES.*—The Sec-
11 retary of Defense shall assign to the Office such personnel,
12 funding, and other resources as are required to ensure the
13 effective discharge by the Office of the functions under sub-
14 section (b).

15 (e) *REPORTS ON ACTIVITIES.*—

16 (1) *ANNUAL REPORT BY OFFICE.*—Not later than
17 one year after the designation of the Office, and an-
18 nually thereafter, the head of the Office, in consulta-
19 tion with the working group established pursuant to
20 section 682 (while in effect), shall submit to the Sec-
21 retary of Defense a written report on the progress and
22 outcomes of the Office during the one-year period end-
23 ing on the date of such report.

24 (2) *TRANSMITTAL TO CONGRESS.*—Not later than
25 60 days after receipt of a report under paragraph (1),

1 *the Secretary shall transmit such report to the Com-*
2 *mittees on Armed Services of the Senate and the*
3 *House of Representatives, together with—*

4 *(A) such comments on such report, and such*
5 *assessment of the effectiveness of the Office, as the*
6 *Secretary considers appropriate; and*

7 *(B) such recommendations on means of im-*
8 *proving the effectiveness of the Office as the Sec-*
9 *retary considers appropriate.*

10 *(3) AVAILABILITY TO PUBLIC.—The Secretary*
11 *shall take appropriate actions to make each report*
12 *under paragraph (2) available to the public, includ-*
13 *ing through the Internet website of the Office.*

14 *(f) EMPLOYMENT ASSISTANCE ORGANIZATION DE-*
15 *FINED.—In this section, the term “employment assistance*
16 *organization” means an organization or entity, whether*
17 *public or private, that provides assistance to individuals*
18 *in finding or retaining employment, including organiza-*
19 *tions and entities under military career support programs.*

1 **SEC. 684. ADDITIONAL RESPONSIBILITIES OF DEPARTMENT**
2 **OF DEFENSE TASK FORCE ON MENTAL**
3 **HEALTH RELATING TO MENTAL HEALTH OF**
4 **MEMBERS OF THE NATIONAL GUARD AND RE-**
5 **SERVE DEPLOYED IN OPERATION IRAQI**
6 **FREEDOM AND OPERATION ENDURING FREE-**
7 **DOM.**

8 (a) *ADDITIONAL RESPONSIBILITIES.*—Section 723 of
9 the National Defense Authorization Act for Fiscal Year
10 2006 (Public Law 109–163; 119 Stat. 3348) is amended—

11 (1) by redesignating subsections (d), (e), (f), and
12 (g) as subsections (e), (f), (g), and (h), respectively;
13 and

14 (2) by inserting after subsection (c) the following
15 new subsection (d):

16 “(d) *ASSESSMENT OF MENTAL HEALTH NEEDS OF*
17 *MEMBERS OF NATIONAL GUARD AND RESERVE DEPLOYED*
18 *IN OIF OR OEF.*—

19 “(1) *IN GENERAL.*—In addition to the activities
20 required under subsection (c), the task force shall, not
21 later than 12 months after the date of the enactment
22 of the Heroes at Home Act of 2006, submit to the Sec-
23 retary a report containing an assessment and rec-
24 ommendations on the needs with respect to mental
25 health of members of the National Guard and Reserve
26 who are deployed in Operation Iraqi Freedom or Op-

1 *eration Enduring Freedom upon their return from*
2 *such deployment.*

3 “(2) *ELEMENTS.*—*The assessment and rec-*
4 *ommendations required by paragraph (1) shall in-*
5 *clude the following:*

6 “(A) *An assessment of the specific needs*
7 *with respect to mental health of members of the*
8 *National Guard and Reserve who are deployed*
9 *in Operation Iraqi Freedom or Operation En-*
10 *during Freedom upon their return from such de-*
11 *ployment.*

12 “(B) *An identification of mental health con-*
13 *ditions and disorders (including Post Traumatic*
14 *Stress Disorder (PTSD), suicide attempts, and*
15 *suicide) occurring among members of the Na-*
16 *tional Guard and Reserve who undergo multiple*
17 *deployments in Operation Iraqi Freedom or Op-*
18 *eration Enduring Freedom upon their return*
19 *from such deployment.*

20 “(C) *Recommendations on mechanisms for*
21 *improving the mental health services available to*
22 *members of the National Guard and Reserve who*
23 *are deployed in Operation Iraqi Freedom or Op-*
24 *eration Enduring Freedom, including such mem-*
25 *bers who undergo multiple deployments in such*

1 operations, upon their return from such deploy-
2 ment.”.

3 (b) *REPORT.*—Subsection (f) of such section, as reded-
4 ignated by subsection (a)(1) of this section, is further
5 amended—

6 (1) in the subsection heading, by striking “*RE-*
7 *PORT*” and inserting “*REPORTS*”;

8 (2) by striking paragraph (1) and inserting the
9 following new paragraph (1):

10 “(1) *IN GENERAL.*—The report submitted to the
11 Secretary under each of subsections (c) and (d) shall
12 include—

13 “(A) a description of the activities of the
14 task force under such subsection;

15 “(B) the assessment and recommendations
16 required by such subsection; and

17 “(C) such other matters relating to the ac-
18 tivities of the task force under such subsection as
19 the task force considers appropriate.”; and

20 (3) in paragraph (2)—

21 (A) by striking “the report under para-
22 graph (1)” and inserting “a report under para-
23 graph (1)”;

24 (B) by striking “the report as” and insert-
25 ing “such report as”.

1 (c) *PLAN MATTERS.*—Subsection (g) of such section,
2 as redesignated by subsection (a)(1) of this section, is fur-
3 ther amended—

4 (1) by striking “the report from the task force
5 under subsection (e)(1)” and inserting “a report from
6 the task force under subsection (f)(1)”; and

7 (2) by inserting “contained in such report” after
8 “the task force” the second place it appears.

9 (d) *TERMINATION.*—Subsection (h) of such section, as
10 redesignated by subsection (a)(1) of this section, is further
11 amended—

12 (1) by inserting “with respect to the assessment
13 and recommendations required by subsection (d)”
14 after “the task force”; and

15 (2) by striking “subsection (e)(2)” and inserting
16 “subsection (f)(2)”.

17 **SEC. 685. GRANTS ON ASSISTANCE IN COMMUNITY-BASED**
18 **SETTINGS FOR MEMBERS OF THE NATIONAL**
19 **GUARD AND RESERVE AND THEIR FAMILIES**
20 **AFTER DEPLOYMENT IN OPERATION IRAQI**
21 **FREEDOM AND OPERATION ENDURING FREE-**
22 **DOM.**

23 (a) *IN GENERAL.*—The Secretary of Defense may
24 award grants to eligible entities to carry out demonstration
25 projects to assess the feasibility and advisability of utilizing

1 *community-based settings for the provision of assistance to*
2 *members of the National Guard and Reserve who serve in*
3 *Operation Iraqi Freedom or Operation Enduring Freedom,*
4 *and their families, after the return of such members from*
5 *deployment in Operation Iraqi Freedom or Operation En-*
6 *during Freedom, as the case may be, including—*

7 (1) *services to improve the reuniting of such*
8 *members of the National Guard and Reserve and their*
9 *families;*

10 (2) *education to increase awareness of the phys-*
11 *ical and mental health conditions that members of the*
12 *National Guard and Reserve can and may experience*
13 *on their return from such deployment, including edu-*
14 *cation on—*

15 (A) *Post Traumatic Stress Disorder*
16 *(PTSD) and traumatic brain injury (TBI); and*

17 (B) *mechanisms for the referral of such*
18 *members of the National Guard and Reserve for*
19 *medical and mental health screening and care*
20 *when necessary; and*

21 (3) *education to increase awareness of the phys-*
22 *ical and mental health conditions that family mem-*
23 *bers of such members of the National Guard and Re-*
24 *serve can and may experience on the return of such*

1 *members from such deployment, including education*
2 *on—*

3 *(A) depression, anxiety, and relationship*
4 *problems; and*

5 *(B) mechanisms for medical and mental*
6 *health screening and care when appropriate.*

7 *(b) ELIGIBLE ENTITIES.—An entity eligible for the*
8 *award of a grant under this section is any public or private*
9 *non-profit organization, such as a community mental*
10 *health clinic, family support organization, military sup-*
11 *port organization, law enforcement agency, community col-*
12 *lege, or public school.*

13 *(c) APPLICATION.—An eligible entity seeking a grant*
14 *under this section shall submit to the Secretary of Defense*
15 *an application therefor in such manner, and containing*
16 *such information, as the Secretary may require for purposes*
17 *of this section, including a description of how such entity*
18 *will work with the Department of Defense, the Department*
19 *of Veterans Affairs, State health agencies, other appropriate*
20 *Federal, State, and local agencies, family support organiza-*
21 *tions, and other community organization in undertaking*
22 *activities described in subsection (a).*

23 *(d) ANNUAL REPORTS BY GRANT RECIPIENTS.—An*
24 *entity awarded a grant under this section shall submit to*
25 *the Secretary of Defense on an annual basis a report on*

1 *the activities undertaken by such entity during the pre-*
2 *ceding year utilizing amounts under the grant. Each report*
3 *shall include such information as the Secretary shall specify*
4 *for purposes of this subsection.*

5 *(e) ANNUAL REPORTS TO CONGRESS.—*

6 *(1) IN GENERAL.—Not later than one year after*
7 *the date of the enactment of this Act, and annually*
8 *thereafter, the Secretary of Defense shall submit to*
9 *Congress a report on activities undertaken under the*
10 *grants awarded under this section. The report shall*
11 *include recommendations for legislative, pro-*
12 *grammatic, or administrative action to improve or*
13 *enhance activities under the grants awarded under*
14 *this section.*

15 *(2) AVAILABILITY TO PUBLIC.—The Secretary*
16 *shall take appropriate actions to make each report*
17 *under this subsection available to the public.*

18 **SEC. 686. LONGITUDINAL STUDY ON TRAUMATIC BRAIN IN-**
19 **JURY INCURRED BY MEMBERS OF THE**
20 **ARMED FORCES IN OPERATION IRAQI FREE-**
21 **DOM AND OPERATION ENDURING FREEDOM.**

22 *(a) STUDY REQUIRED.—The Secretary of Defense*
23 *shall, in consultation with the Secretary of Veterans Affairs,*
24 *conduct a longitudinal study on the effects of traumatic*
25 *brain injury incurred by members of the Armed Forces in*

1 *Operation Iraqi Freedom or Operation Enduring Freedom.*

2 *The duration of the longitudinal study shall be 15 years.*

3 (b) *ELEMENTS.*—*The study required by subsection (a)*

4 *shall address the following:*

5 (1) *The long-term physical and mental health ef-*

6 *fects of traumatic brain injuries incurred by members*

7 *of the Armed Forces during service in Operation*

8 *Iraqi Freedom or Operation Enduring Freedom.*

9 (2) *The health care, mental health care, and re-*

10 *habilitation needs of such members for such injuries*

11 *after the completion of inpatient treatment through*

12 *the Department of Defense, the Department of Vet-*

13 *erans Affairs, or both.*

14 (3) *The type and availability of long-term care*

15 *rehabilitation programs and services within and out-*

16 *side the Department of Defense and the Department*

17 *of Veterans Affairs for such members for such injuries,*

18 *including community-based programs and services*

19 *and in-home programs and services.*

20 (c) *REPORTS.*—

21 (1) *PERIODIC AND FINAL REPORTS.*—*After the*

22 *third, seventh, eleventh, and fifteenth years of the*

23 *study required by subsection (a), the Secretary of De-*

24 *fense shall, in consultation with the Secretary of Vet-*

25 *erans Affairs, submit to Congress a comprehensive re-*

1 *port on the results of the study during the preceding*
2 *years. Each report shall include the following:*

3 *(A) Current information on the cumulative*
4 *outcomes of the study.*

5 *(B) Such recommendations as the Secretary*
6 *of Defense and the Secretary of Veterans Affairs*
7 *jointly consider appropriate based on the out-*
8 *comes of the study, including recommendations*
9 *for legislative, programmatic, or administrative*
10 *action to improve long-term care and rehabilita-*
11 *tion programs and services for members of the*
12 *Armed Forces with traumatic brain injuries.*

13 *(2) AVAILABILITY TO PUBLIC.—The Secretary of*
14 *Defense and the Secretary of Veterans Affairs shall*
15 *jointly take appropriate actions to make each report*
16 *under this subsection available to the public.*

17 *(d) FUNDING.—*

18 *(1) AUTHORIZATION OF APPROPRIATIONS.—*
19 *There is authorized to be appropriated to the Depart-*
20 *ment of Defense to carry out this section amounts as*
21 *follows:*

22 *(A) For fiscal year 2007, \$5,000,000.*

23 *(B) For each of fiscal years 2008 through*
24 *2021, such sums as may be necessary.*

1 (2) *OFFSET.*—*The amount authorized to be ap-*
2 *propriated by section 102(a)(2) for weapons procure-*
3 *ment for the Navy is hereby reduced by \$5,000,000,*
4 *with the amount of the reduction to be allocated to*
5 *amounts for the Trident II conventional modification*
6 *program.*

7 **SEC. 687. TRAINING CURRICULA FOR FAMILY CAREGIVERS**
8 **ON CARE AND ASSISTANCE FOR MEMBERS**
9 **AND FORMER MEMBERS OF THE ARMED**
10 **FORCES WITH TRAUMATIC BRAIN INJURY IN-**
11 **CURRED IN OPERATION IRAQI FREEDOM AND**
12 **OPERATION ENDURING FREEDOM.**

13 (a) *TRAUMATIC BRAIN INJURY FAMILY CAREGIVER*
14 *PANEL.*—

15 (1) *ESTABLISHMENT.*—*The Secretary of Defense*
16 *shall, in consultation with the Secretary of Veterans*
17 *Affairs, establish within the Department of Defense a*
18 *panel to develop coordinated, uniform, and consistent*
19 *training curricula to be used in training family*
20 *members in the provision of care and assistance to*
21 *members and former members of the Armed Forces for*
22 *traumatic brain injuries incurred during service in*
23 *the Armed Forces in Operation Iraqi Freedom or Op-*
24 *eration Enduring Freedom.*

1 (2) *DESIGNATION OF PANEL.*—*The panel estab-*
2 *lished under paragraph (1) shall be known as the*
3 *“Traumatic Brain Injury Family Caregiver Panel”.*

4 (3) *MEMBERS.*—*The Traumatic Brain Injury*
5 *Family Caregiver Panel established under paragraph*
6 *(1) shall consist of 15 members appointed by the Sec-*
7 *retary of Defense, in consultation with the Secretary*
8 *of Veterans Affairs, equally represented from among—*

9 (A) *physicians, nurses, rehabilitation thera-*
10 *pists, and other individuals with an expertise in*
11 *caring for and assisting individuals with trau-*
12 *matic brain injury, including those who spe-*
13 *cialize in caring for and assisting individuals*
14 *with traumatic brain injury incurred in war;*

15 (B) *representatives of family caregivers or*
16 *family caregiver associations;*

17 (C) *Department of Defense and Department*
18 *of Veterans Affairs health and medical personnel*
19 *with expertise in traumatic brain injury, and*
20 *Department of Defense personnel and readiness*
21 *representatives with expertise in traumatic brain*
22 *injury;*

23 (D) *psychologists or other individuals with*
24 *expertise in the mental health treatment and*
25 *care of individuals with traumatic brain injury;*

1 (E) experts in the development of training
2 curricula; and

3 (F) any other individuals the Secretary
4 considers appropriate.

5 (b) DEVELOPMENT OF CURRICULA.—

6 (1) IN GENERAL.—The Traumatic Brain Injury
7 Family Caregiver Panel shall develop training cur-
8 ricula to be utilized during the provision of training
9 to family members of members and former members
10 of the Armed Forces described in subsection (a) on
11 techniques, strategies, and skills for care and assist-
12 ance for such members and former members with the
13 traumatic brain injuries described in that subsection.

14 (2) SCOPE OF CURRICULA.—The curricula
15 shall—

16 (A) be based on empirical research and
17 validated techniques; and

18 (B) shall provide for training that permits
19 recipients to tailor caregiving to the unique cir-
20 cumstances of the member or former member of
21 the Armed Forces receiving care.

22 (3) PARTICULAR REQUIREMENTS.—In developing
23 the curricula, the Traumatic Brain Injury Family
24 Caregiver Panel shall—

1 (A) *specify appropriate training commensu-*
2 *rate with the severity of traumatic brain injury;*
3 *and*

4 (B) *identify appropriate care and assist-*
5 *ance to be provided for the degree of severity of*
6 *traumatic brain injury for caregivers of various*
7 *levels of skill and capability.*

8 (4) *USE OF EXISTING MATERIALS.—In devel-*
9 *oping the curricula, the Traumatic Brain Injury*
10 *Family Caregiver Panel shall utilize and enhance*
11 *any existing training curricula, materials, and re-*
12 *sources applicable to such curricula as the Panel con-*
13 *siders appropriate.*

14 (5) *DEADLINE FOR DEVELOPMENT.—The Trau-*
15 *matic Brain Injury Family Caregiver Panel shall de-*
16 *velop the curricula not later than one year after the*
17 *date of the enactment of this Act.*

18 (c) *DISSEMINATION OF CURRICULA.—*

19 (1) *IN GENERAL.—The Secretary of Defense*
20 *shall, in consultation with the Traumatic Brain In-*
21 *jury Family Caregiver Panel, develop mechanisms for*
22 *the dissemination of the curricula developed under*
23 *subsection (b) to health care professionals referred to*
24 *in paragraph (2) who treat or otherwise work with*
25 *members and former members of the Armed Forces*

1 with traumatic brain injury incurred in Operation
2 Iraqi Freedom or Operation Enduring Freedom. In
3 developing such mechanisms, the Secretary may uti-
4 lize and enhance existing mechanisms, including the
5 Military Severely Injured Center.

6 (2) *HEALTH CARE PROFESSIONALS.*—The health
7 care professionals referred to in this paragraph are
8 the following:

9 (A) *Personnel at military medical treat-*
10 *ment facilities.*

11 (B) *Personnel at the polytrauma centers of*
12 *the Department of Veterans Affairs.*

13 (C) *Personnel and care managers at the*
14 *Military Severely Injured Center.*

15 (D) *Such other health care professionals of*
16 *the Department of Defense as the Secretary con-*
17 *siders appropriate.*

18 (E) *Such other health care professionals of*
19 *the Department of Veterans Affairs as the Sec-*
20 *retary of Defense, in consultation with the Sec-*
21 *retary of Veterans Affairs, considers appropriate.*

22 (3) *PROVISION OF TRAINING TO FAMILY CARE-*
23 *GIVERS.*—

24 (A) *IN GENERAL.*—Health care professionals
25 referred to in paragraph (2) who are trained in

1 *the curricula developed under subsection (b) shall*
2 *provide training to family members of members*
3 *and former members of the Armed Forces who*
4 *incur traumatic brain injuries during service in*
5 *the Operation Iraqi Freedom or Operation En-*
6 *during Freedom in the care and assistance to be*
7 *provided for such injuries.*

8 *(B) TIMING OF TRAINING.—Training under*
9 *this paragraph shall, to the extent practicable, be*
10 *provided to family members while the member or*
11 *former member concerned is undergoing treat-*
12 *ment at a facility of the Department of Defense*
13 *or Department of Veterans Affairs, as applicable,*
14 *in order to ensure that such family members re-*
15 *ceive practice on the provision of such care and*
16 *assistance under the guidance of qualified health*
17 *professionals.*

18 *(C) PARTICULARIZED TRAINING.—Training*
19 *provided under this paragraph to family mem-*
20 *bers of a particular member or former member*
21 *shall be tailored to the particular care needs of*
22 *such member or former member and the par-*
23 *ticular caregiving needs of such family members.*

24 *(4) QUALITY ASSURANCE.—The Secretary shall*
25 *develop mechanisms to ensure quality in the provision*

1 of training under this section to health care profes-
2 sionals referred to in paragraph (2) and in the provi-
3 sion of such training under paragraph (4) by such
4 health care professionals.

5 (5) *REPORT.*—Not later than one year after the
6 development of the curricula required by subsection
7 (b), and annually thereafter, the *Traumatic Brain*
8 *Injury Family Caregiver Training Panel* shall submit
9 to the Secretary of Defense and the Secretary of Vet-
10 erans Affairs, and to Congress, a report on the fol-
11 lowing:

12 (A) *The actions undertaken under this sub-*
13 *section.*

14 (B) *The results of the tracking of outcomes*
15 *based on training developed and provided under*
16 *this section.*

17 (C) *Recommendations for the improvement*
18 *of training developed and provided under this*
19 *section.*

20 (d) *FUNDING.*—

21 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
22 *There is authorized to be appropriated to the Depart-*
23 *ment of Defense to carry out this section amounts as*
24 *follows:*

25 (A) *For fiscal year 2007, \$1,000,000.*

1 (B) For each of fiscal years 2008 through
2 2011, such sums as may be necessary.

3 (2) *OFFSET.*—The amount authorized to be ap-
4 propriated by section 102(a)(2) for weapons procure-
5 ment for the Navy is hereby reduced by \$1,000,000,
6 with the amount of the reduction to be allocated to
7 amounts for the Trident II conventional modification
8 program.

9 **TITLE VII—HEALTH CARE**
10 **Subtitle A—Benefits Matters**

11 **SEC. 701. IMPROVED PROCEDURES FOR CANCER SCREEN-**
12 **ING FOR WOMEN.**

13 (a) *PRIMARY AND PREVENTIVE HEALTH CARE SERV-*
14 *ICES AUTHORITY.*—Section 1074d of title 10, United States
15 Code, is amended—

16 (1) in subsection (a)(1), by adding at the end the
17 following new sentence: “The services described in
18 paragraphs (1) and (2) of subsection (b) shall be pro-
19 vided under such procedures and at such intervals as
20 the Secretary of Defense shall prescribe.”; and

21 (2) in subsection (b), by striking paragraphs (1)
22 and (2) and inserting the following new paragraphs:

23 “(1) Cervical cancer screening.

24 “(2) Breast cancer screening.”.

1 (b) *TRICARE PROGRAM*.—Section 1079(a)(2) of such
2 title is amended—

3 (1) in the matter preceding subparagraph (A),
4 by striking “the schedule of pap smears and mammo-
5 grams” and inserting “the schedule and method of
6 cervical cancer screenings and breast cancer
7 screenings”; and

8 (2) in subparagraph (B), by striking “pap
9 smears and mammograms” and inserting “cervical
10 and breast cancer screenings”.

11 **SEC. 702. NATIONAL MAIL-ORDER PHARMACY PROGRAM.**

12 (a) *AVAILABILITY OF REFILLS OF MAINTENANCE-TYPE*
13 *MEDICATIONS SOLELY THROUGH PROGRAM*.—

14 (1) *IN GENERAL*.—Subsection (a)(2) of section
15 1074g of title 10, United States Code, is amended—

16 (A) in subparagraph (E), by striking
17 “Pharmaceutical agents” and inserting “Except
18 as provided in subparagraph (F), pharma-
19 ceutical agents”; and

20 (B) by adding at the end the following new
21 subparagraph:

22 “(F)(i) Effective April 1, 2007, refills of maintenance
23 medications shall, except as provided under clause (ii), be
24 available to eligible covered beneficiaries solely through the

1 national mail-order pharmacy program referred to in sub-
2 paragraph (E)(iii).

3 “(ii) Under such regulations as the Secretary may pre-
4 scribe under this subparagraph, refills of a maintenance
5 medication may be available to covered eligible beneficiaries
6 through means other than the national mail-order phar-
7 macy program if clinical requirements make it advisable
8 that such medication be available to such beneficiaries
9 through such other means.

10 “(iii) The Secretary shall specify the pharmaceutical
11 agents constituting maintenance medications for purposes
12 of this subparagraph.”.

13 (2) CONFORMING AMENDMENT.—Subsection
14 (f)(1) of such section is amended by striking “sub-
15 section (a)(2)(E)” and inserting “subparagraphs (E)
16 and (F) of subsection (a)(2)”.

17 (b) PROHIBITION ON COPAYMENTS FOR CERTAIN
18 PHARMACEUTICALS AVAILABLE THROUGH PROGRAM.—
19 Subsection (a)(6) of such section is amended by adding at
20 the end the following new subparagraph:

21 “(C) In establishing the cost-sharing requirements, the
22 Secretary may not impose any copayment or cost-sharing
23 requirement with respect to the following:

24 “(i) Refills of generic medications.

1 “(ii) Brand name medications determined by a
2 physician to be medically necessary.”.

3 **SEC. 703. AVAILABILITY UNDER TRICARE OF ANESTHESIA**
4 **FOR CHILDREN IN CONNECTION WITH DEN-**
5 **TAL PROCEDURES FOR WHICH DENTAL ANES-**
6 **THESIA IS INAPPROPRIATE.**

7 Section 1079(a)(1) of title 10, United States Code, is
8 amended by inserting before the period at the end the fol-
9 lowing: “; except that, pursuant to such regulations as the
10 Secretary of Defense may prescribe, hospitalization and
11 professional services may be provided in connection with
12 the anesthesia of a child under the age of six years for a
13 dental procedure which, as determined by a qualified dental
14 specialist, is necessary”.

15 **SEC. 704. TRICARE COVERAGE FOR FORENSIC EXAMINA-**
16 **TIONS FOLLOWING SEXUAL ASSAULTS AND**
17 **DOMESTIC VIOLENCE.**

18 Section 1079(a) of title 10, United States Code, is
19 amended by adding at the end the following new paragraph:

20 “(17) Forensic examinations following a sexual
21 assault or domestic violence may be provided.”.

1 **SEC. 705. PROHIBITION ON INCREASE IN FISCAL YEAR 2007**
2 **IN ENROLLMENT FEES FOR COVERAGE**
3 **UNDER TRICARE PRIME.**

4 (a) *PROHIBITION.*—Fees charged for enrollment in
5 *TRICARE Prime* may not be increased during fiscal year
6 2007.

7 (b) *TRICARE PRIME DEFINED.*—In this section, the
8 term “*TRICARE Prime*” means the managed care option
9 of the *TRICARE* program.

10 **SEC. 706. LIMITATION ON FISCAL YEAR 2007 INCREASE IN**
11 **PREMIUMS FOR COVERAGE UNDER TRICARE**
12 **OF MEMBERS OF RESERVE COMPONENTS**
13 **WHO COMMIT TO CONTINUED SERVICE IN SE-**
14 **LECTED RESERVE AFTER RELEASE FROM AC-**
15 **TIVE DUTY.**

16 Any premium charged under subsection (d) of section
17 1076d of title 10, United States Code, for coverage under
18 *TRICARE* of members of reserve components who commit
19 to continued service in the Selected Reserve after release
20 from active duty, as authorized by subsection (a) of such
21 section, may not be increased during fiscal year 2007 by
22 an amount which exceeds 2.2 percent of such premium as
23 of September 30, 2006.

1 **SEC. 707. TEMPORARY PROHIBITION ON INCREASE IN CO-**
2 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
3 **TEM OF PHARMACY BENEFITS PROGRAM.**

4 *Subsection (a)(6) of section 1074g of title 10, United*
5 *States Code, as amended by section 702(b) of this Act, is*
6 *further amended by adding at the end the following new*
7 *subparagraph:*

8 “(D) During the period beginning on October 1, 2006,
9 and ending on September 31, 2007, the cost sharing require-
10 ments established under this paragraph for pharmaceutical
11 agents available through retail pharmacies covered by para-
12 graph (2)(E)(ii) may not exceed amounts as follows:

13 “(i) In the case of generic agents, \$3.

14 “(ii) In the case of formulary agents, \$9.

15 “(iii) In the case of nonformulary agents, \$22.”.

16 **SEC. 708. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE**
17 **SELECTED RESERVE FOR COVERAGE UNDER**
18 **TRICARE.**

19 (a) *IN GENERAL.*—*Subsection (a) of section 1076b of*
20 *title 10, United States Code, is amended—*

21 (1) *in paragraph (2), by striking “or” at the*
22 *end;*

23 (2) *in paragraph (3), by striking the period at*
24 *the end and inserting “; or”; and*

25 (3) *by adding at the end the following new para-*
26 *graph:*

1 “(4) is an employee of a business with 20 or
2 fewer employees.”.

3 (b) *PREMIUMS*.—Subsection (e)(2) of such section is
4 amended by adding at the end the following new subpara-
5 graph:

6 “(C) For members eligible under paragraph (4)
7 of subsection (a), the amount equal to 75 percent of
8 the total amount determined by the Secretary on an
9 appropriate actuarial basis as being reasonable for
10 the coverage.”.

11 (c) *EFFECTIVE DATE*.—The amendments made by this
12 section shall take effect on October 1, 2006.

13 ***Subtitle B—Planning,***
14 ***Programming, and Management***

15 ***SEC. 721. TREATMENT OF TRICARE RETAIL PHARMACY NET-***
16 ***WORK UNDER FEDERAL PROCUREMENT OF***
17 ***PHARMACEUTICALS.***

18 Section 1074g of title 10, United States Code, is
19 amended—

20 (1) by redesignating subsections (f) and (g) as
21 subsections (g) and (h), respectively; and

22 (2) by inserting after subsection (e) the following
23 new subsection (f):

24 “(f) *TRICARE RETAIL PHARMACY NETWORK*.—The
25 *TRICARE Retail Pharmacy Network* under the *TRICARE*

1 *program shall be treated as an element of the Department*
2 *of Defense for purposes of the procurement of drugs by Fed-*
3 *eral agencies under section 8126 of title 38 in connection*
4 *with the provision by pharmacies in the Network of phar-*
5 *maceutical services to eligible covered beneficiaries under*
6 *this section.”.*

7 **SEC. 722. RELATIONSHIP BETWEEN THE TRICARE PROGRAM**
8 **AND EMPLOYER-SPONSORED GROUP HEALTH**
9 **CARE PLANS.**

10 (a) *IN GENERAL.*—Chapter 55 of title 10, United
11 States Code, is amended by inserting after section 1097b
12 the following new section:

13 **“§ 1097c. TRICARE program: relationship with em-**
14 **ployer-sponsored group health plans**

15 “(a) *IN GENERAL.*—(1) *The TRICARE program is the*
16 *secondary payer for any health care services provided by*
17 *an employer to a TRICARE eligible employee of such em-*
18 *ployer, and the spouse of such employee, through any group*
19 *health plan offered by such employer.*

20 “(2) *An employer shall provide that a TRICARE eligi-*
21 *ble employee of such employer, and the spouse of such em-*
22 *ployee, is entitled to benefits and services under the group*
23 *health plan offered by such employer in the same manner*
24 *and to the same extent as similarly situated employees of*
25 *such employer who are not TRICARE eligible employees.*

1 “(3) *An employer of a TRICARE eligible employee*
2 *may not establish any condition applicable to the partici-*
3 *pation of the employee in a group health plan offered by*
4 *such employer in connection with the entitlement of the em-*
5 *ployee for health care services under the TRICARE pro-*
6 *gram, including any condition on—*

7 “(A) *the eligibility of the employee for participa-*
8 *tion in the plan; or*

9 “(B) *benefits or services available to the em-*
10 *ployee under the plan.*

11 “(b) *PROHIBITION ON INCENTIVES FOR TRICARE EL-*
12 *IGIBLE EMPLOYEES NOT TO ENROLL OR TO DISENROLL*
13 *IN GROUP HEALTH PLANS.—(1) An employer may not offer*
14 *a TRICARE eligible employee any financial or other benefit*
15 *(including health services coverage that is supplemental to*
16 *health services coverage under the TRICARE program) not*
17 *to enroll, or to disenroll, in the group health plan offered*
18 *by the employer in order to ensure that the TRICARE pro-*
19 *gram, rather than the plan, is the primary payer for health*
20 *care services received by the employee.*

21 “(2)(A) *An employer who violates the prohibition in*
22 *paragraph (1) shall be liable to the United States for a civil*
23 *penalty in an amount not to exceed \$5,000 for each viola-*
24 *tion.*

1 “(B) Any amounts collected under this paragraph
2 shall be credited to the appropriation available for the
3 TRICARE program for the fiscal year in which such
4 amounts are collected.

5 “(3)(A) Except as provided in subparagraph (B), the
6 provisions of section 1128A of the Social Security Act (42
7 U.S.C. 1320a–7a), other than subsections (a) and (b) of
8 such section 1128A, which provisions relate to procedures
9 for the imposition of civil money penalties for viola-
10 tions of the Social Security Act, shall apply to the imposi-
11 tion of penalties under paragraph (2).

12 “(B) The Secretary of Defense may provide in the reg-
13 ulations prescribed under this section for the application
14 to the imposition of penalties under paragraph (2) of proce-
15 dural requirements specified in such regulations rather
16 than the procedural requirements referred to in subpara-
17 graph (A). Any procedural requirements under such regula-
18 tions shall be comparable to the procedural requirements
19 referred to in subparagraph (A).

20 “(c) *ELECTION OF TRICARE ELIGIBLE EMPLOYEES*
21 *TO PARTICIPATE IN GROUP HEALTH PLAN.—A TRICARE*
22 *eligible employee shall have the opportunity to elect to par-*
23 *ticipate in the group health plan offered by the employer*
24 *of the employee and receive primary coverage for health care*
25 *services under the plan in the same manner and to the same*

1 *extent as similarly situated employees of such employer who*
2 *are not TRICARE eligible employees.*

3 “(d) *INAPPLICABILITY TO CERTAIN EMPLOYERS.—The*
4 *provisions of this section do not apply to any employer who*
5 *has fewer than 20 employees.*

6 “(e) *RETENTION OF ELIGIBILITY FOR COVERAGE*
7 *UNDER TRICARE.—Nothing in this section, including an*
8 *election made by a TRICARE eligible employee under sub-*
9 *section (c), shall be construed to effect, modify, or terminate*
10 *the eligibility of a TRICARE eligible employee or spouse*
11 *of such employee for health care or dental services under*
12 *this chapter in accordance with the other provisions of this*
13 *chapter.*

14 “(f) *COLLECTION OF INFORMATION.—(1) To improve*
15 *the administration of this section, the Secretary of Defense*
16 *may utilize the authorities on collection of information set*
17 *forth in paragraphs (1) and (2) of section 1095(k) of this*
18 *title, including the authority in the second sentence of para-*
19 *graph (2) of such section.*

20 “(2) *Information obtained pursuant to the use of the*
21 *authorities in paragraph (1) may not be disclosed for any*
22 *purpose of than to carry out the purpose of this section.*

23 “(g) *OUTREACH.—The Secretary of Defense shall, in*
24 *coordination with the other administering Secretaries, con-*
25 *duct outreach to inform covered beneficiaries who are enti-*

1 tled to health care benefits under the TRICARE program
2 of the rights and responsibilities of such beneficiaries and
3 employers under this section.

4 “(h) REGULATIONS.—The Secretary of Defense shall
5 prescribe regulations relating to the administration and en-
6 forcement of this section. The regulations shall be prescribed
7 in consultation with the other administering Secretaries
8 and the Attorney General, as appropriate.

9 “(i) DEFINITIONS.—In this section:

10 “(1) The term ‘employer’ includes a State or
11 unit of local government.

12 “(2) The term ‘group health plan’ means a group
13 health plan (as that term is defined in section
14 5000(b)(1) of the Internal Revenue Code of 1986 with-
15 out regard to section 5000(d) of the Internal Revenue
16 Code of 1986).

17 “(3) The term ‘primary payer’ means a group
18 health plan that provides a benefit that would be pri-
19 mary under section 1079(j)(1) or 1086(g) of this title.

20 “(4) The term ‘secondary payer’ means a plan or
21 program whose medical benefits are payable only
22 after a primary payer has provided medical benefits
23 in accordance with applicable law and the plan of the
24 primary payer.

1 “(5) The term ‘TRICARE eligible employee’
2 means a covered beneficiary under section 1086 of
3 this title entitled to health care benefits under the
4 TRICARE program.

5 “(j) *EFFECTIVE DATE*.—This section shall take effect
6 on January 1, 2008.”.

7 (b) *CLERICAL AMENDMENT*.—The table of sections at
8 the beginning of chapter 55 of such title is amended by in-
9 serting after the item relating to section 1097b the following
10 new item:

 “1097c. TRICARE program: relationship with employer-sponsored group health
 plans.”.

11 **SEC. 723. ENROLLMENT IN THE TRICARE PROGRAM.**

12 (a) *SYSTEM OF ENROLLMENT REQUIRED*.—Chapter
13 55 of title 10, United States Code, is amended by inserting
14 after section 1097c, as added by section 722(a) of this Act,
15 the following new section:

16 **“§ 1097d. TRICARE program: system of enrollment**

17 “(a) *ESTABLISHMENT OF SYSTEM*.—Not later than
18 October 1, 2007, the Secretary of Defense shall establish a
19 universal system for enrollment of all beneficiaries who ob-
20 tain health care services from military medical treatment
21 facilities or civilian health care providers under the
22 TRICARE program (in this section referred to as ‘partici-
23 pating beneficiaries’).

1 “(b) *PURPOSES OF SYSTEM.*—*The purposes of the sys-*
2 *tem required by subsection (a) shall be as follows:*

3 “(1) *To ensure the efficient administration of*
4 *benefits under the TRICARE program, including the*
5 *Standard option of TRICARE.*

6 “(2) *To ensure that the geographic distribution*
7 *of healthcare providers under the TRICARE program*
8 *meets the needs of participating beneficiaries for*
9 *ready access to health care services under the pro-*
10 *gram.*

11 “(3) *To promote the implementation of disease*
12 *management and chronic care management programs*
13 *authorized by the National Defense Authorization Act*
14 *for Fiscal Year 2007 and other provisions of law.*

15 “(c) *ELEMENTS.*—*The system required by subsection*
16 *(a) shall be subject to the following:*

17 “(1) *Enrollment is required for all benefits op-*
18 *tions under the TRICARE program.*

19 “(2) *A one-time enrollment fee (in the amount of*
20 *\$25, in the case of an individual enrolling in self only*
21 *coverage, or \$40, in the case of an individual enroll-*
22 *ing in self and family coverage) may be collected for*
23 *all participating beneficiaries who utilize the Stand-*
24 *ard option of TRICARE, except that such enrollment*
25 *fee may not be collected from the following:*

1 “(A) *Dependents of members of the armed*
2 *forces on active duty.*

3 “(B) *Dependents of Reserves on extended ac-*
4 *tive duty pursuant to a call or order to active*
5 *duty of 30 days or more.*

6 “(C) *Participating beneficiaries who are*
7 *also eligible for benefits under the Medicare pro-*
8 *gram under title XVIII of the Social Security*
9 *Act (42 U.S.C. 1395 et seq.).*

10 “(D) *Participating beneficiaries enrolled in*
11 *TRICARE Reserve Select under section 1076d of*
12 *this title.*

13 “(3) *Enrollment in the system may occur at any*
14 *time.*

15 “(4) *Enrollment in the system shall be by a vari-*
16 *ety of means utilizing a standard format.*

17 “(d) *ADMINISTRATION.—The Secretary shall provide*
18 *for the administration of the system in each region of the*
19 *TRICARE program by the TRICARE Regional Director*
20 *for such region.*

21 “(e) *HEALTH RISK ASSESSMENT.—(1) The Secretary*
22 *of Defense shall provide to each participating beneficiary*
23 *who enrolls in the system required by subsection (a) a health*
24 *risk assessment not later than 120 days after the date of*

1 *the enrollment of such participating beneficiary in the sys-*
2 *tem.*

3 “(2) *The Secretary shall provide health risk assess-*
4 *ments under paragraph (1) by any means that the Sec-*
5 *retary considers appropriate for purposes of this section.*

6 “(f) *CONSEQUENCES OF LACK OF PAYMENT OF EN-*
7 *ROLLMENT FEE.—(1) In the case of any participating bene-*
8 *ficiary who is subject to the payment of an enrollment fee*
9 *under the authority in subsection (c)(2), payment of the en-*
10 *rollment fee shall, except as provided in paragraph (2), be*
11 *a condition for receipt of benefits under the TRICARE pro-*
12 *gram.*

13 “(2) *The Secretary of Defense may waive the applica-*
14 *bility of paragraph (1) to any participating beneficiary or*
15 *class of participating beneficiaries if the Secretary deter-*
16 *mines that the waiver is in the best interests of the United*
17 *States.*

18 “(g) *COMMUNICATIONS AND OUTREACH WITH EN-*
19 *ROLLEES.—(1) The Secretary of Defense shall, on a periodic*
20 *basis but not less often than annually, provide to partici-*
21 *pating beneficiaries who are enrolled in the system required*
22 *by subsection (a) information on current matters relating*
23 *to the TRICARE program, including information on bene-*
24 *fits available under the TRICARE program and informa-*
25 *tion on preventive health care services and other practices*

1 *intended to promote health and wellness among such par-*
2 *ticipating beneficiaries.*

3 “(2) *The Secretary shall, on a periodic basis, conduct*
4 *surveys or otherwise collect information on participating*
5 *beneficiaries enrolled in the system with respect to the fol-*
6 *lowing:*

7 “(A) *The satisfaction of such beneficiaries who*
8 *are participants in the option of the TRICARE pro-*
9 *gram known as TRICARE Standard with the nature*
10 *and scope of, and access to, health care services under*
11 *that option.*

12 “(B) *Other health care insurance, if any, that is*
13 *available to such beneficiaries.*

14 “(C) *Any other matters that the Secretary con-*
15 *siders appropriate to improve health care benefits and*
16 *access to health care services under the TRICARE*
17 *program.*

18 “(h) *CONSULTATION.—The Secretary of Defense shall*
19 *carry out this section in consultation with the other admin-*
20 *istering Secretaries.”.*

21 “(b) *COMPTROLLER GENERAL REPORT ON SYSTEM.—*
22 *Not later than September 15, 2007, the Comptroller General*
23 *of the United States shall submit to the congressional de-*
24 *fense committees a report on the system of enrollment re-*
25 *quired by section 1097d of title 10, United States Code (as*

1 *added by subsection (a)). The report shall include the fol-*
 2 *lowing:*

3 (1) *An assessment of the progress made toward*
 4 *implementation of the system.*

5 (2) *A description and assessment of the integra-*
 6 *tion of the system with the regional business plan of*
 7 *the TRICARE Regional Offices.*

8 (3) *An assessment of the readiness of the Depart-*
 9 *ment to implement the system by October 1, 2007.*

10 (c) *REPEAL OF SUPERSEDED AUTHORITY.—Section*
 11 *1099 of title 10, United States Code, is repealed.*

12 (d) *CLERICAL AMENDMENTS.—The table of sections at*
 13 *the beginning of chapter 55 of such title is amended—*

14 (1) *by inserting after the item relating to section*
 15 *1097c, as added by section 722(b) of this Act, the fol-*
 16 *lowing new item:*

“1097d. TRICARE program: system of enrollment.”;

17 *and*

18 (2) *by striking the item relating to section 1099.*

19 **SEC. 724. INCENTIVE PAYMENTS FOR THE PROVISION OF**
 20 **SERVICES UNDER THE TRICARE PROGRAM IN**
 21 **MEDICALLY UNDERSERVED AREAS.**

22 (a) *IN GENERAL.—Chapter 55 of title 10, United*
 23 *States Code, is amended by inserting after section 1097d,*
 24 *as added by section 723(a) of this Act, the following new*
 25 *section:*

1 **“§ 1097e. TRICARE program: incentive payments for**
2 **provision of services in medically under-**
3 **served areas**

4 “(a) *INCENTIVE PAYMENTS AUTHORIZED.*—(1) *Com-*
5 *mencing with the calendar quarter beginning on January*
6 *1, 2008, the Secretary of Defense, after consultation with*
7 *the other administering Secretaries, shall make incentive*
8 *payments under this section to physicians participating in*
9 *the TRICARE program in a medically underserved area.*

10 “(2) *Incentive payments payable under this section*
11 *shall be paid with respect to physician professional services*
12 *furnished in medically underserved areas.*

13 “(3) *The incentive payment payable under this section*
14 *with respect to a physician professional service is in addi-*
15 *tion to any other amounts payable for such service under*
16 *the TRICARE program.*

17 “(b) *MEDICALLY UNDERSERVED AREA.*—*For purposes*
18 *of this section, a medically underserved area is either of*
19 *the following:*

20 “(1) *A primary care scarcity county (with re-*
21 *spect to a primary care physician) or specialist care*
22 *scarcity county (with respect to any other physician)*
23 *identified by the Secretary of Health and Human*
24 *Services under section 1833(u)(4) of the Social Secu-*
25 *rity Act (42 U.S.C. 1395l(u)(4)).*

1 “(2) *A health professional shortage area identi-*
2 *fied by the Secretary of Health and Human Services*
3 *under section 1833(m)(1) of the Social Security Act*
4 *(42 U.S.C. 1395l(m)(1)).*

5 “(c) *AMOUNT OF INCENTIVE PAYMENT.—The amount*
6 *of the incentive payment payable under subsection (a) with*
7 *respect to a physician professional service is as follows:*

8 “(1) *In the case of a service furnished by a pri-*
9 *mary care physician in a primary care scarcity*
10 *county or a service furnished by any other physician*
11 *in a specialist care scarcity county covered by sub-*
12 *section (b)(1), an amount equal to 5 percent of the*
13 *amount payable for the service under the TRICARE*
14 *program.*

15 “(2) *In the case of a service furnished in an area*
16 *covered by subsection (b)(2), an amount equal to 10*
17 *percent of the amount payable for the service under*
18 *the TRICARE program.*

19 “(3) *In the case of a service provided in a loca-*
20 *tion that is covered by both paragraphs (1) and (2)*
21 *of subsection (b), an amount equal to 15 percent of*
22 *the amount payable for the service under the*
23 *TRICARE program.*

24 “(d) *LOCATION OF PROVISION OF SERVICE.—(1) For*
25 *purposes of identifying the location in which a physician*

1 *professional service is furnished for purposes of this section,*
2 *the Secretary of Defense shall use the 5-digit postal ZIP*
3 *code system.*

4 “(2) *If the 5-digit postal ZIP code for an area covers*
5 *more than one county, the dominant county (as determined*
6 *by the United States Postal Service or otherwise) shall be*
7 *used to determine whether the postal ZIP code is in a scar-*
8 *city county covered by subsection (b)(1).*

9 “(e) *FREQUENCY OF PAYMENT.—Incentive payments*
10 *payable under this section shall be paid on a quarterly basis*
11 *for incentive payments accrued during the previous cal-*
12 *endar quarter.*

13 “(f) *REGULATIONS.—The Secretary of Defense, in con-*
14 *sultation with the other administering Secretaries, shall*
15 *prescribe regulations for the administration of this sec-*
16 *tion.*”.

17 “(b) *CLERICAL AMENDMENT.—The table of sections at*
18 *the beginning of chapter 55 of such title, as amended by*
19 *section 723(d)(1) of this Act, is further amended by insert-*
20 *ing after the item relating to section 1097d the following*
21 *new item:*

“1097e. *TRICARE program: incentive payments for provision of services in medi-*
cally underserved areas.”.

1 **SEC. 725. STANDARDIZATION OF CLAIMS PROCESSING**
2 **UNDER TRICARE PROGRAM AND MEDICARE**
3 **PROGRAM.**

4 (a) *IN GENERAL.*—Effective October 1, 2007, the
5 claims processing requirements under the TRICARE pro-
6 gram on the matters described in subsection (b) shall be
7 identical to the claims processing requirements under the
8 Medicare program on such matters.

9 (b) *COVERED MATTERS.*—The matters described in
10 this subsection are as follows:

11 (1) *The utilization of single or multiple provider*
12 *identification numbers for purposes of the payment of*
13 *health care claims by Department of Defense contrac-*
14 *tors.*

15 (2) *The documentation required to substantiate*
16 *medical necessity for items and services that are cov-*
17 *ered under both the TRICARE program and the*
18 *Medicare program.*

19 (c) *IMMEDIATE COLLECTION FROM THIRD-PARTY*
20 *PAYERS.*—

21 (1) *POLICY REQUIRED.*—The Secretary of De-
22 fense, in consultation with the other administering
23 Secretaries, shall prescribe in regulations a policy for
24 the collection of amounts from third-party payers as
25 authorized by section 1095 of title 10, United States

1 *Code, immediately upon the presentation of claims for*
2 *health care services to the Department of Defense.*

3 (2) *OVERPAYMENT.*—*The policy required by sub-*
4 *section (a) shall include mechanisms for the*
5 *recoupment by third-party payers of amounts over-*
6 *paid to the United States under the policy.*

7 (d) *ANNUAL REPORTS ON CLAIMS PROCESSING*
8 *STANDARDIZATION.*—

9 (1) *IN GENERAL.*—*Not later than October 1,*
10 *2007, and annually thereafter, the Secretary of De-*
11 *fense shall submit to the congressional defense com-*
12 *mittees a report setting forth a complete list of the*
13 *claims processing requirements under the TRICARE*
14 *program that differ from claims processing require-*
15 *ments under the Medicare program.*

16 (2) *ELEMENTS.*—*Each report under paragraph*
17 *(1) shall include, for each claims processing require-*
18 *ment listed in such report, a business case that justi-*
19 *fies maintaining such requirement under the*
20 *TRICARE program as a different claims processing*
21 *requirement than that required under the Medicare*
22 *program.*

23 (e) *DEFINITIONS.*—*In this section:*

1 (1) *The term “administering Secretaries” has the*
2 *meaning given that term in section 1072(3) of title*
3 *10, United States Code.*

4 (2) *The term “Medicare program” means the*
5 *program under title XVIII of the Social Security Act*
6 *(42 U.S.C. 1395 et seq.).*

7 (3) *The term “TRICARE program” has the*
8 *meaning given that term in section 1072(7) of title*
9 *10, United States Code.*

10 **SEC. 726. REQUIREMENTS FOR SUPPORT OF MILITARY**
11 **TREATMENT FACILITIES BY CIVILIAN CON-**
12 **TRACTORS UNDER TRICARE.**

13 (a) *ANNUAL INTEGRATED REGIONAL REQUIREMENTS*
14 *ON SUPPORT.—The Regional Director of each region under*
15 *the TRICARE program shall develop each year integrated,*
16 *comprehensive requirements for the support of military*
17 *treatment facilities in such region that is provided by con-*
18 *tract civilian health care and administrative personnel*
19 *under the TRICARE program.*

20 (b) *PURPOSES.—The purposes of the requirements es-*
21 *tablished under subsection (a) shall be as follows:*

22 (1) *To ensure consistent standards of quality in*
23 *the support of military treatment facilities by con-*
24 *tract civilian health care personnel under the*
25 *TRICARE program.*

1 (2) *To identify targeted, actionable opportunities*
2 *throughout each region of the TRICARE program for*
3 *the most efficient delivery of health care and support*
4 *of military treatment facilities.*

5 (3) *To ensure the most effective use of various*
6 *available contracting methods in securing support of*
7 *military treatment facilities by civilian personnel*
8 *under the TRICARE program, including resource-*
9 *sharing and clinical support agreements, direct con-*
10 *tracting, and venture capital investments.*

11 (4) *To achieve savings targets for each region*
12 *under the TRICARE program.*

13 (c) *FACILITATION AND ENHANCEMENT OF CON-*
14 *TRACTOR SUPPORT.—*

15 (1) *IN GENERAL.—The Secretary of Defense shall*
16 *take appropriate actions to facilitate and enhance the*
17 *support of military treatment facilities under the*
18 *TRICARE program in order to assure maximum*
19 *quality and productivity.*

20 (2) *ACTIONS.—In taking actions under para-*
21 *graph (1), the Secretary shall—*

22 (A) *ensure approval by a Regional Director*
23 *of all proposals for the support of military treat-*
24 *ment facilities in the region concerned in accord-*
25 *ance with the most current requirements estab-*

1 *lished by such Regional Director under sub-*
2 *section (a);*

3 *(B) ensure the availability of adequate and*
4 *sustainable funding support for projects which*
5 *produce a return on investment to the military*
6 *treatment facilities;*

7 *(C) ensure that a portion of any return on*
8 *investment is returned to the military treatment*
9 *facility to which such savings are attributable;*

10 *(D) require consistent standards of quality*
11 *for contract civilian health care personnel pro-*
12 *viding support of military treatment facilities*
13 *under the TRICARE program, including—*

14 *(i) consistent credentialing require-*
15 *ments among military treatment facilities;*
16 *and*

17 *(ii) accreditation of health care staff-*
18 *ing firms by the Joint Commission on the*
19 *Accreditation of Health Care Organization*
20 *Health Care Staffing Standards;*

21 *(E) remove financial disincentives for mili-*
22 *tary treatment facilities and civilian contractors*
23 *to initiate and sustain agreements for the sup-*
24 *port of military treatment facilities by such con-*
25 *tractors under the TRICARE program;*

1 (F) provide for a consistent process across
2 all regions of the TRICARE program for devel-
3 oping cost benefit analyses of agreements for the
4 support of military treatment facilities by civil-
5 ian contractors under the TRICARE program
6 based on actual cost and utilization data within
7 each region of the TRICARE program; and

8 (G) provide for a system for tracking the
9 performance of each project for support of mili-
10 tary treatment facilities by a civilian contractor
11 under the TRICARE program.

12 (d) REPORTS TO CONGRESS.—

13 (1) ANNUAL REPORTS REQUIRED.—Not later
14 than February 1 each year, the Secretary shall submit
15 to the congressional defense committees a report on
16 the support of military treatment facilities by civilian
17 contractors under the TRICARE program during the
18 preceding fiscal year.

19 (2) ELEMENTS.—Each report shall set forth, for
20 the fiscal year covered by such report, the following:

21 (A) The status of the support of military
22 health treatment facilities that is provided by
23 contract civilian health care personnel under the
24 TRICARE program in each region of the
25 TRICARE program.

1 (B) *An assessment of the compliance of such*
2 *support with regional requirements under sub-*
3 *section (a).*

4 (C) *The number and type of agreements for*
5 *the support of military treatment facilities by*
6 *contract civilian health care personnel.*

7 (D) *The standards of quality in effect under*
8 *the requirements under subsection (a).*

9 (E) *The savings anticipated, and any sav-*
10 *ings achieved, as a result of the implementation*
11 *of the requirements under subsection (a).*

12 **SEC. 727. UNIFORM STANDARDS FOR ACCESS TO HEALTH**
13 **CARE SERVICES FOR WOUNDED OR INJURED**
14 **SERVICEMEMBERS.**

15 (a) *UNIFORM STANDARDS REQUIRED.—The Secretary*
16 *of Defense shall prescribe in regulations uniform standards*
17 *for the access of wounded or injured members of the Armed*
18 *Forces to health care services through the military health*
19 *care system.*

20 (b) *MATTERS COVERED BY STANDARDS.—The stand-*
21 *ards required by subsection (a) shall establish uniform pol-*
22 *icy with respect to the following:*

23 (1) *The access of wounded or injured members of*
24 *the Armed Forces to emergency care.*

1 (2) *The access of such members to surgical serv-*
2 *ices.*

3 (3) *Waiting times for referrals and consultations*
4 *of such members by medical personnel, dental per-*
5 *sonnel, mental health specialists, and rehabilitative*
6 *service specialists, including personnel and specialists*
7 *with expertise in prosthetics and the in treatment of*
8 *head, vision, and spinal cord injuries.*

9 (4) *Waiting times of such members for acute care*
10 *and for routine follow-up care.*

11 (c) *REFERRAL TO PROVIDERS OUTSIDE MILITARY*
12 *HEALTH CARE SYSTEM.—To the extent practicable, the*
13 *Secretary shall require in the standards under subsection*
14 (i) *that the standards be met through whatever means or*
15 *mechanisms possible, including through the referral of mem-*
16 *bers described in that subsection to health care providers*
17 *outside the military health care system.*

18 (d) *TRACKING OF PERFORMANCE.—The standards re-*
19 *quired by subsection (a) shall require each Secretary con-*
20 *cerned to establish mechanisms for tracking the performance*
21 *of the military health care system under the jurisdiction*
22 *of such Secretary in meeting the requirements for access of*
23 *wounded or injured members of the Armed Forces to health*
24 *care services set forth in such standards.*

1 (e) *SECRETARY CONCERNED DEFINED.*—*In this sec-*
2 *tion, the term “Secretary concerned” has the meaning given*
3 *that term in section 101(a) of title 10, United States Code.*

4 **SEC. 728. DISEASE AND CHRONIC CARE MANAGEMENT.**

5 (a) *PROGRAM REQUIRED.*—*Not later than October 1,*
6 *2007, the Secretary of Defense shall establish and imple-*
7 *ment throughout the military health care system a fully-*
8 *integrated program on disease and chronic care manage-*
9 *ment that provides, to the extent practicable, uniform poli-*
10 *cies and practices, and regional execution of such policies*
11 *and practices, on disease management and chronic care*
12 *management throughout that system, including both mili-*
13 *tary hospitals and clinics and civilian healthcare providers.*

14 (b) *PURPOSES OF PROGRAM.*—*The purposes of the pro-*
15 *gram required by subsection (a) are as follows:*

16 (1) *To facilitate the improvement of the health*
17 *status of individuals under care in the military*
18 *health care system.*

19 (2) *To ensure the availability of effective health*
20 *care services in that system for individuals with dis-*
21 *eases and other chronic conditions.*

22 (3) *To ensure the proper allocation of health care*
23 *resources for individuals who need care for disease or*
24 *other chronic conditions.*

1 (c) *ELEMENTS.*—*The program required by subsection*
2 *(a) shall meet the following requirements:*

3 (1) *Based on uniform policies prescribed by the*
4 *Secretary under subsection (a), the program shall, at*
5 *a minimum, address the following chronic diseases*
6 *and conditions:*

7 (A) *Diabetes.*

8 (B) *Cancer.*

9 (C) *Heart disease.*

10 (D) *Asthma.*

11 (E) *Chronic obstructive pulmonary dis-*
12 *order.*

13 (F) *Depression and anxiety disorders.*

14 (2) *The program shall meet nationally-recog-*
15 *nized accreditation standards for disease and chronic*
16 *care management.*

17 (3) *The program shall include specific outcome*
18 *measures and objectives on disease and chronic care*
19 *management.*

20 (4) *The program shall include strategies for dis-*
21 *ease and chronic care management for all bene-*
22 *ficiaries, including beneficiaries eligible for benefits*
23 *under the Medicare program under title XVIII of the*
24 *Social Security Act (42 U.S.C. 1395 et seq.), for*

1 whom the *TRICARE* program is not the primary
2 payer for health care benefits.

3 (5) *Activities under the program shall conform*
4 *to applicable laws and regulations relating to the con-*
5 *fidentiality of health care information.*

6 (d) *DESIGN OF CERTAIN PORTIONS OF PROGRAM.—*
7 *As part of the program required under subsection (a), the*
8 *Secretary may contract for the design of a disease and*
9 *chronic care management program for the military health*
10 *care system.*

11 (e) *ACTIONS TO FACILITATE PROGRAM.—In order to*
12 *facilitate the carrying out of the program required by sub-*
13 *section (a), the Secretary shall—*

14 (1) *require a comprehensive analysis of the dis-*
15 *ease and chronic care management opportunities*
16 *within each region of the TRICARE program, includ-*
17 *ing within military treatment facilities and through*
18 *contractors under the TRICARE program;*

19 (2) *ensure continuous, adequate funding of dis-*
20 *ease and chronic care management activities through-*
21 *out the military health care system in order to*
22 *achieve maximum health outcomes and cost avoid-*
23 *ance;*

24 (3) *eliminate, to the extent practicable, any fi-*
25 *nancial disincentives to sustained investment by mili-*

1 *tary hospitals and health care services contractors of*
2 *the Department of Defense in the disease and chronic*
3 *care management activities of the Department;*

4 (4) *ensure that appropriate clinical and claims*
5 *data, including pharmacy utilization data, is avail-*
6 *able for use in implementing the program;*

7 (5) *ensure outreach to eligible beneficiaries, who,*
8 *on the basis of their clinical conditions, are can-*
9 *didates for the program utilizing print and electronic*
10 *media, telephone, and personal interaction; and*

11 (6) *provide a system for monitoring improve-*
12 *ments in health status and clinical outcomes under*
13 *the program and savings associated with the pro-*
14 *gram.*

15 (f) *COMPTROLLER GENERAL REPORT.—Not later than*
16 *September 15, 2007, the Comptroller General of the United*
17 *States shall submit to the congressional defense committees*
18 *a report on the program required by subsection (a). The*
19 *report shall include the following:*

20 (1) *An assessment of the progress made toward*
21 *implementation of the program.*

22 (2) *A description and assessment of the integra-*
23 *tion of disease and chronic care management strate-*
24 *gies in the regional business plan of the TRICARE*
25 *Regional Offices.*

1 (3) *An assessment of the readiness of the Depart-*
2 *ment to implement the program by October 1, 2007.*

3 (g) *SECRETARY OF DEFENSE REPORTS.—*

4 (1) *IN GENERAL.—Not later than January 1,*
5 *2008, and every year thereafter, the Secretary shall*
6 *submit to the congressional defense committees a re-*
7 *port on the program required by subsection (a).*

8 (2) *REPORT ELEMENTS.—Each report required*
9 *by this subsection shall include the following:*

10 (A) *An assessment of the program during*
11 *the one-year period ending on the date of such*
12 *report.*

13 (B) *A description and assessment of im-*
14 *provements in health status and clinical out-*
15 *comes.*

16 (C) *A description of the savings and return*
17 *on investment associated with the program.*

18 (D) *A description of an investment strategy*
19 *to assure the sustainment of the disease and*
20 *chronic care management programs of the De-*
21 *partment of Defense.*

1 **SEC. 729. POST-DEPLOYMENT HEALTH ASSESSMENTS FOR**
2 **MEMBERS OF THE ARMED FORCES RETURN-**
3 **ING FROM DEPLOYMENT IN SUPPORT OF A**
4 **CONTINGENCY OPERATION.**

5 (a) *IN GENERAL.*—Not later than 60 days after the
6 date of the enactment of this Act, the Secretary of Defense
7 shall prescribe in regulations requirements applicable to the
8 conduct of post-deployment health assessments for members
9 of the Armed Forces returning from deployment in support
10 of a contingency operation.

11 (b) *GENERAL REQUIREMENTS.*—The regulations pre-
12 scribed under subsection (a) shall require the following:

13 (1) *That a health assessment be conducted on*
14 *each member of the Armed Forces returning from de-*
15 *ployment in support of a contingency operation with-*
16 *in such time after the return of such member from de-*
17 *ployment as the Secretary shall specify in the regula-*
18 *tions.*

19 (2) *That each health assessment be conducted by*
20 *a healthcare provider having such qualifications as*
21 *the Secretary shall specify in the regulations.*

22 (3) *That each health assessment assess such*
23 *health-related matters as the Secretary shall specify*
24 *in the regulations, including an assessment of mental*
25 *health (including Traumatic Brain Injury (TBI)) for*
26 *referral of a member for further evaluation relating to*

1 *mental health (including evaluation of the effects of*
2 *combat or operational stress).*

3 *(4) That the results of each health assessment be*
4 *stored in a centralized data base maintained by the*
5 *Secretary under this section.*

6 *(c) ASSESSMENTS OF MENTAL HEALTH.—*

7 *(1) CRITERIA FOR REFERRAL FOR FURTHER*
8 *EVALUATIONS.—The regulations prescribed under sub-*
9 *section (a) shall include—*

10 *(A) criteria to be utilized by healthcare pro-*
11 *viders in determining whether to refer a member*
12 *of the Armed Forces for further evaluation relat-*
13 *ing to mental health (including Traumatic*
14 *Brain Injury);*

15 *(B) mechanisms to ensure that healthcare*
16 *providers are trained in the application of such*
17 *criteria in making such determinations; and*

18 *(C) mechanisms for oversight to ensure that*
19 *healthcare providers apply such criteria consist-*
20 *ently.*

21 *(2) AVAILABILITY OF REFERRAL.—Under the*
22 *regulations, a copy of a referral of a member for fur-*
23 *ther evaluation relating to mental health shall be—*

24 *(A) provided to the member;*

1 (B) placed in the healthcare record of the
2 member that is maintained by the Department of
3 Defense; and

4 (C) provided to the healthcare manager of
5 the member.

6 (3) *TRACKING MECHANISMS.*—The regulations
7 shall include mechanisms to ensure that a member
8 who receives a referral for further evaluation relating
9 to mental health receives such evaluation and obtains
10 such care and services as are warranted.

11 (4) *QUALITY ASSURANCE.*—The regulations shall
12 include a requirement that the Department address,
13 as part of the deployment health assessment quality
14 assurance program of the Department, the following:

15 (A) The types of healthcare providers con-
16 ducting post-deployment health assessments.

17 (B) The training received by such providers
18 applicable to the conduct of such assessments, in-
19 cluding training on assessments and referrals re-
20 lating to mental health.

21 (C) The guidance available to such pro-
22 viders on how to apply the criteria prescribed
23 under paragraph (1)(A) in determining whether
24 to make a referral for further evaluation of a

1 *member of the Armed Forces relating to mental*
2 *health.*

3 *(D) The effectiveness of the tracking mecha-*
4 *nisms required under paragraph (3) in ensuring*
5 *that members who receive referrals for further*
6 *evaluations relating to mental health receive such*
7 *evaluations and obtain such care and services as*
8 *are warranted.*

9 *(d) COMPTROLLER GENERAL REPORTS ON IMPLEMEN-*
10 *TATION OF REQUIREMENTS.—*

11 *(1) STUDY ON IMPLEMENTATION.—The Comp-*
12 *troller General of the United States shall carry out a*
13 *study of the implementation of the requirements pre-*
14 *scribed under this section.*

15 *(2) PERIODIC EVALUATION OF MENTAL HEALTH*
16 *ASSESSMENT PROCESSES.—The Comptroller General*
17 *shall, on a periodic basis, evaluate the following:*

18 *(A) The compliance of the Department of*
19 *Defense and healthcare providers with the re-*
20 *quirements under this section applicable to the*
21 *assessment and referral of members of the Armed*
22 *Forces relating to mental health.*

23 *(B) The effectiveness of the processes under*
24 *such requirements in addressing the mental*

1 *health care needs of members returning from de-*
2 *ployments overseas.*

3 (3) *REPORTS.*—(A) *Not later than March 1,*
4 *2007, the Comptroller General shall submit to the*
5 *Committees on Armed Services of the Senate and the*
6 *House of Representatives a report on the study car-*
7 *ried out under paragraph (1).*

8 (B) *Upon completion of an evaluation under*
9 *paragraph (2), the Comptroller General shall submit*
10 *to the committees of Congress referred to in subpara-*
11 *graph (A) a report on such evaluation.*

12 (e) *CONTINGENCY OPERATION DEFINED.*—*In this sec-*
13 *tion, the term “contingency operation” has the meaning*
14 *given that term in section 101(a)(13) of title 10, United*
15 *States Code.*

16 **SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.**

17 (a) *FINDING.*—*Congress finds that the Mental Health*
18 *Self-Assessment Program (MHSAP) of the Department of*
19 *Defense is vital to the overall health and well-being of de-*
20 *ploying members of the Armed Forces and their families*
21 *because that program provides—*

22 (1) *a non-threatening, voluntary, anonymous*
23 *self-assessment of mental health that is effective in*
24 *helping to detect mental health and substance abuse*
25 *conditions;*

1 (2) *awareness regarding warning signs of such*
2 *conditions; and*

3 (3) *information and outreach to members of the*
4 *Armed Forces (including members of the National*
5 *Guard and Reserves) and their families on specific*
6 *services available for such conditions.*

7 (b) *EXPANSION OF PROGRAM.—The Secretary of De-*
8 *fense shall, acting through the Office of Health Affairs of*
9 *the Department of Defense, take appropriate actions to ex-*
10 *pand the Mental Health Self-Assessment Program in order*
11 *to achieve the following:*

12 (1) *The continuous availability of the assessment*
13 *under the program to members and former members*
14 *of the Armed Forces in order to ensure the long-term*
15 *availability of the diagnostic mechanisms of the as-*
16 *essment to detect mental health conditions that may*
17 *emerge over time.*

18 (2) *The availability of programs and services*
19 *under the program to address the mental health of de-*
20 *pendent children of members of the Armed Forces who*
21 *have been deployed or mobilized.*

22 (c) *OUTREACH.—The Secretary shall develop and im-*
23 *plement a plan to conduct outreach and other appropriate*
24 *activities to expand and enhance awareness of the Mental*
25 *Health Self-Assessment Program, and the programs and*

1 *services available under that program, among members of*
2 *the Armed Forces (including members of the National*
3 *Guard and Reserves) and their families.*

4 *(d) REPORTS.—Not later than one year after the date*
5 *of the enactment of this Act, the Secretary shall submit to*
6 *Congress a report on the actions undertaken under this sec-*
7 *tion during the one-year period ending on the date of such*
8 *report.*

9 **SEC. 731. ADDITIONAL AUTHORIZED OPTION PERIODS FOR**
10 **EXTENSION OF CURRENT CONTRACTS UNDER**
11 **TRICARE.**

12 *(a) ADDITIONAL NUMBER OF AUTHORIZED PERI-*
13 *ODS.—*

14 *(1) IN GENERAL.—The Secretary of Defense,*
15 *after consulting with the other administering Secre-*
16 *taries, may extend any contract for the delivery of*
17 *health care entered into under section 1097 of title 10,*
18 *United States Code, that is in force on the date of the*
19 *enactment of this Act by one year, and upon expira-*
20 *tion of such extension by one additional year, if the*
21 *Secretary determines that such extension—*

22 *(A) is in the best interests of the United*
23 *States; and*

24 *(B) will—*

1 (i) facilitate the effective administra-
2 tion of the *TRICARE* program; or

3 (ii) ensure continuity in the delivery of
4 health care under the *TRICARE* program.

5 (2) *LIMITATION ON NUMBER OF EXTENSIONS.*—

6 *The total number of one-year extensions of a contract*
7 *that may be granted under paragraph (1) may not*
8 *exceed 2 extensions.*

9 (3) *NOTICE AND WAIT.*—*The Secretary may not*
10 *commence the exercise of the authority in paragraph*
11 *(1) until 30 days after the date on which the Sec-*
12 *retary submits to the congressional defense committees*
13 *a report setting forth the minimum level of perform-*
14 *ance by an incumbent contractor under a contract*
15 *covered by such paragraph that will be required by*
16 *the Secretary in order to be eligible for an extension*
17 *authorized by such paragraph.*

18 (4) *DEFINITIONS.*—*In this subsection, the terms*
19 *“administering Secretaries” and “TRICARE pro-*
20 *gram” have the meaning given such terms in section*
21 *1072 of title 10, United States Code.*

22 (b) *REPORT ON CONTRACTING MECHANISMS FOR*
23 *HEALTH CARE SERVICE SUPPORT CONTRACTS.*—*Not later*
24 *than 180 days after the date of the enactment of this Act,*
25 *the Secretary shall submit to the congressional defense com-*

1 *mittees a report on contracting mechanisms under consider-*
2 *ation for future contracts for health care service support*
3 *under section 1097 of title 10, United States Code. The re-*
4 *port shall include an assessment of the advantages and dis-*
5 *advantages for the Department of Defense (including the po-*
6 *tential for stimulating competition and the effect on health*
7 *care beneficiaries of the Department) of providing in such*
8 *contracts for a single term of 5 years, with a single optional*
9 *period of extension of an additional 5 years if performance*
10 *under such contract is rated as “excellent”.*

11 **SEC. 732. MILITARY VACCINATION MATTERS.**

12 *(a) ADDITIONAL ELEMENT FOR COMPTROLLER GEN-*
13 *ERAL STUDY AND REPORT ON VACCINE HEALTHCARE CEN-*
14 *TERS.—Section 736(b) of the National Defense Authoriza-*
15 *tion Act for Fiscal Year 2006 (Public Law 109–163; 119*
16 *Stat. 3356) is amended by adding at the end the following*
17 *new paragraph:*

18 *“(10) The feasibility and advisability of trans-*
19 *ferring direct responsibility for the Centers from the*
20 *Army Medical Command to the Under Secretary of*
21 *Defense for Personnel and Readiness and the Assist-*
22 *ant Secretary of Defense for Force Protection and*
23 *Readiness.”.*

24 *(b) RESPONSE TO MEDICAL NEEDS ARISING FROM*
25 *MANDATORY MILITARY VACCINATIONS.—*

1 (1) *IN GENERAL.*—*The Secretary of Defense shall*
2 *maintain a joint military medical center of excellence*
3 *focusing on the medical needs arising from manda-*
4 *tory military vaccinations.*

5 (2) *ELEMENTS.*—*The joint military medical cen-*
6 *ter of excellence under paragraph (1) shall consist of*
7 *the following:*

8 (A) *The Vaccine Healthcare Centers of the*
9 *Department of Defense, which shall be the prin-*
10 *cipal elements of the center.*

11 (B) *Any other elements that the Secretary*
12 *considers appropriate.*

13 (3) *AUTHORIZED ACTIVITIES.*—*In acting as the*
14 *principal elements of the joint military medical cen-*
15 *ter under paragraph (1), the Vaccine Healthcare Cen-*
16 *ters referred to in paragraph (2)(A) may carry out*
17 *the following:*

18 (A) *Medical assistance and care to individ-*
19 *uals receiving mandatory military vaccines and*
20 *their dependents, including long-term case man-*
21 *agement for adverse events where necessary.*

22 (B) *Evaluations to identify and treat poten-*
23 *tial and actual health effects from vaccines before*
24 *and after their use in the field.*

1 (C) *The development and sustainment of a*
2 *long-term vaccine safety and efficacy registry.*

3 (D) *Support for an expert clinical advisory*
4 *board for case reviews related to disability as-*
5 *essment questions.*

6 (E) *Long-term and short-term studies to*
7 *identify unanticipated benefits and adverse*
8 *events from vaccines.*

9 (F) *Educational outreach for immunization*
10 *providers and those required to receive immuni-*
11 *zations.*

12 (G) *The development, dissemination, and*
13 *validation of educational materials for Depart-*
14 *ment of Defense healthcare workers relating to*
15 *vaccine safety, efficacy, and acceptability.*

16 (c) *LIMITATION ON RESTRUCTURING OF VACCINE*
17 *HEALTHCARE CENTERS.—*

18 (1) *LIMITATION.—The Secretary of Defense may*
19 *not downsize or otherwise restructure the Vaccine*
20 *Healthcare Centers of the Department of Defense until*
21 *the Secretary submits to Congress a report setting*
22 *forth a plan for meeting the immunization needs of*
23 *the Armed Forces during the 10-year period begin-*
24 *ning on the date of the submittal of the report.*

1 (2) *REPORT ELEMENTS.*—*The report submitted*
2 *under paragraph (1) shall include the following:*

3 (A) *An assessment of the potential biological*
4 *threats to members of the Armed Forces that are*
5 *addressable by vaccine.*

6 (B) *An assessment of the distance and time*
7 *required to travel to a Vaccine Healthcare Center*
8 *by members of the Armed Forces who have severe*
9 *reactions to a mandatory military vaccine.*

10 (C) *An identification of the most effective*
11 *mechanisms for ensuring the provision services*
12 *by the Vaccine Healthcare Centers to both mili-*
13 *tary medical professionals and members of the*
14 *Armed Forces.*

15 (D) *An assessment of current military and*
16 *civilian expertise with respect to mass adult im-*
17 *munization programs, including case manage-*
18 *ment under such programs for rare adverse reac-*
19 *tions to immunizations.*

20 (E) *An organizational structure for each*
21 *military department to ensure support of the*
22 *Vaccine Healthcare Centers in the provision of*
23 *services to members of the Armed Forces.*

1 **SEC. 733. ENHANCED MENTAL HEALTH SCREENING AND**
2 **SERVICES FOR MEMBERS OF THE ARMED**
3 **FORCES.**

4 (a) *REQUIRED ELEMENTS OF ASSESSMENTS.*—Each
5 *pre-deployment mental health assessment of a member of*
6 *the Armed Forces, shall include the following:*

7 (1) *A mental health history of the member, with*
8 *emphasis on mental health status during the 12-*
9 *month period ending on the date of the assessment*
10 *and a review of military service during that period.*

11 (2) *An assessment of the current treatment of the*
12 *member, and any use of psychotropic medications by*
13 *the member, for a mental health condition or disorder.*

14 (3) *An assessment of any behavior of the member*
15 *identified by the member's commanding officer that*
16 *could indicate the presence of a mental health condi-*
17 *tion.*

18 (4) *Information provided by the member*
19 *(through a checklist or other means) on the presence*
20 *of any serious mental illness or any symptoms indi-*
21 *cating a mental health condition or disorder.*

22 (b) *REFERRAL FOR FURTHER EVALUATION.*—Each
23 *member of the Armed Forces who is determined during a*
24 *pre-deployment or post-deployment mental health assess-*
25 *ment to have, or have symptoms or indicators for, a mental*
26 *health condition or disorder shall be referred to a qualified*

1 *health care professional with experience in the evaluation*
2 *and diagnosis of mental health conditions.*

3 (c) *REFERRAL OF MEMBERS DEPLOYED IN CONTIN-*
4 *GENCY OR COMBAT OPERATIONS.*—*Any member of the*
5 *Armed Forces called or ordered to active duty in support*
6 *of contingency or combat operations who requests access to*
7 *mental health care services any time before, during, or after*
8 *deployment shall be provided access to such services—*

9 (1) *not later than 72 hours after the making of*
10 *such request; or*

11 (2) *at the earliest practicable time thereafter.*

12 (d) *MINIMUM MENTAL HEALTH STANDARDS FOR DE-*
13 *PLOYMENT.*—

14 (1) *STANDARDS REQUIRED.*—*The Secretary of*
15 *Defense shall prescribe in regulations minimum*
16 *standards for mental health for the eligibility of a*
17 *member of the Armed Forces for deployment to a com-*
18 *bat operation or contingency operation.*

19 (2) *ELEMENTS.*—*The standards required by*
20 *paragraph (1) shall include the following:*

21 (A) *A specification of the mental health con-*
22 *ditions, treatment for such conditions, and re-*
23 *ceipt of psychotropic medications for such condi-*
24 *tions that preclude deployment of a member of*
25 *the Armed Forces to a combat operation or con-*

1 *tingency operation, or to a specified type of such*
2 *operation.*

3 *(B) Guidelines for the deployability and*
4 *treatment of members of the Armed Forces diag-*
5 *nosed with a severe mental illness or Post Trau-*
6 *matic Stress Disorder (PTSD).*

7 *(3) UTILIZATION.—The Secretary shall take ap-*
8 *propriate actions to ensure the utilization of the*
9 *standards prescribed under paragraph (1) in the*
10 *making of determinations regarding the deployability*
11 *of members of the Armed Forces to a combat oper-*
12 *ation or contingency operation.*

13 *(e) MONITORING OF CERTAIN INDIVIDUALS.—The Sec-*
14 *retary of Defense shall develop a plan, to be implemented*
15 *throughout the Department of Defense, for monitoring the*
16 *mental health of each member of the Armed Forces who,*
17 *after deployment to a combat operation or contingency op-*
18 *eration, is known—*

19 *(1) to have a mental health condition or dis-*
20 *order; or*

21 *(2) to be receiving treatment, including psycho-*
22 *tropic medications, for a mental health condition or*
23 *disorder.*

24 *(f) IMPLEMENTATION.—Not later than six months after*
25 *the date of the enactment of this Act, the Secretary of De-*

1 *fense shall submit to the Committees on Armed Services of*
2 *the Senate and the House or Representatives a report on*
3 *the actions taken to implement the requirements of this sec-*
4 *tion.*

5 **SEC. 734. EDUCATION, TRAINING, AND SUPERVISION OF**
6 **PERSONNEL PROVIDING SPECIAL EDU-**
7 **CATION SERVICES UNDER EXTENDED BENE-**
8 **FITS UNDER TRICARE.**

9 *Section 1079(d)(2) of title 10, United States Code is*
10 *amended by adding at the end the following: “The regula-*
11 *tions shall include the following:*

12 *“(A) Requirements for education, training, and*
13 *supervision of individuals providing special education*
14 *services known as Applied Behavioral Analysis under*
15 *this subsection that are in addition to any other edu-*
16 *cation, training, and supervision requirements appli-*
17 *cable to Board Certified Behavior Analysts or Board*
18 *Certified Associate Behavior Analysts or are otherwise*
19 *applicable to personnel providing such services under*
20 *applicable State law.*

21 *“(B) Metrics to identify and measure the avail-*
22 *ability and distribution of individuals of various ex-*
23 *pertise in Applied Behavioral Analysis in order to*
24 *evaluate and assure the availability of qualified per-*

1 sonnel to meet needs for Applied Behavioral Analysis
2 under this subsection.”.

3 **Subtitle C—Studies and Reports**

4 **SEC. 741. PILOT PROJECTS ON EARLY DIAGNOSIS AND** 5 **TREATMENT OF POST TRAUMATIC STRESS** 6 **DISORDER AND OTHER MENTAL HEALTH** 7 **CONDITIONS.**

8 (a) *PILOT PROJECTS REQUIRED.*—The Secretary of
9 Defense shall carry out not less than three pilot projects
10 to evaluate the efficacy of various approaches to improving
11 the capability of the military and civilian health care sys-
12 tems to provide early diagnosis and treatment of Post Trau-
13 matic Stress Disorder (PTSD) and other mental health con-
14 ditions.

15 (b) *DURATION.*—The requirement to carry out pilot
16 projects under this section shall commence on October 1,
17 2007. Any pilot projects carried out under this section shall
18 cease on September 30, 2008.

19 (c) *PILOT PROJECT REQUIREMENTS.*—

20 (1) *MOBILIZATION-DEMOBILIZATION FACILITY.*—

21 (A) *IN GENERAL.*—One of the pilot projects
22 under this section shall be carried out at a mili-
23 tary medical facility at a large military instal-
24 lation at which the mobilization or demobiliza-
25 tion of members of the Armed Forces occurs.

1 (B) *ELEMENTS.*—*The pilot project under*
2 *this paragraph shall be designed to evaluate and*
3 *produce effective diagnostic and treatment ap-*
4 *proaches for use by primary care providers in*
5 *the military health care system in order to im-*
6 *prove the capability of such providers to diag-*
7 *nose and treat Post Traumatic Stress Disorder*
8 *in a manner that avoids the referral of patients*
9 *to specialty care by a psychiatrist or other men-*
10 *tal health professional.*

11 (2) *NATIONAL GUARD OR RESERVE FACILITY.*—

12 (A) *IN GENERAL.*—*One of the pilot projects*
13 *under this section shall be carried out at the lo-*
14 *cation of a National Guard or Reserve unit or*
15 *units that are located more than 40 miles from*
16 *a military medical facility and whose personnel*
17 *are served primarily by civilian community*
18 *health resources.*

19 (B) *ELEMENTS.*—*The pilot project under*
20 *this paragraph shall be designed—*

21 (i) *to evaluate approaches for pro-*
22 *viding evidence-based clinical information*
23 *on Post Traumatic Stress Disorder to civil-*
24 *ian primary care providers; and*

1 (ii) to develop educational materials
2 and other tools for use by members of the
3 National Guard or Reserve who come into
4 contact with other members of the National
5 Guard or Reserve who may suffer from Post
6 Traumatic Stress Disorder in order to en-
7 courage and facilitate early reporting and
8 referral for treatment.

9 (3) *INTERNET-BASED DIAGNOSIS AND TREAT-*
10 *MENT.—One of the pilot projects under this section*
11 *shall be designed to evaluate—*

12 (A) *Internet-based automated tools available*
13 *to military and civilian health care providers for*
14 *the early diagnosis and treatment of Post Trau-*
15 *matic Stress Disorder, and for tracking patients*
16 *who suffer from Post Traumatic Stress Disorder;*
17 *and*

18 (B) *Internet-based tools available to family*
19 *members of members of the Armed Forces in*
20 *order to assist such family members in the iden-*
21 *tification of the emergence of Post Traumatic*
22 *Stress Disorder.*

23 (d) *EVALUATION OF PILOT PROJECTS.—The Secretary*
24 *shall evaluate each pilot project carried out under this sec-*

1 *tion in order to assess the effectiveness of the approaches*
2 *taken under such pilot project—*

3 *(1) to improve the capability of the military and*
4 *civilian health care systems to provide early diagnosis*
5 *and treatment of Post Traumatic Stress Disorder and*
6 *other mental health conditions among members of the*
7 *regular components of the Armed Forces, and among*
8 *members of the National Guard and Reserves, who*
9 *have returned from deployment; and*

10 *(2) to provide outreach to the family members of*
11 *the members of the Armed Forces described in para-*
12 *graph (1) on Post Traumatic Stress Disorder and*
13 *other mental health conditions among such members*
14 *of the Armed Forces.*

15 *(e) REPORT TO CONGRESS.—*

16 *(1) REPORT REQUIRED.—Not later than Decem-*
17 *ber 31, 2008, the Secretary shall submit to the con-*
18 *gressional defense committees a report on the pilot*
19 *projects carried out under this section.*

20 *(2) ELEMENTS.—The report required by para-*
21 *graph (1) shall include the following:*

22 *(A) A description of each pilot project car-*
23 *ried out under this section.*

24 *(B) An assessment of the effectiveness of the*
25 *approaches taken under each pilot project to im-*

1 *prove the capability of the military and civilian*
2 *health care systems to provide early diagnosis*
3 *and treatment of Post Traumatic Stress Disorder*
4 *and other mental health conditions among mem-*
5 *bers of the Armed Forces.*

6 *(C) Any recommendations for legislative or*
7 *administrative action that the Secretary con-*
8 *siders appropriate in light of the pilot projects,*
9 *including recommendations on—*

10 *(i) the training of health care pro-*
11 *viders in the military and civilian health*
12 *care systems on early diagnosis and treat-*
13 *ment of Post Traumatic Stress Disorder*
14 *and other mental health conditions; and*

15 *(ii) the provision of outreach on Post*
16 *Traumatic Stress Disorder and other men-*
17 *tal health conditions to members of the Na-*
18 *tional Guard and Reserves who have re-*
19 *turned from deployment.*

20 *(D) A plan, in light of the pilot projects, for*
21 *the improvement of the health care services pro-*
22 *vided to members of the Armed Forces in order*
23 *to better assure the early diagnosis and treat-*
24 *ment of Post Traumatic Stress Disorder and*
25 *other mental health conditions among members*

1 *of the Armed Forces, including a specific plan*
2 *for outreach on Post Traumatic Stress Disorder*
3 *and other mental health conditions to members*
4 *of the National Guard and Reserve who have re-*
5 *turned from deployment in order to facilitate*
6 *and enhance the early diagnosis and treatment*
7 *of Post Traumatic Stress Disorder and other*
8 *mental health conditions among such members of*
9 *the National Guard and Reserves.*

10 (f) *FUNDING.—*

11 (1) *IN GENERAL.—Of the amount authorized to*
12 *be appropriated by section 303(a) for the Defense*
13 *Health Program, \$10,000,000 shall be available for*
14 *pilot projects under this section.*

15 (2) *AVAILABILITY.—The amount available under*
16 *paragraph (1) shall remain available until expended.*

17 **SEC. 742. ANNUAL REPORTS ON CERTAIN MEDICAL MAL-**
18 **PRACTICE CASES.**

19 (a) *ANNUAL REPORTS TO SECRETARY OF DEFENSE.—*

20 (1) *ANNUAL REPORTS REQUIRED.—Not later*
21 *than February 1, 2007, and annually thereafter, each*
22 *Secretary of a military department shall submit to*
23 *the Secretary of Defense a report on the following:*

24 (A) *Each case (other than a case involving*
25 *the treatment of a member of the Armed Forces*

1 *on active duty) during the preceding calendar*
2 *year in which—*

3 *(i) a complaint or claim was made of*
4 *medical malpractice committed in a med-*
5 *ical treatment facility of such military de-*
6 *partment or by a health care provider of or*
7 *employed by such military department; and*

8 *(ii) either—*

9 *(I) a judgment was entered*
10 *against the United States in the*
11 *amount of \$1,000,000 or more; or*

12 *(II) an award, compromise, or*
13 *settlement was entered into by the*
14 *United States requiring payment by*
15 *the United States in the amount of*
16 *\$1,000,000 or more.*

17 *(B) Each case during the preceding cal-*
18 *endar year in which the death of, or serious per-*
19 *sonal injury to, a member of the Armed Forces*
20 *on active duty occurred as a result of medical*
21 *malpractice while the member was a patient in*
22 *a medical treatment facility of such military de-*
23 *partment or under the care of a health care pro-*
24 *vider of or employed by such military depart-*
25 *ment.*

1 (2) *REQUIRED INFORMATION.*—*The information*
2 *required in a report under paragraph (1) on a case*
3 *covered by such paragraph shall include the following:*

4 (A) *A description of the medical mal-*
5 *practice involved.*

6 (B) *A description of the actions, if any,*
7 *taken with respect to the continued practice in*
8 *the military health care system of the health care*
9 *professionals involved.*

10 (b) *TRANSMITTAL OF REPORTS TO CONGRESS.*—

11 (1) *TRANSMITTAL REQUIRED.*—*Not later than*
12 *April 1, 2007, and annually thereafter, the Secretary*
13 *of Defense shall transmit to the congressional defense*
14 *committees the reports submitted to the Secretary by*
15 *the Secretaries of the military departments in such*
16 *year.*

17 (2) *TRANSMITTAL MATTERS.*—*In transmitting*
18 *reports for a year under paragraph (1), the Secretary*
19 *may include with such reports the following:*

20 (A) *Any information or recommendations*
21 *with respect to the matters covered by such re-*
22 *ports that the Secretary considers appropriate.*

23 (B) *A summary of the actions taken during*
24 *the year to address medical malpractice in the*
25 *military health care system.*

1 (c) *DISCLOSURE OF INFORMATION.*—*In submitting or*
2 *transmitting reports under this section, the Secretaries of*
3 *the military departments and the Secretary of Defense shall*
4 *ensure that the information contained in such reports is*
5 *suitable for disclosure to the public, taking into account the*
6 *provisions of law as follows:*

7 (1) *Section 552a of title 5, United States Code*
8 *(commonly referred to as the “Privacy Act”).*

9 (2) *Laws relating to the protection and confiden-*
10 *tiality of medical quality assurance records, includ-*
11 *ing the provisions of section 1102 of title 10, United*
12 *States Code.*

13 (3) *Any other laws relating to the protection and*
14 *confidentiality of medical records.*

15 **SEC. 743. COMPTROLLER GENERAL STUDY ON DEPART-**
16 **MENT OF DEFENSE PHARMACY BENEFITS**
17 **PROGRAM.**

18 (a) *IN GENERAL.*—*The Comptroller General of the*
19 *United States shall conduct a study of the Department of*
20 *Defense pharmacy benefits program required by section*
21 *1074g of title 10, United States Code.*

22 (b) *ELEMENTS.*—*The study required by subsection (a)*
23 *shall include an examination of the following:*

1 (1) *The cost of the Department of Defense phar-*
2 *macy benefits program since the inception of the pro-*
3 *gram.*

4 (2) *The relative costs of various options under*
5 *the program.*

6 (3) *The copayment structure under the program.*

7 (4) *The effectiveness of the rebate system under*
8 *the program as a way of passing on discounts re-*
9 *ceived by the Federal Government in the purchase of*
10 *pharmaceutical agents.*

11 (5) *The uniform formulary under the program,*
12 *including the success of the formulary in achieving*
13 *savings anticipated through use of the formulary.*

14 (6) *Various alternative means of purchasing*
15 *pharmaceutical agents more efficiently for avail-*
16 *ability under the program.*

17 (7) *The composition and decision-making proc-*
18 *esses of the Pharmacy and Therapeutics Committee.*

19 (8) *The composition of the Beneficiary Advisory*
20 *Panel and its history as an advisory panel under the*
21 *program (including the frequency of the acceptance of*
22 *its recommendations by the Secretary of Defense).*

23 (9) *Quality assurance mechanisms under the*
24 *program.*

1 (10) *The role of the program in support of the*
2 *disease and chronic care management programs of the*
3 *Department of Defense.*

4 (11) *Mechanisms for customer service and cus-*
5 *tomers feedback under the program.*

6 (12) *Beneficiary satisfaction with the program.*

7 (c) *RESPONSE TO CERTAIN FINDINGS.—*

8 (1) *PHARMACY AND THERAPEUTICS COM-*
9 *MITTEE.—The Pharmacy and Therapeutics Com-*
10 *mittee shall—*

11 (A) *examine the results of the study of the*
12 *Comptroller General under subsection (b)(7); and*

13 (B) *make such recommendations to the Sec-*
14 *retary of Defense for modifications in the com-*
15 *position and decision-making processes of the*
16 *Committee as the Committee considers appro-*
17 *priate in light of such results in order to im-*
18 *prove the efficiency of such processes.*

19 (2) *BENEFICIARY ADVISORY PANEL.—The Bene-*
20 *ficiary Advisory Panel shall—*

21 (A) *examine the results of the study of the*
22 *Comptroller General under subsection (b)(8); and*

23 (B) *make such recommendations to the Sec-*
24 *retary of Defense for modifications in the com-*
25 *position and advisory functions of the Panel as*

1 *the Panel considers appropriate in light of such*
2 *results in order to—*

3 *(i) ensure the independence and con-*
4 *sumer focus of the Panel;*

5 *(ii) ensure the participation of the*
6 *Panel as an advisory board throughout im-*
7 *plementation of the Department of Defense*
8 *pharmacy benefits program; and*

9 *(iii) achieve more effective communica-*
10 *tion between the Secretary and the Panel.*

11 *(d) REPORT.—Not later than nine months after the*
12 *date of the enactment of this Act, the Comptroller General*
13 *shall submit to the congressional defense committees a re-*
14 *port on the study required by subsection (a). The report*
15 *shall include such recommendations as the Comptroller*
16 *General considers appropriate for legislative or administra-*
17 *tive action to improve the Department of Defense pharmacy*
18 *benefits program in light of the study.*

19 **SEC. 744. COMPTROLLER GENERAL AUDITS OF DEPART-**
20 **MENT OF DEFENSE HEALTH CARE COSTS AND**
21 **COST-SAVING MEASURES.**

22 *(a) GENERAL AUDIT REQUIRED.—*

23 *(1) IN GENERAL.—The Comptroller General of*
24 *the United States shall conduct an audit of the health*
25 *care costs and cost-saving measures of the Department*

1 *of Defense in accordance with this subsection. The*
2 *Comptroller General shall conduct the audit in con-*
3 *junction with the Department of Defense initiative to*
4 *manage future medical benefits available through the*
5 *Department known as “Sustain the Benefit”.*

6 (2) *ELEMENTS.—The audit required by para-*
7 *graph (1) shall examine the following:*

8 (A) *The basis for the calculation by the De-*
9 *partment of Defense of the portion of the costs of*
10 *health care benefits provided by the Department*
11 *to beneficiaries that were paid by such bene-*
12 *ficiaries in each of 1995 and 2005, including—*

13 (i) *a comparison of the cost to the De-*
14 *partment of providing such benefits in each*
15 *of 1995 and 2005;*

16 (ii) *the explanation for any increases*
17 *in the costs of the Department of providing*
18 *such benefits between 1995 and 2005; and*

19 (iii) *a comparison of the amounts*
20 *paid, by category of beneficiaries, for health*
21 *care benefits in 1995 with the amounts*
22 *paid, by category of beneficiaries, for such*
23 *benefits in 2005.*

24 (B) *The calculations and assumptions uti-*
25 *lized by the Department in estimating the sav-*

1 *ings anticipated through the implementation of*
2 *proposed increases in cost-sharing for health care*
3 *benefits beginning in 2007.*

4 *(C) The average annual rate of increase,*
5 *based on inflation, of medical costs for the De-*
6 *partment under the Defense Health Program.*

7 *(D) The annual rate of growth in the cost*
8 *of the Defense Health Program that is attrib-*
9 *utable to inflation in the cost of medical services*
10 *over the last five years and how such rate of*
11 *growth compares with annual rates of increases*
12 *in health care premiums under the Federal Em-*
13 *ployee Health Benefit Program and other health*
14 *care programs as well as rates of growth of other*
15 *health care cost indices over that time.*

16 *(E) The assumptions utilized by the De-*
17 *partment in estimating savings associated with*
18 *adjustments in copayments for pharmaceuticals.*

19 *(F) The costs of the administration of the*
20 *Defense Health Program and the TRICARE pro-*
21 *gram for all categories of beneficiaries.*

22 *(c) AUDIT OF TRICARE RESERVE SELECT PRO-*
23 *GRAM.—*

24 *(1) IN GENERAL.—In addition to the audit re-*
25 *quired by subsection (a), the Comptroller General*

1 *shall conduct an audit of the costs of the Department*
2 *of Defense in implementing the TRICARE Reserve*
3 *Select Program.*

4 (2) *ELEMENTS.—The audit required by para-*
5 *graph (1) shall include an examination of the fol-*
6 *lowing:*

7 (A) *A comparison of the annual premium*
8 *amounts established by the Department of De-*
9 *fense for the TRICARE Reserve Select Program*
10 *with the actual costs of the Department in pro-*
11 *viding benefits under that program in fiscal*
12 *years 2004 and 2005.*

13 (B) *The rate of inflation of health care costs*
14 *of the Department during fiscal years 2004 and*
15 *2005, and a comparison of that rate of inflation*
16 *with the annual increase in premiums under the*
17 *TRICARE Reserve Select Program in January*
18 *2006.*

19 (C) *A comparison of the financial and*
20 *health-care utilization assumptions utilized by*
21 *the Department in establishing premiums under*
22 *the TRICARE Reserve Select Program with ac-*
23 *tual experiences under that program in the first*
24 *year of the implementation of that program.*

1 (3) *TRICARE RESERVE SELECT PROGRAM DE-*
2 *FINED.*—*In this section, the term “TRICARE Reserve*
3 *Select Program” means the program carried out*
4 *under section 1074d of title 10, United States Code.*

5 (d) *USE OF INDEPENDENT EXPERTS.*—*Notwith-*
6 *standing any other provision of law, in conducting the au-*
7 *dits required by this section, the Comptroller General may*
8 *engage the services of appropriate independent experts, in-*
9 *cluding actuaries.*

10 (e) *REPORT.*—*Not later than April 1, 2007, the Comp-*
11 *troller General shall submit to the congressional defense*
12 *committees a report on the audits conducted under this sec-*
13 *tion. The report shall include—*

14 (1) *the findings of the Comptroller General as a*
15 *result of the audits; and*

16 (2) *such recommendations as the Comptroller*
17 *General considers appropriate in light of such find-*
18 *ings to ensure maximum efficiency in the administra-*
19 *tion of the health care benefits programs of the De-*
20 *partment of Defense.*

21 **SEC. 745. REVIEW OF DEPARTMENT OF DEFENSE MEDICAL**
22 **QUALITY IMPROVEMENT PROGRAM.**

23 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*
24 *shall enter into a contract with the Institute of Medicine*
25 *of the National Academy of Sciences, or another similarly*

1 *qualified independent academic medical organization, for*
2 *the purpose of conducting an independent review of the De-*
3 *partment of Defense medical quality improvement program.*

4 *(b) ELEMENTS.—The review required pursuant to sub-*
5 *section (a) shall include the following:*

6 *(1) An assessment of the methods used by the De-*
7 *partment of Defense to monitor medical quality in*
8 *services provided in military hospitals and clinics*
9 *and in services provided in civilian hospitals and*
10 *providers under the military health care system.*

11 *(2) An assessment of the transparency and pub-*
12 *lic reporting mechanisms of the Department on med-*
13 *ical quality.*

14 *(3) An assessment of how the Department incor-*
15 *porates medical quality into performance measures*
16 *for military and civilian health care providers within*
17 *the military health care system.*

18 *(4) An assessment of the patient safety programs*
19 *of the Department.*

20 *(5) A description of the extent to which the De-*
21 *partment seeks to address particular medical errors,*
22 *and an assessment of the adequacy of such efforts.*

23 *(6) An assessment of accountability within the*
24 *military health care system for preventable negative*
25 *outcomes involving negligence.*

1 (7) *An assessment of the performance of the*
2 *health care safety and quality measures of the De-*
3 *partment.*

4 (8) *An assessment of the collaboration of the De-*
5 *partment with national initiatives to develop evi-*
6 *dence-based quality measures and intervention strate-*
7 *gies, especially the initiatives of the Agency for*
8 *Health Care Research and Quality within the De-*
9 *partment of Health and Human Services.*

10 (9) *A comparison of the methods, mechanisms,*
11 *and programs and activities referred to in para-*
12 *graphs (1) through (8) with similar methods, mecha-*
13 *nisms, programs, and activities used in other public*
14 *and private health care systems and organizations.*

15 (c) *REPORT.—*

16 (1) *IN GENERAL.—Not later than one year after*
17 *the date of the enactment of this Act, the Secretary*
18 *shall submit to the congressional defense committees a*
19 *report on the review required pursuant to subsection*
20 *(a).*

21 (2) *ELEMENTS.—The report required by para-*
22 *graph (1) shall include the following:*

23 (A) *The results of the review required pur-*
24 *suant to subsection (a).*

1 (B) *A discussion of recent highlights in the*
2 *accomplishments of the Department of Defense*
3 *medical quality assurance program.*

4 (C) *Such recommendations for legislative or*
5 *administrative action as the Secretary considers*
6 *appropriate for the improvement of the program.*

7 **SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DE-**
8 **PLETED URANIUM.**

9 (a) *STUDY.*—*The Secretary of Defense, in consultation*
10 *with the Secretary for Veterans Affairs and the Secretary*
11 *of Health and Human Services, shall conduct a comprehen-*
12 *sive study of the health effects of exposure to depleted ura-*
13 *nium munitions on uranium-exposed soldiers and on chil-*
14 *dren of uranium-exposed soldiers who were born after the*
15 *exposure of the uranium-exposed soldiers to depleted ura-*
16 *nium.*

17 (b) *URANIUM-EXPOSED SOLDIERS.*—*In this section,*
18 *the term “uranium-exposed soldiers” means a member or*
19 *former member of the Armed Forces who handled, came in*
20 *contact with, or had the likelihood of contact with depleted*
21 *uranium munitions while on active duty, including mem-*
22 *bers and former members who—*

23 (1) *were exposed to smoke from fires resulting*
24 *from the burning of vehicles containing depleted ura-*

1 *nium munitions or fires at depots at which depleted*
2 *uranium munitions were stored;*

3 *(2) worked within environments containing de-*
4 *pleted uranium dust or residues from depleted ura-*
5 *nium munitions;*

6 *(3) were within a structure or vehicle while it*
7 *was struck by a depleted uranium munition;*

8 *(4) climbed on or entered equipment or struc-*
9 *tures struck by a depleted uranium munition; or*

10 *(5) were medical personnel who provided initial*
11 *treatment to members of the Armed Forces described*
12 *in paragraph (1), (2), (3), or (4).*

13 *(c) REPORT.—Not later than 1 year after the date of*
14 *enactment of this Act, the Secretary of Defense shall submit*
15 *a report to Congress on the results of the study described*
16 *in subsection (a).*

17 ***Subtitle D—Other Matters***

18 ***SEC. 761. EXTENSION OF LIMITATION ON CONVERSION OF*** 19 ***MILITARY MEDICAL AND DENTAL POSITIONS*** 20 ***TO CIVILIAN MEDICAL AND DENTAL POSI-*** 21 ***TIONS.***

22 *Section 744(a)(1) of the National Defense Authoriza-*
23 *tion Act for Fiscal Year 2006 (Public Law 109–163; 119*
24 *Stat. 3360; 10 U.S.C. 129c note) is amended—*

25 *(1) by inserting “in a fiscal year” before “until”;*

1 (2) by inserting “with respect to that fiscal
2 year” after “House of Representatives”; and

3 (3) by striking the last sentence and inserting
4 the following new sentences: “The certification with
5 respect to fiscal year 2007 may not be submitted be-
6 fore June 30, 2006. The certification with respect to
7 any fiscal year after fiscal year 2007 shall be sub-
8 mitted at the same time the budget of the President
9 for such fiscal year is submitted to Congress pursuant
10 to section 1105(a) of title 31, United States Code.”.

11 **SEC. 762. TRANSFER OF CUSTODY OF THE AIR FORCE**

12 **HEALTH STUDY ASSETS TO MEDICAL FOL-**
13 **LOW-UP AGENCY.**

14 (a) *TRANSFER.*—

15 (1) *NOTIFICATION OF PARTICIPANTS.*—*The Sec-*
16 *retary of the Air Force shall notify the participants*
17 *of the Air Force Health Study that the study as cur-*
18 *rently constituted is ending as of September 30, 2006.*
19 *In consultation with the Medical Follow-Up Agency*
20 *(in this section referred to as the “Agency”) of the In-*
21 *stitute of Medicine of the National Academy of*
22 *Sciences, the Secretary of the Air Force shall request*
23 *the written consent of the participants to transfer*
24 *their data and biological specimens to the Agency*
25 *during fiscal year 2007 and written consent for the*

1 *Agency to maintain the data and specimens and*
2 *make them available for additional studies.*

3 (2) *COMPLETION OF TRANSFER.*—*Custodianship*
4 *of the Air Force Health Study shall be completely*
5 *transferred to the Agency on or before September 30,*
6 *2007. Assets to be transferred shall include electronic*
7 *data files and biological specimens of all the study*
8 *participants.*

9 (3) *COPIES TO ARCHIVES.*—*The Air Force shall*
10 *send paper copies of all study documents to the Na-*
11 *tional Archives.*

12 (b) *REPORT ON TRANSFER.*—

13 (1) *REQUIREMENT.*—*Not later than 30 days*
14 *after completion of the transfer of the assets of the Air*
15 *Force Health Study under subsection (a), the Sec-*
16 *retary of the Air Force shall submit to the Committee*
17 *on Armed Services of the Senate and the Committee*
18 *on Armed Services of the House of Representatives a*
19 *report on the transfer.*

20 (2) *MATTERS COVERED.*—*At a minimum, the re-*
21 *port shall include information on the number of study*
22 *participants whose data and biological specimens*
23 *were not transferred, the efforts that were taken to*
24 *contact such participants, and the reasons why the*
25 *transfer of their data and specimens did not occur.*

1 (c) *DISPOSITION OF ASSETS NOT TRANSFERRED.*—
2 *The Secretary of the Air Force may not destroy any data*
3 *or biological specimens not transferred under subsection (a)*
4 *until the expiration of the one-year period following sub-*
5 *mission of the report under subsection (b).*

6 (d) *FUNDING.*—

7 (1) *COSTS OF TRANSFER.*—*Of the funds avail-*
8 *able to the Defense Health Program, the Secretary of*
9 *Defense may make available to the Air Force*
10 *\$850,000 for preparation, transfer of the assets of the*
11 *Air Force Health Study and shipment of data and*
12 *specimens to the Medical Follow-Up Agency and the*
13 *National Archives during fiscal year 2007 from*
14 *amounts available from the Department of Defense for*
15 *that year. The Secretary of Defense is authorized to*
16 *transfer the freezers and other physical assets assigned*
17 *to the Air Force Health Study to the Agency without*
18 *charge.*

19 (2) *COSTS OF COLLABORATION.*—*Of the funds*
20 *available to the Defense Health Program, the Sec-*
21 *retary of Defense may reimburse the National Acad-*
22 *emy of Sciences up to \$200,000 for costs of the Med-*
23 *ical Follow-Up Agency to collaborate with the Air*
24 *Force in the transfer and receipt of the assets of the*
25 *Air Force Health Study to the Agency during fiscal*

1 *year 2007 from amounts available from the Depart-*
2 *ment of Defense for that year.*

3 **SEC. 763. SENSE OF SENATE ON THE TRANSFORMATIONAL**
4 **MEDICAL TECHNOLOGY INITIATIVE OF THE**
5 **DEPARTMENT OF DEFENSE.**

6 *(a) FINDINGS.—The Senate finds the following:*

7 *(1) The most recent Quadrennial Defense Review*
8 *and other studies have identified the need to develop*
9 *broad-spectrum medical countermeasures against the*
10 *threat of genetically engineered bioterror agents.*

11 *(2) The Transformational Medical Technology*
12 *Initiative of the Department of Defense implements*
13 *cutting edge transformational medical technologies*
14 *and applies them to address the challenges of known,*
15 *emerging, and bioengineered threats.*

16 *(3) The Transformational Medical Technology*
17 *Initiative is designed to provide such technologies in*
18 *a much shorter timeframe, and at lower cost, than is*
19 *required with traditional approaches.*

20 *(b) SENSE OF SENATE.—It is the sense of the Senate*
21 *that—*

22 *(1) the Transformational Medical Technology*
23 *Initiative is an important effort to provide needed ca-*
24 *pability within the Department of Defense to field ef-*
25 *fective broad-spectrum countermeasures against a sig-*

1 *nificant array of current and future biological*
2 *threats; and*

3 (2) *innovative technological approaches to*
4 *achieve broad-spectrum medical countermeasures are*
5 *a necessary component of the capacity of the Depart-*
6 *ment to provide chemical-biological defense and force*
7 *protection capabilities for the Armed Forces.*

8 **TITLE VIII—ACQUISITION POL-**
9 **ICY, ACQUISITION MANAGE-**
10 **MENT, AND RELATED MAT-**
11 **TERS**

12 ***Subtitle A—Acquisition Policy and***
13 ***Management***

14 **SEC. 801. ADDITIONAL CERTIFICATION REQUIREMENTS**
15 **FOR MAJOR DEFENSE ACQUISITION PRO-**
16 **GRAMS.**

17 (a) *ADDITIONAL CERTIFICATION REQUIREMENTS.—*
18 *Subsection (a) of section 2366a of title 10, United States*
19 *Code, is amended—*

20 (1) *in paragraph (6), by striking “and” at the*
21 *end;*

22 (2) *redesignating paragraph (7) as paragraph*
23 *(10); and*

24 (3) *by inserting after paragraph (6) the fol-*
25 *lowing new paragraphs:*

1 “(7) the program is needed to meet validated re-
2 quirements consistent with the national military
3 strategy;

4 “(8) reasonable estimates have been developed to
5 execute the product development and production plan
6 under the program;

7 “(9) funding is available to execute the product
8 development and production plan under the program
9 consistent with the estimates described in paragraph
10 (8) for the program; and”.

11 (b) *WAIVER FOR NATIONAL SECURITY*.—Subsection (c)
12 of such section is amended by striking “(5), or (6)” and
13 inserting “(5), (6), (7), (8), or (9)”.

14 **SEC. 802. EXTENSION AND ENHANCEMENT OF DEFENSE AC-**
15 **QUISITION CHALLENGE PROGRAM.**

16 (a) *PRIORITY FOR PROPOSALS FROM CERTAIN BUSI-*
17 *NESSES*.—Paragraph (5) of subsection (b) of section 2359b
18 of title 10, United States Code, is amended to read as fol-
19 lows:

20 “(5) *The Under Secretary—*

21 “(A) may establish procedures to ensure that the
22 Challenge Program does not become an avenue for the
23 repetitive submission of proposals that have been pre-
24 viously reviewed and found not to have merit; and

1 “(B) may establish procedures to ensure that the
2 Challenge Program establishes appropriate priorities
3 for proposals from businesses that are not major con-
4 tractors with the Department of Defense.”.

5 (b) *EXTENSION*.—Subsection (j) of such section is
6 amended by striking “September 30, 2007” and inserting
7 “September 30, 2012”.

8 **SEC. 803. BASELINE DESCRIPTION AND UNIT COST RE-**
9 **PORTS FOR MAJOR DEFENSE ACQUISITION**
10 **PROGRAMS.**

11 (a) *SPECIFICATION OF ORIGINAL BASELINE ESTI-*
12 *MATE*.—Section 2435(d)(1) of title 10, United States Code,
13 is amended by inserting after “with respect to the program
14 under subsection (a)” the following: “in preparation for
15 entry into system development and demonstration, or at
16 program initiation, whichever occurs later”.

17 (b) *REPORTS TO CONGRESS ON CERTAIN COST IN-*
18 *CREASES*.—Section 2433(e)(1) of such title is amended by
19 adding at the end the following new subparagraph:

20 “(C) If the Secretary concerned determines that the
21 program acquisition unit cost or procurement unit cost of
22 a major defense acquisition program has increased by a
23 percentage equal to or greater than the significant cost
24 growth threshold for the program and a Selected Acquisition
25 Report has been submitted to Congress under subparagraph

1 (A) or (B), each subsequent quarterly or comprehensive an-
 2 nual Selected Acquisition Report shall include the informa-
 3 tion required by subsection (g). No further report on in-
 4 creases in the program acquisition unit cost or procurement
 5 unit cost shall be required under subsection (c) or (d) unless
 6 the program manager has reasonable cause to believe that
 7 the program acquisition unit cost or procurement unit cost
 8 has increased by a percentage equal to or greater than the
 9 critical cost growth threshold.”.

10 **SEC. 804. MAJOR AUTOMATED INFORMATION SYSTEM PRO-**
 11 **GRAMS.**

12 (a) *REPORTS AND INFORMATION ON PROGRAM COST*
 13 *AND PERFORMANCE.*—

14 (1) *IN GENERAL.*—Part IV of subtitle A of title
 15 10, United States Code, is amended by inserting after
 16 chapter 144 the following new chapter:

17 **“CHAPTER 144A—MAJOR AUTOMATED**
 18 **INFORMATION SYSTEM PROGRAMS**

“Sec.

“2445a. Major automated information system program defined.

“2445b. Cost, schedule, and performance information.

“2445c. Reports: quarterly reports; reports on program changes.

“2445d. Construction with other reporting requirements.

19 **“§2445a. Major automated information system pro-**
 20 **gram defined**

21 “(a) *IN GENERAL.*—In this chapter, the term ‘major
 22 automated information system program’ means a Depart-

1 *ment of Defense program for the acquisition of an auto-*
2 *mated information system (either as a product or a service)*
3 *if—*

4 “(1) *the program is designated by the Secretary*
5 *of Defense, or a designee of the Secretary, as a major*
6 *automated information system program; or*

7 “(2) *the dollar value of the program is estimated*
8 *to exceed—*

9 “(A) *\$32,000,000 in fiscal year 2000 con-*
10 *stant dollars for all program costs in a single fis-*
11 *cal year;*

12 “(B) *\$126,000,000 in fiscal year 2000 con-*
13 *stant dollars for all program acquisition costs for*
14 *the entire program; or*

15 “(C) *\$378,000,000 in fiscal year 2000 con-*
16 *stant dollars for the total life-cycle costs of the*
17 *program (including operation and maintenance*
18 *costs).*

19 “(b) *ADJUSTMENT.—The Secretary of Defense may ad-*
20 *just the amounts (and base fiscal year) set forth in sub-*
21 *section (a) on the basis of Department of Defense escalation*
22 *rates. An adjustment under this subsection shall be effective*
23 *after the Secretary transmits a written notification of the*
24 *adjustment to the congressional defense committees.*

1 “(2) *The implementation schedule, including es-*
2 *timates of milestone dates, initial operational capa-*
3 *bility, and full operational capability.*

4 “(3) *Estimates of development costs and full life-*
5 *cycle costs.*

6 “(4) *A summary of key performance parameters.*

7 “(c) *BASELINE.—(1) For purposes of this chapter, the*
8 *initial submittal to Congress of the documents required by*
9 *subsection (a) with respect to a major automated informa-*
10 *tion system program shall constitute the original estimate*
11 *or information originally submitted on such program for*
12 *purposes of the reports and determinations on program*
13 *changes in section 2445c of this title.*

14 “(2) *An adjustment or revision of the original estimate*
15 *or information originally submitted on a program may be*
16 *treated as the original estimate or information originally*
17 *submitted on the program if the adjustment or revision is*
18 *the result of a critical change in the program covered by*
19 *section 2445c(d) of this title.*

20 “(3) *In the event of an adjustment or revision to the*
21 *original estimate or information originally submitted on a*
22 *program under paragraph (2), the Secretary of Defense*
23 *shall include in the next budget justification documents sub-*
24 *mitted under subsection (a) after such adjustment or revi-*
25 *sion a notification to the congressional defense committees*

1 of such adjustment or revision, together with the reasons
2 for such adjustment or revision.

3 **“§2445c. Reports: quarterly reports; reports on pro-**
4 **gram changes**

5 “(a) QUARTERLY REPORTS BY PROGRAM MAN-
6 AGERS.—The program manager of a major automated in-
7 formation system program shall, on a quarterly basis, sub-
8 mit to the senior Department of Defense official responsible
9 for the program a written report identifying any variance
10 in the projected development schedule, implementation
11 schedule, life-cycle costs, or key performance parameters for
12 the major automated information system to be acquired
13 under the program from such information as originally
14 submitted to Congress under section 2445b of this title.

15 “(b) SENIOR OFFICIALS RESPONSIBLE FOR PRO-
16 GRAMS.—For purposes of this section, the senior Depart-
17 ment of Defense official responsible for a major automated
18 information system program is—

19 “(1) in the case of an automated information
20 system to be acquired for a military department, the
21 senior acquisition executive for the military depart-
22 ment; or

23 “(2) in the case of any other automated informa-
24 tion system to be acquired for the Department of De-
25 fense or any component of the Department of Defense,

1 *the Under Secretary of Defense for Acquisition, Tech-*
2 *nology, and Logistics.*

3 “(c) *REPORT ON SIGNIFICANT CHANGES IN PRO-*
4 *GRAM.*—

5 “(1) *IN GENERAL.*—*If, based on a quarterly re-*
6 *port submitted by the program manager of a major*
7 *automated information system program pursuant to*
8 *subsection (a), the senior Department of Defense offi-*
9 *cial responsible for the program makes a determina-*
10 *tion described in paragraph (2), the official shall, not*
11 *later than 45 days after receiving such report, notify*
12 *the congressional defense committees in writing of*
13 *such determination.*

14 “(2) *COVERED DETERMINATION.*—*A determina-*
15 *tion described in this paragraph with respect to a*
16 *major automated information system program is a*
17 *determination that—*

18 “(A) *there has been a schedule change that*
19 *will cause a delay of more than six months but*
20 *less than a year in any program schedule mile-*
21 *stone or significant event from the schedule origi-*
22 *nally submitted to Congress under paragraph (1)*
23 *or (2) of section 2445b(b) of this title;*

24 “(B) *the estimated program development*
25 *cost or full life-cycle cost for the program has in-*

1 *creased by at least 15 percent, but less than 25*
2 *percent, over the original estimate submitted to*
3 *Congress under paragraph (3) of section*
4 *2445b(b) of this title; or*

5 *“(C) there has been a significant, adverse*
6 *change in the expected performance of the major*
7 *automated information system to be acquired*
8 *under the program from the parameters origi-*
9 *nally submitted to Congress under paragraph (4)*
10 *of section 2445b(b) of this title.*

11 *“(d) REPORT ON CRITICAL CHANGES IN PROGRAM.—*

12 *“(1) IN GENERAL.—If, based on a quarterly re-*
13 *port submitted by the program manager of a major*
14 *automated information system program pursuant to*
15 *subsection (a), the senior Department of Defense offi-*
16 *cial responsible for the program makes a determina-*
17 *tion described in paragraph (2), the official shall, not*
18 *later than 60 days after receiving such report—*

19 *“(A) carry out an evaluation of the pro-*
20 *gram under subsection (e); and*

21 *“(B) submit, through the Secretary of De-*
22 *fense, to the congressional defense committees a*
23 *report meeting the requirements of subsection (f).*

24 *“(2) COVERED DETERMINATION.—A determina-*
25 *tion described in this paragraph with respect to a*

1 *major automated information system program is a*
2 *determination that—*

3 “(A) *there has been a schedule change that*
4 *will cause a delay of one year or more in any*
5 *program schedule milestone or significant event*
6 *from the schedule originally submitted to Con-*
7 *gress under paragraph (1) or (2) of section*
8 *2445b(b) of this title;*

9 “(B) *the estimated program development*
10 *cost or full life-cycle cost for the program has in-*
11 *creased by 25 percent or more over the original*
12 *estimate submitted to Congress under paragraph*
13 *(3) of section 2445b(b) of this title; or*

14 “(C) *there has been a change in the expected*
15 *performance of the major automated information*
16 *system to be acquired under the program that*
17 *will undermine the ability of the system to per-*
18 *form the functions anticipated at the time infor-*
19 *mation on the program was originally submitted*
20 *to Congress under section 2445b(b) of this title.*

21 “(e) *PROGRAM EVALUATION.—The evaluation of a*
22 *major automated information system program conducted*
23 *under this subsection for purposes of subsection (d)(1)(A)*
24 *shall include an assessment of—*

1 “(1) the projected cost and schedule for com-
2 pleting the program if current requirements are not
3 modified;

4 “(2) the projected cost and schedule for com-
5 pleting the program based on reasonable modification
6 of such requirements; and

7 “(3) the rough order of magnitude of the cost and
8 schedule for any reasonable alternative system or ca-
9 pability.

10 “(f) *REPORT ON CRITICAL PROGRAM CHANGES.*—A re-
11 port on a major automated information system program
12 conducted under this subsection for purposes of subsection
13 (d)(1)(B) shall include a written certification (with sup-
14 porting explanation) stating that—

15 “(1) the automated information system to be ac-
16 quired under the program is essential to the national
17 security or to the efficient management of the Depart-
18 ment of Defense;

19 “(2) there is no alternative to the system which
20 will provide equal or greater capability at less cost;

21 “(3) the new estimates of the costs, schedule, and
22 performance parameters with respect to the program
23 and system are reasonable; and

24 “(4) the management structure for the program
25 is adequate to manage and control program costs.

1 **(b) REPORT ON REPORTING REQUIREMENTS APPLICA-**
2 **BLE TO MAJOR AUTOMATED INFORMATION SYSTEM PRO-**
3 **GRAMS.**—*Not later than 180 days after the date of enact-*
4 *ment of this Act, the Secretary of Defense shall submit to*
5 *the congressional defense committees a report setting forth*
6 *the reporting requirements applicable to major automated*
7 *information system programs as of the date of the report,*
8 *including a specification of such reporting requirements*
9 *considered by the Secretary to be duplicative or redundant.*

10 **(c) EFFECTIVE DATE.**—

11 **(1) IN GENERAL.**—*The amendments made by*
12 *subsection (a) shall take effect on January 1, 2008,*
13 *and shall apply with respect to any major automated*
14 *information system program for which amounts are*
15 *requested in the budget of the President (as submitted*
16 *to Congress under section 1105 of title 31, United*
17 *States Code) for a fiscal year after fiscal year 2008,*
18 *regardless of whether the acquisition of the automated*
19 *information system to be acquired under the program*
20 *was initiated before, on, or after January 1, 2008.*

21 **(2) REPORT REQUIREMENT.**—*Subsection (b)*
22 *shall take effect on the date of the enactment of this*
23 *Act.*

1 **SEC. 805. ADJUSTMENT OF ORIGINAL BASELINE ESTIMATE**
2 **FOR MAJOR DEFENSE ACQUISITION PRO-**
3 **GRAMS EXPERIENCING COST GROWTH RE-**
4 **SULTING FROM DAMAGE CAUSED BY HURRI-**
5 **CANES KATRINA, RITA, AND WILMA.**

6 (a) *ADJUSTMENT AUTHORIZED.*—Notwithstanding
7 any limitations under section 2435(d) of title 10, United
8 States Code, the Secretary of Defense may adjust the origi-
9 nal Baseline Estimate for a major defense acquisition pro-
10 gram that is carried out primarily in the Hurricane
11 Katrina disaster area, Hurricane Rita disaster area, or
12 Hurricane Wilma disaster area for the sole purpose of ad-
13 dressing cost growth in such program that, as determined
14 by the Secretary, is directly attributable to damage caused
15 by Hurricane Katrina, Hurricane Rita, or Hurricane
16 Wilma.

17 (b) *NOTICE TO CONGRESS.*—The Secretary shall iden-
18 tify any adjustment to the original Baseline Estimate of
19 a major defense acquisition program under subsection (a),
20 and provide an explanation of the basis for such adjust-
21 ment, in the first Selected Acquisition Report that is sub-
22 mitted under section 2432 of title 10, United States Code,
23 after such adjustment is made.

24 (c) *SUNSET.*—The authority to adjust an original
25 Baseline Estimate for a major defense acquisition program

1 *under subsection (a) shall expire on the date that is one*
 2 *year after the date of the enactment of this Act.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) The term “major defense acquisition pro-*
 5 *gram” has the meaning given that term in section*
 6 *2430 of title 10, United States Code.*

7 *(2) The term “original Baseline Estimate”, in*
 8 *the case of a major defense acquisition program,*
 9 *means the first baseline description for the program*
 10 *established under section 2435(a) of title 10, United*
 11 *States Code.*

12 *(3) The terms “Hurricane Katrina disaster*
 13 *area”, “Hurricane Rita disaster area”, and “Hurri-*
 14 *cane Wilma disaster area” have the meaning given*
 15 *such terms in section 1400M of the Internal Revenue*
 16 *Code of 1986.*

17 **SEC. 806. INTERNAL CONTROLS FOR PROCUREMENTS ON**
 18 **BEHALF OF THE DEPARTMENT OF DEFENSE**
 19 **BY CERTAIN NON-DEFENSE AGENCIES.**

20 *(a) INSPECTOR GENERAL REVIEWS AND DETERMINA-*
 21 *TIONS.—*

22 *(1) IN GENERAL.—For each covered non-defense*
 23 *agency, the Inspector General of the Department of*
 24 *Defense and the Inspector General of such non-defense*
 25 *agency shall, not later than March 15, 2007, jointly—*

1 (A) review—

2 (i) the procurement policies, proce-
3 dures, and internal controls of such non-de-
4 fense agency that are applicable to the pro-
5 curement of property and services on behalf
6 of the Department by such non-defense
7 agency; and

8 (ii) the administration of those poli-
9 cies, procedures, and internal controls; and

10 (B) determine in writing whether—

11 (i) such non-defense agency is compli-
12 ant with defense procurement requirements;

13 (ii) such non-defense agency is not
14 compliant with defense procurement re-
15 quirements, but has a program or initiative
16 to significantly improve compliance with
17 defense procurement requirements;

18 (iii) neither of the conclusions stated
19 in clauses (i) and (ii) is correct in the case
20 of such non-defense agency; or

21 (iv) such non-defense agency is not
22 compliant with defense procurement re-
23 quirements to such an extent that the inter-
24 ests of the Department of Defense are at risk

1 *in procurements conducted by such non-de-*
2 *fense agency.*

3 (2) *ACTIONS FOLLOWING CERTAIN DETERMINA-*
4 *TIONS.—If the Inspectors General determine under*
5 *paragraph (1) that the conclusion stated in clause*
6 *(ii), (iii), or (iv) of subparagraph (B) of that para-*
7 *graph is correct in the case of a covered non-defense*
8 *agency, such Inspectors General shall, not later than*
9 *June 15, 2008, jointly—*

10 (A) *conduct a second review, as described in*
11 *subparagraph (A) of that paragraph, regarding*
12 *such non-defense agency’s procurement of prop-*
13 *erty or services on behalf of the Department of*
14 *Defense in fiscal year 2007; and*

15 (B) *determine in writing whether such non-*
16 *defense agency is or is not compliant with de-*
17 *fense procurement requirements.*

18 (b) *COMPLIANCE WITH DEFENSE PROCUREMENT RE-*
19 *QUIREMENTS.—For the purposes of this section, a covered*
20 *non-defense agency is compliant with defense procurement*
21 *requirements if such non-defense agency’s procurement poli-*
22 *cies, procedures, and internal controls applicable to the pro-*
23 *curement of products and services on behalf of the Depart-*
24 *ment of Defense, and the manner in which they are admin-*
25 *istered, are adequate to ensure such non-defense agency’s*

1 *compliance with the requirements of laws and regulations*
2 *that apply to procurements of property and services made*
3 *directly by the Department of Defense.*

4 (c) *MEMORANDA OF UNDERSTANDING BETWEEN IN-*
5 *SPECTORS GENERAL.—*

6 (1) *IN GENERAL.—Not later than 60 days after*
7 *the date of the enactment of this Act, the Inspector*
8 *General of the Department of Defense and the Inspec-*
9 *tor General of each covered non-defense agency shall*
10 *enter into a memorandum of understanding with each*
11 *other to carry out the reviews and make the deter-*
12 *minations required by this section.*

13 (2) *SCOPE OF MEMORANDA.—The Inspector Gen-*
14 *eral of the Department of Defense and the Inspector*
15 *General of a covered non-defense agency may by mu-*
16 *tual agreement conduct separate reviews of the pro-*
17 *urement of property and services on behalf of the De-*
18 *partment of Defense that are conducted by separate*
19 *business units, or under separate governmentwide ac-*
20 *quisition contracts, of such non-defense agency. In*
21 *any case where such separate reviews are conducted,*
22 *the Inspectors General shall make separate determina-*
23 *tions under paragraph (1) or (2) of subsection (a), as*
24 *applicable, with respect to each such separate review.*

1 (d) *LIMITATIONS ON PROCUREMENTS ON BEHALF OF*
2 *DEPARTMENT OF DEFENSE.—*

3 (1) *LIMITATION DURING REVIEW PERIOD.—After*
4 *March 15, 2007, and before June 16, 2008, no official*
5 *of the Department of Defense may, except as provided*
6 *in subsection (e) or (f), order, purchase, or otherwise*
7 *procure property or services in an amount in excess*
8 *of \$100,000 through a covered non-defense agency for*
9 *which a determination described in clause (iii) or (iv)*
10 *of paragraph (1)(B) of subsection (a) has been made*
11 *under subsection (a).*

12 (2) *LIMITATION AFTER REVIEW PERIOD.—After*
13 *June 15, 2008, no official of the Department of De-*
14 *fense may, except as provided in subsection (e) or (f),*
15 *order, purchase, or otherwise procure property or*
16 *services in an amount in excess of \$100,000 through*
17 *a covered non-defense agency that, having been subject*
18 *to review under this section, has not been determined*
19 *under this section as being compliant with defense*
20 *procurement requirements.*

21 (3) *LIMITATION FOLLOWING FAILURE TO REACH*
22 *MOU.—Commencing on the date that is 60 days after*
23 *the date of the enactment of this Act, if a memo-*
24 *randum of understanding between the Inspector Gen-*
25 *eral of the Department of Defense and the Inspector*

1 *General of a covered non-defense agency cannot be at-*
2 *tained causing the review required by this section to*
3 *not be performed, no official of the Department of De-*
4 *fense, except as provided in subsection (e) or (f), may*
5 *order, purchase or otherwise procure property or serv-*
6 *ices in an amount in excess of \$100,000 through such*
7 *non-defense agency.*

8 *(e) EXCEPTION FROM APPLICABILITY OF LIMITA-*
9 *TIONS.—*

10 *(1) EXCEPTION.—No limitation applies under*
11 *subsection (d) with respect to the procurement of*
12 *property and services on behalf of the Department of*
13 *Defense by a covered non-defense agency during any*
14 *period that there is in effect a determination of the*
15 *Under Secretary of Defense for Acquisition, Tech-*
16 *nology, and Logistics, made in writing, that it is nec-*
17 *essary in the interest of the Department of Defense to*
18 *continue to procure property and services through*
19 *such non-defense agency.*

20 *(2) APPLICABILITY OF DETERMINATION.—A*
21 *written determination with respect to a covered non-*
22 *defense agency under paragraph (1) is in effect for the*
23 *period, not in excess of one year, that the Under Sec-*
24 *retary shall specify in the written determination. The*
25 *Under Secretary may extend from time to time, for*

1 *up to one year at a time, the period for which the*
2 *written determination remains in effect.*

3 *(f) TERMINATION OF APPLICABILITY OF LIMITA-*
4 *TIONS.—Subsection (d) shall cease to apply to a covered*
5 *non-defense agency on the date on which the Inspector Gen-*
6 *eral of the Department of Defense and the Inspector General*
7 *of such non-defense agency jointly—*

8 *(1) determine that such non-defense agency is*
9 *compliant with defense procurement requirements;*
10 *and*

11 *(2) notify the Secretary of Defense of that deter-*
12 *mination.*

13 *(g) IDENTIFICATION OF PROCUREMENTS MADE DUR-*
14 *ING A PARTICULAR FISCAL YEAR.—For the purposes of sub-*
15 *section (a), a procurement shall be treated as being made*
16 *during a particular fiscal year to the extent that funds are*
17 *obligated by the Department of Defense for that procure-*
18 *ment in that fiscal year.*

19 *(h) RESOLUTION OF DISAGREEMENTS.—If the Inspec-*
20 *tor General of the Department of Defense and the Inspector*
21 *General of a covered non-defense agency are unable to agree*
22 *on a joint determination under subsection (a) or subsection*
23 *(f), a determination by the Inspector General of the Depart-*
24 *ment of Defense under such subsection shall be conclusive*
25 *for the purposes of this section.*

1 (i) *DEFINITIONS.*—*In this section:*

2 (1) *The term “covered non-defense agency”*
3 *means each of the following:*

4 (A) *The Department of Veterans Affairs.*

5 (B) *The National Institutes of Health.*

6 (2) *The term “governmentwide acquisition con-*
7 *tract”, with respect to a covered non-defense agency,*
8 *means a task or delivery order contract that—*

9 (A) *is entered into by the non-defense agen-*
10 *cy; and*

11 (B) *may be used as the contract under*
12 *which property or services are procured for one*
13 *or more other departments or agencies of the*
14 *Federal Government.*

15 **SEC. 807. REGULATIONS ON USE OF FIXED-PRICE CON-**
16 **TRACTS IN DEVELOPMENT PROGRAMS.**

17 (a) *IN GENERAL.*—*Not later than 120 days after the*
18 *date of the enactment of this Act, the Secretary of Defense*
19 *shall modify the regulations of the Department of Defense*
20 *on the use of fixed-price type contracts in development pro-*
21 *grams.*

22 (b) *ELEMENTS.*—*As modified under subsection (a), the*
23 *regulations described in that subsection shall—*

24 (1) *establish a preference for the use of fixed-*
25 *price type contracts in development programs to the*

1 *maximum extent practicable in light of the level of*
2 *program risk; and*

3 (2) *require the use of fixed-price type contracts*
4 *in each contract for system development and dem-*
5 *onstration, or operational system development, unless*
6 *the use of a different contract type is specifically au-*
7 *thorized pursuant to subsection (c).*

8 (c) *AUTHORIZATION OF USE OF DIFFERENT CON-*
9 *TRACT TYPE.—*

10 (1) *IN GENERAL.—As modified under subsection*
11 *(a), the regulations described in that subsection shall*
12 *provide that the Secretary of Defense may authorize*
13 *the use of a difference contract type under subsection*
14 *(b)(2) with respect to a program upon a written de-*
15 *termination by the Secretary that—*

16 (A) *the program is so complex and tech-*
17 *nically challenging that it would not be prac-*
18 *ticable to reduce program risk to a level that*
19 *would permit the use of a fixed-price type con-*
20 *tract; and*

21 (B) *the complexity and technical challenge*
22 *of the program is not the result of a failure to*
23 *meet the certification requirements established in*
24 *section 2366a of title 10, United States Code.*

1 (2) *SUBMITTAL TO CONGRESSIONAL DEFENSE*
2 *COMMITTEES.*—*The regulations shall provide that a*
3 *copy of any determination on a program under para-*
4 *graph (1), together with an explanation of the basis*
5 *for such determination, shall be submitted to the con-*
6 *gressional defense committees with the first Selected*
7 *Acquisition Report submitted under section 2432 of*
8 *title 10, United States Code, after such determination*
9 *is made.*

10 (3) *DELEGATION OF AUTHORITY.*—*The regula-*
11 *tions shall provide that the authority to make a deter-*
12 *mination under paragraph (1) may not be delegated*
13 *below the level of the Under Secretary of Defense for*
14 *Acquisition, Technology, and Logistics.*

15 (d) *REPEAL OF SUPERSEDED REQUIREMENTS.*—*Sec-*
16 *tion 807 of the National Defense Authorization Act for Fis-*
17 *cal Year 1989 (10 U.S.C. 2304 note) is repealed.*

18 (e) *EFFECTIVE DATE OF REGULATIONS.*—

19 (1) *IN GENERAL.*—*The modified regulations re-*
20 *quired under this section shall apply to any contract*
21 *entered into after the date that is 120 days after the*
22 *date of the enactment of this Act.*

23 (2) *SYSTEM DEVELOPMENT AND DEMONSTRATION*
24 *OR OPERATIONAL SYSTEM DEVELOPMENT.*—*The modi-*
25 *fication required by subsection (b)(2) in the regula-*

1 *tions shall apply with respect to programs that enter*
2 *into system development and demonstration, or oper-*
3 *ational system development, after the date that is 120*
4 *days after the date of the enactment of this Act.*

5 **SEC. 808. AVAILABILITY OF FUNDS FOR PERFORMANCE-**
6 **BASED LOGISTICS CONTRACTS FOR WEAPON**
7 **SYSTEMS LOGISTICS SUPPORT.**

8 *(a) AVAILABILITY OF OPERATION AND MAINTENANCE*
9 *FUNDS.—*

10 *(1) IN GENERAL.—Amounts available to the De-*
11 *partment of Defense for operation and maintenance—*

12 *(A) are available for performance-based lo-*
13 *gistics contracts for weapon systems; and*

14 *(B) subject to paragraph (2), may be used*
15 *in accordance with the terms of such contracts to*
16 *implement engineering changes that result in a*
17 *reduction of the operation and maintenance costs*
18 *to the Government of such systems.*

19 *(2) LIMITATION.—Funds may not be used for a*
20 *performance-based logistics contract to implement en-*
21 *gineering changes the total cost of which is expected*
22 *to exceed \$20,000,000.*

23 *(b) NOTICE TO CONGRESS ON ENTRY INTO CON-*
24 *TRACTS.—*

1 (1) *IN GENERAL.*—Not later than 30 days before
2 entering into a performance-based logistics contract
3 under this section, the Secretary of a military depart-
4 ment shall submit to Congress a notice of intent to
5 enter into such contract.

6 (2) *ELEMENTS.*—The notice on a performance-
7 based logistics contract under paragraph (1) shall in-
8 clude the following:

9 (A) A statement that the military depart-
10 ment concerned—

11 (i) has performed a business case anal-
12 ysis for such contract;

13 (ii) has determined, based on such
14 analysis, that there is a reasonable expecta-
15 tion that such contract will result in an
16 overall reduction of operation and mainte-
17 nance costs with respect to a weapon sys-
18 tem; and

19 (iii) has specific plans in place to—

20 (I) update such analysis at ap-
21 propriate decision points when suffi-
22 cient cost and performance data have
23 been collected to validate the assump-
24 tions used in developing such analysis;
25 and

1 (II) periodically review and vali-
2 date the propriety and integrity of
3 program performance measures, and
4 verify the reliability of contractor cost
5 and performance data, with respect to
6 such contract.

7 (B) An estimate of the projected cost and
8 savings from such contract, together with an ex-
9 planation of the basis for such estimates.

10 (c) *PERFORMANCE-BASED LOGISTICS CONTRACT DE-*
11 *FINED.*—*In this section, the term “performance-based logis-*
12 *tics contract” means a contract for the acquisition of logis-*
13 *tics support (whether at the system, subsystem, or major*
14 *assembly level) for a weapon system that combines logistics*
15 *support in an integrated, affordable, performance package*
16 *designed to optimize system readiness and meet perform-*
17 *ance goals for the weapon system through long-term support*
18 *arrangements with clear lines of authority and responsi-*
19 *bility for the provision of such support.*

20 (d) *REPORT.*—

21 (1) *IN GENERAL.*—*Not later than March 1, 2012,*
22 *the Secretary of Defense shall submit to the congress-*
23 *sional defense committees a report on the status of all*
24 *performance-bases logistics contracts entered into pur-*
25 *suant to this section.*

1 (2) *ELEMENTS.*—*The report under paragraph*
2 *(1) shall include, for each contract covered by such re-*
3 *port, a comparison of the projected cost and savings*
4 *of such contract (as estimated in the notice to Con-*
5 *gress under subsection (b)(2)(B)) with the actual cost*
6 *and savings of such contract (as determined in ac-*
7 *cordance with the plan for such contract under sub-*
8 *section (b)(2)(A)(iii)).*

9 (e) *SUNSET.*—

10 (1) *IN GENERAL.*—*The authority to enter con-*
11 *tracts under this section shall terminate on September*
12 *30, 2012.*

13 (2) *EFFECT ON EXISTING CONTRACTS.*—*The ter-*
14 *mination under paragraph (1) of the authority to*
15 *enter contracts under this section shall not affect the*
16 *use of funds for purposes authorized by subsection (a)*
17 *under contracts entered on or before the date specified*
18 *in that paragraph.*

19 **SEC. 809. QUALITY CONTROL IN PROCUREMENT OF SHIP**
20 **CRITICAL SAFETY ITEMS AND RELATED SERV-**
21 **ICES.**

22 (a) *QUALITY CONTROL POLICY.*—*The Secretary of De-*
23 *fense shall prescribe in regulations a quality control policy*
24 *for the procurement of the following:*

25 (1) *Ship critical safety items.*

1 (2) *Modifications, repair, and overhaul of ship*
2 *critical safety items.*

3 (b) *ELEMENTS.*—*The policy required under subsection*
4 *(a) shall include requirements as follows:*

5 (1) *That the head of the design control activity*
6 *for ship critical safety items establish processes to*
7 *identify and manage the procurement, modification,*
8 *repair, and overhaul of such items.*

9 (2) *That the head of the contracting activity for*
10 *a ship critical safety item enter into a contract for*
11 *the procurement, modification, repair, or overhaul of*
12 *such item only with a source on a qualified manufactur-*
13 *ers list or a source approved by the design control*
14 *activity in accordance with section 2319 of title 10,*
15 *United States Code (as amended by subsection (d)).*

16 (3) *That the ship critical safety items delivered,*
17 *and the services performed with respect to such items,*
18 *meet all technical and quality requirements specified*
19 *by the design control activity.*

20 (c) *DEFINITIONS.*—*In this section, the terms “ship*
21 *critical safety item” and “design control activity” have the*
22 *meanings given such terms in subsection (g) of 2319 of title*
23 *10, United States Code (as so amended).*

24 (d) *CONFORMING AMENDMENTS.*—*Section 2319 of title*
25 *10, United States Code, is amended—*

1 (1) *in subsection (c)(3), by inserting “or ship*
2 *critical safety item” after “aviation critical safety*
3 *item”;* and

4 (2) *in subsection (g)—*

5 (A) *by redesignating paragraph (2) as*
6 *paragraph (3);*

7 (B) *by inserting after paragraph (1) the fol-*
8 *lowing new paragraph (2):*

9 “(2) *The term ‘ship critical safety item’ means*
10 *any ship part, assembly, or support equipment con-*
11 *taining a characteristic the failure, malfunction, or*
12 *absence of which could cause a catastrophic or critical*
13 *failure resulting in loss of or serious damage to the*
14 *ship or unacceptable risk of personal injury or loss of*
15 *life.”;* and

16 (C) *in paragraph (3), as so redesignated—*

17 (i) *by inserting “or ship critical safety*
18 *item” after “aviation critical safety item”;*

19 (ii) *by inserting “, or the seaworthiness*
20 *of a ship or ship equipment,” after “equip-*
21 *ment”;* and

22 (iii) *by striking “the item” and insert-*
23 *ing “such item”.*

1 **SEC. 810. THREE-YEAR EXTENSION OF REQUIREMENT FOR**
2 **REPORTS ON COMMERCIAL PRICE TREND**
3 **ANALYSES OF THE DEPARTMENT OF DE-**
4 **FENSE.**

5 *Section 803(c)(4) of the Strom Thurmond National*
6 *Defense Authorization Act for Fiscal Year 1999 (10 U.S.C.*
7 *2306a note) is amended by striking “2006” and inserting*
8 *“2009”.*

9 **SEC. 811. PILOT PROGRAM ON TIME-CERTAIN DEVELOP-**
10 **MENT IN ACQUISITION OF MAJOR WEAPON**
11 **SYSTEMS.**

12 *(a) PILOT PROGRAM AUTHORIZED.—The Secretary of*
13 *Defense may carry out a pilot program on the use of time-*
14 *certain development in the acquisition of major weapon sys-*
15 *tems.*

16 *(b) PURPOSE OF PILOT PROGRAM.—The purpose of the*
17 *pilot program authorized by subsection (a) is to assess the*
18 *feasibility and advisability of utilizing time-certain devel-*
19 *opment in the acquisition of major weapon systems in order*
20 *to deliver new capabilities to the warfighter more rapidly*
21 *through disciplined decision-making, emphasis on techno-*
22 *logical maturity, and appropriate trade-offs between system*
23 *performance and schedule.*

24 *(c) INCLUSION OF SYSTEMS IN PILOT PROGRAM.—*

25 *(1) IN GENERAL.—The decision whether to in-*
26 *clude a major weapon system in the pilot program*

1 *shall be made by the Milestone Decision Authority for*
2 *the acquisition program for the system.*

3 (2) *CRITERIA.—A major weapon system may be*
4 *included in the pilot program only if the Milestone*
5 *Decision Authority determines, in consultation with*
6 *the service acquisition executive for the military de-*
7 *partment carrying out the acquisition program for*
8 *the system and one or more combatant commanders*
9 *responsible for fielding the system, that—*

10 (A) *the certification requirements of section*
11 *2366a of title 10, United States Code, have been*
12 *met, and no waivers have been granted from*
13 *such requirements;*

14 (B) *a preliminary design has been com-*
15 *pleted after appropriate requirements analysis*
16 *using systems engineering, and the system, as so*
17 *designed, will meet battlefield needs identified by*
18 *the relevant combatant commanders;*

19 (C) *all critical technologies needed to meet*
20 *system requirements have been demonstrated in*
21 *an operational environment;*

22 (D) *an independent cost estimate has been*
23 *conducted and used as the basis for funding re-*
24 *quirements for the acquisition program for the*
25 *system;*

1 (E) the budget of the military department
2 responsible for carrying out the acquisition pro-
3 gram for the system provides the funding nec-
4 essary to execute the product development and
5 production plan consistent with the requirements
6 identified pursuant to subparagraph (D);

7 (F) an appropriately-qualified program
8 manager has entered into a performance agree-
9 ment with the Milestone Decision Authority that
10 establishes expected parameters for the cost,
11 schedule, and performance of the acquisition pro-
12 gram for the system, consistent with a business
13 case for such acquisition program;

14 (G) the service acquisition executive and the
15 program manager have agreed that the program
16 manager will continue in such position until the
17 delivery of the initial operational capability
18 under the acquisition program for the system;

19 (H) the service acquisition executive, the
20 relevant combatant commanders, and the pro-
21 gram manager have agreed that no additional
22 requirements will be added during the develop-
23 ment phase of the acquisition program for the
24 system; and

1 (I) a planned initial operational capability
2 will be delivered to the relevant combatant com-
3 manders no more than 6 years after the date of
4 the milestone B approval for the system.

5 (3) *TIMING OF DECISION.*—The decision whether
6 to include a major weapon system in the pilot pro-
7 gram shall be made at the time of milestone approval
8 for the acquisition program for the system.

9 (d) *LIMITATION ON NUMBER OF SYSTEM IN PILOT*
10 *PROGRAM.*—The number of major weapon systems included
11 in the pilot program at any time may not exceed 12 major
12 weapon systems.

13 (e) *SPECIAL FUNDING AUTHORITY.*—

14 (1) *AUTHORITY FOR RESERVE ACCOUNT.*—Not-
15 withstanding any other provision of law, the Sec-
16 retary of Defense may establish a special reserve ac-
17 count utilizing funds made available for the major
18 weapon systems included in the pilot program.

19 (2) *ELEMENTS.*—The special reserve account
20 may include—

21 (A) funds made available for any major
22 weapon system included in the pilot program to
23 cover termination liability;

24 (B) funds made available for any major
25 weapon system included in the pilot program for

1 *award fees that may be earned by contractors;*
2 *and*

3 *(C) funds appropriated to the special re-*
4 *serve account.*

5 *(3) AVAILABILITY OF FUNDS.—Funds in the spe-*
6 *cial reserve account may be used, in accordance with*
7 *guidance issued by the Secretary for purposes of this*
8 *section, for the following purposes:*

9 *(A) To cover termination liability for any*
10 *major weapon system included in the pilot pro-*
11 *gram.*

12 *(B) To pay award fees that are earned by*
13 *any contractor for a major weapon system in-*
14 *cluded in the pilot program.*

15 *(C) To address unforeseen contingencies that*
16 *could prevent a major weapon system included*
17 *in the pilot program from meeting critical sched-*
18 *ule or performance requirements.*

19 *(4) REPORTS ON USE OF FUNDS.—Not later than*
20 *30 days after the use of funds in the special reserve*
21 *account for the purpose specified in paragraph (3)(C),*
22 *the Secretary shall submit to the congressional defense*
23 *committees a report on report the use of funds in the*
24 *account for such purpose. The report shall set forth*

1 *the purposes for which the funds were used and the*
2 *reasons for the use of the funds for such purposes.*

3 *(f) ADMINISTRATION OF PILOT PROGRAM.—The Sec-*
4 *retary of Defense shall prescribe policies and procedures on*
5 *the administration of the pilot program. Such policies and*
6 *procedures shall—*

7 *(1) provide for the use of program status reports*
8 *based on earned value data to track progress on a*
9 *major weapon system under the pilot program*
10 *against baseline estimates applicable to such system*
11 *at each systems engineering technical review point;*
12 *and*

13 *(2) grant authority to the program manager for*
14 *the acquisition program for a major weapon system*
15 *to make key program decisions and trade-offs, subject*
16 *to management reviews only if cost or schedule devi-*
17 *ations exceed 10 percent baselines for such acquisition*
18 *program.*

19 *(g) EXPIRATION OF AUTHORITY TO INCLUDE ADDI-*
20 *TIONAL SYSTEMS IN PILOT PROGRAM.—*

21 *(1) EXPIRATION.—A major weapon system may*
22 *not be included in the pilot program after September*
23 *30, 2012.*

24 *(2) RETENTION OF SYSTEMS.—A major weapon*
25 *system included in the pilot program before the date*

1 *specified in paragraph (1) in accordance with the re-*
2 *quirements of this section may remain in the pilot*
3 *program after that date.*

4 *(h) ANNUAL REPORT.—*

5 *(1) IN GENERAL.—Not later than one year after*
6 *including the first major weapon system in the pilot*
7 *program, and annually thereafter, the Secretary shall*
8 *submit to the congressional defense committees a re-*
9 *port on the pilot program, and the major weapon sys-*
10 *tems included in the pilot program, during the one-*
11 *year period ending on the date of such report.*

12 *(2) ELEMENTS.—Each report under this sub-*
13 *section shall include—*

14 *(A) a description of progress under the pilot*
15 *program, and on each major weapon system in-*
16 *cluded in the pilot program, during the period*
17 *covered by such report; and*

18 *(B) such other matters as the Secretary con-*
19 *siders appropriate.*

20 *(i) MAJOR WEAPON SYSTEM DEFINED.—In this sec-*
21 *tion, the term “major weapon system” means a weapon sys-*
22 *tem that is treatable as a major system under section*
23 *2302(5) of title 10, United States Code.*

1 **SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL AC-**
2 **QUISITION FUNCTIONS.**

3 *(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—*

4 *(1) IN GENERAL.—Section 2383 of title 10,*
5 *United States Code is amended—*

6 *(A) by redesignating subsection (b) as sub-*
7 *section (c); and*

8 *(B) by inserting after subsection (a) the fol-*
9 *lowing new subsection (b):*

10 *“(b) GOVERNMENT PERFORMANCE OF CRITICAL AC-*
11 *QUISITION FUNCTIONS.—The head of an agency shall ensure*
12 *that, at a minimum, for each major defense acquisition pro-*
13 *gram and each major automated information system pro-*
14 *gram, each of the following positions is performed by a*
15 *properly qualified full-time Federal military or civilian*
16 *employee:*

17 *“(1) Program manager.*

18 *“(2) Deputy program manager.*

19 *“(3) Chief engineer.*

20 *“(4) Systems engineer.*

21 *“(5) Cost estimator.”.*

22 *(2) DEFINITIONAL MATTERS.—Subsection (c) of*
23 *such section, as redesignated by paragraph (1)(A) of*
24 *this subsection, is further amended by adding at the*
25 *end the following new paragraphs:*

1 “(5) *The term ‘major defense acquisition pro-*
2 *gram’ has the meaning given such term in section*
3 *2430(a) of this title.*

4 “(6) *The term ‘major automated information*
5 *system program’ has the meaning given such term in*
6 *section 2445a(a) of this title.”.*

7 ***(b) EFFECTIVE DATE AND PHASE-IN.—***

8 ***(1) EFFECTIVE DATE.—****The amendments made*
9 *by subsection (a) shall take effect on the date that is*
10 *one year after the date of enactment of this Act.*

11 ***(2) TEMPORARY WAIVER.—****During the two-year*
12 *period beginning on the effective date specified in*
13 *paragraph (1), the head of an agency may waive the*
14 *requirement in subsection (b) of section 2383 of title*
15 *10, United States Code, as amended by subsection (a)*
16 *of this section, with regard to a specific function on*
17 *a particular program upon a written determination*
18 *by the head of the agency that a properly qualified*
19 *full-time Federal military or civilian employee can-*
20 *not reasonably be made available to perform such*
21 *function.*

1 ***Subtitle B—Defense Industrial Base***
2 ***Matters***

3 ***SEC. 821. REMOVAL OF HAND AND MEASURING TOOLS***
4 ***FROM CERTAIN REQUIREMENTS.***

5 (a) *IN GENERAL.*—Subsection (b) of section 2533a of
6 title 10, United States Code, is amended by striking para-
7 graph (3).

8 (b) *CONFORMING AMENDMENT.*—Subsection (d) of
9 such section is amended by striking “(b)(1)(A), (b)(2), or
10 (b)(3)” each place it appears and inserting “(b)(1)(A) or
11 (b)(2)”.

12 ***SEC. 822. APPLICABILITY OF CERTAIN REQUIREMENTS RE-***
13 ***GARDING SPECIALTY METALS.***

14 (a) *EXEMPTION FOR CERTAIN COMMERCIAL ITEMS.*—
15 Subsection (i) of section 2533a of title 10, United States
16 Code, is amended—

17 (1) by inserting “, DUAL-USE ITEMS, AND ELEC-
18 TRONIC COMPONENTS” after “COMMERCIAL ITEMS”;

19 (2) by inserting “(1)” before “this section”;

20 (3) in paragraph (1), as so designated, by insert-
21 ing “described in subsection (b)(1)” after “commercial
22 items”; and

23 (4) by adding at the end the following new para-
24 graphs:

25 “(2) This section is not applicable to—

1 “(A) a contract or subcontract for the procure-
2 ment of a commercial item containing specialty met-
3 als described in subsections (b)(2) and (b)(3); or

4 “(B) specialty metals that are incorporated into
5 an electronic component, where the value of the spe-
6 cialty metal used in the component is *de minimis* in
7 relation to the value of the electronic component.

8 “(3) For purposes of paragraph (2)(A), a commercial
9 item does not include—

10 “(A) any item that contains noncommercial
11 modifications that cost or are expected to cost, in the
12 aggregate, more than 5 percent of the total price of
13 such item;

14 “(B) any item that would not be considered to
15 be a commercial item, but for sales to government en-
16 tities or inclusion in items that are sold to govern-
17 ment entities;

18 “(C) forgings or castings for military unique end
19 items;

20 “(D) fasteners other than commercial off-the-shelf
21 items (as defined in section 35(c) of the Office of Fed-
22 eral Procurement Policy Act (41 U.S.C. 431(c)); or

23 “(E) specialty metals.”.

24 (b) *EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO*
25 *FACILITATE CIVIL-MILITARY INTEGRATION.*—Such section

1 *is further amended by adding at the end the following new*
2 *subsection:*

3 “(k) *EXCEPTION FOR CERTAIN DUAL-USE ITEMS TO*
4 *FACILITATE CIVIL-MILITARY INTEGRATION.*—*Subsection*
5 *(a) does not apply to the procurement of an item from a*
6 *contractor or a first-tier subcontractor if the Secretary of*
7 *Defense or the Secretary of a military department deter-*
8 *mines that—*

9 “(1) *the item is or will be produced using the*
10 *same production facilities, a common supply chain,*
11 *and the same or similar production processes that are*
12 *used for the production of similar items delivered to*
13 *non-defense customers; and*

14 “(2) *the contractor or subcontractor has made a*
15 *contractual commitment to purchase a quality, grade,*
16 *and amount of domestically-melted specialty metals*
17 *for use by the purchaser during the period of contract*
18 *performance in the production of the item and other*
19 *similar items delivered to non-defense customers that*
20 *is not less than the greater of—*

21 “(A) *the amount of specialty metals that is*
22 *purchased by the contractor for use in the item*
23 *delivered to the Department of Defense; or*

24 “(B) *40 percent of the amount of specialty*
25 *metals purchased by the contractor or subcon-*

1 *tractor for use during such period in the produc-*
2 *tion of the item and similar items delivered to*
3 *non-defense contractors.”.*

4 *(c) DE MINIMIS STANDARD FOR SPECIALTY MET-*
5 *ALS.—Such section is further amended by adding at the*
6 *end the following new subsection:*

7 *“(l) MINIMUM THRESHOLD FOR SPECIALTY MET-*
8 *ALS.—Notwithstanding the requirements of subsection (a),*
9 *the Secretary of Defense or the Secretary of a military de-*
10 *partment may accept delivery of an item containing spe-*
11 *cialty metals that were not grown, reprocessed, reused, or*
12 *produced in the United States if the total amount of non-*
13 *compliant specialty metals in the item does not exceed 2*
14 *percent of the total amount of specialty metals in the item.”.*

15 *(d) EFFECTIVE DATE.—*

16 *(1) IN GENERAL.—The amendments made by*
17 *subsections (a) and (c) shall take effect on the date of*
18 *the enactment of this Act, and shall apply with re-*
19 *spect to items accepted for delivery on or after that*
20 *date.*

21 *(2) CIVIL-MILITARY INTEGRATION.—The amend-*
22 *ment made by subsection (b) shall take effect on the*
23 *date of the enactment of this Act, and shall apply to*
24 *contracts entered into on or after that date.*

1 **SEC. 823. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**
2 **CONTENT REQUIREMENTS.**

3 (a) *AUTHORITY.*—Subchapter V of chapter 148 of title
4 10, United States Code, is amended by adding at the end
5 the following new section:

6 **“§2539c. Waiver of domestic source or content re-**
7 **quirements**

8 “(a) *AUTHORITY.*—Except as provided in subsection
9 (f), the Secretary of Defense may waive the application of
10 any domestic source requirement or domestic content re-
11 quirement referred to in subsection (b) and thereby author-
12 ize the procurement of items that are grown, reprocessed,
13 reused, produced, or manufactured—

14 “(1) in a foreign country that has a Declaration
15 of Principles with the United States;

16 “(2) in a foreign country that has a Declaration
17 of Principles with the United States substantially
18 from components and materials grown, reprocessed,
19 reused, produced, or manufactured in the United
20 States or any foreign country that has a Declaration
21 of Principles with the United States; or

22 “(3) in the United States substantially from
23 components and materials grown, reprocessed, reused,
24 produced, or manufactured in the United States or
25 any foreign country that has a Declaration of Prin-
26 ciples with the United States.

1 “(b) *COVERED REQUIREMENTS.*—*For purposes of this*
2 *section:*

3 “(1) *A domestic source requirement is any re-*
4 *quirement under law that the Department of Defense*
5 *satisfy its requirements for an item by procuring an*
6 *item that is grown, reprocessed, reused, produced, or*
7 *manufactured in the United States or by a manufac-*
8 *turer that is a part of the national technology and in-*
9 *dustrial base (as defined in section 2500(1) of this*
10 *title).*

11 “(2) *A domestic content requirement is any re-*
12 *quirement under law that the Department of Defense*
13 *satisfy its requirements for an item by procuring an*
14 *item produced or manufactured partly or wholly from*
15 *components and materials grown, reprocessed, reused,*
16 *produced, or manufactured in the United States.*

17 “(c) *APPLICABILITY.*—*The authority of the Secretary*
18 *to waive the application of a domestic source or content*
19 *requirements under subsection (a) applies to the procure-*
20 *ment of items for which the Secretary of Defense determines*
21 *that—*

22 “(1) *application of the requirement would im-*
23 *pede the reciprocal procurement of defense items*
24 *under a Declaration of Principles with the United*
25 *States; and*

1 “(2) *such country does not discriminate against*
2 *defense items produced in the United States to a*
3 *greater degree than the United States discriminates*
4 *against defense items produced in that country.*

5 “(d) *LIMITATION ON DELEGATION.—The authority of*
6 *the Secretary to waive the application of domestic source*
7 *or content requirements under subsection (a) may not be*
8 *delegated to any officer or employee other than the Under*
9 *Secretary of Defense for Acquisition, Technology, and Lo-*
10 *gistics.*

11 “(e) *CONSULTATIONS.—The Secretary may grant a*
12 *waiver of the application of a domestic source or content*
13 *requirement under subsection (a) only after consultation*
14 *with the United States Trade Representative, the Secretary*
15 *of Commerce, and the Secretary of State.*

16 “(f) *LAWS NOT WAIVABLE.—The Secretary of Defense*
17 *may not exercise the authority under subsection (a) to*
18 *waive any domestic source or content requirement con-*
19 *tained in any of the following laws:*

20 “(1) *The Small Business Act (15 U.S.C. 631 et*
21 *seq.).*

22 “(2) *The Javits-Wagner-O’Day Act (41 U.S.C.*
23 *46 et seq.).*

24 “(3) *Sections 7309 and 7310 of this title.*

25 “(4) *Section 2533a of this title.*

1 “(g) *RELATIONSHIP TO OTHER WAIVER AUTHOR-*
2 *ITY.—The authority under subsection (a) to waive a domes-*
3 *tic source requirement or domestic content requirement is*
4 *in addition to any other authority to waive such require-*
5 *ment.*

6 “(h) *CLARIFICATION OF RELATIONSHIP WITH BUY*
7 *AMERICAN ACT.—Nothing in this section shall be construed*
8 *to alter in any way the applicability of the Buy American*
9 *Act (41 U.S.C. 10a), or the authority of the Secretary of*
10 *Defense to waive the requirements of such Act, with respect*
11 *to the procurement of any item to which such Act would*
12 *apply without regard to this section.*

13 “(i) *CONSTRUCTION WITH RESPECT TO LATER EN-*
14 *ACTED LAWS.—This section may not be construed as being*
15 *inapplicable to a domestic source requirement or domestic*
16 *content requirement that is set forth in a law enacted after*
17 *the enactment of this section solely on the basis of the later*
18 *enactment.*

19 “(j) *DECLARATION OF PRINCIPLES.—(1) In this sec-*
20 *tion, the term ‘Declaration of Principles’ means a written*
21 *understanding (including any Statement of Principles) be-*
22 *tween the Department of Defense and its counterpart in a*
23 *foreign country signifying a cooperative relationship be-*
24 *tween the Department and its counterpart to standardize*
25 *or make interoperable defense equipment used by the armed*

1 *forces and the armed forces of the foreign country across*
2 *a broad spectrum of defense activities, including—*

3 “(A) *harmonization of military requirements*
4 *and acquisition processes;*

5 “(B) *security of supply;*

6 “(C) *export procedures;*

7 “(D) *security of information;*

8 “(E) *ownership and corporate governance;*

9 “(F) *research and development;*

10 “(G) *flow of technical information; and*

11 “(H) *defense trade.*

12 “(2) *A Declaration of Principles is underpinned by a*
13 *memorandum of understanding or other agreement pro-*
14 *viding for the reciprocal procurement of defense items be-*
15 *tween the United States and the foreign country concerned*
16 *without unfair discrimination in accordance with section*
17 *2531 of this title.”.*

18 (b) *CLERICAL AMENDMENT.—The table of sections at*
19 *the beginning of such subchapter is amended by inserting*
20 *after the item relating to section 2539b the following new*
21 *item:*

“2539c. *Waiver of domestic source or content requirements.*”.

1 **SEC. 824. REPEAL OF REQUIREMENT FOR IDENTIFICATION**
2 **OF ESSENTIAL MILITARY ITEMS AND MILI-**
3 **TARY SYSTEM ESSENTIAL ITEM BREAKOUT**
4 **LIST.**

5 *Section 813 of the National Defense Authorization Act*
6 *for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543)*
7 *is repealed.*

8 **SEC. 825. CONSISTENCY WITH UNITED STATES OBLIGA-**
9 **TIONS UNDER TRADE AGREEMENTS.**

10 *No provision of this Act or any amendment made by*
11 *this Act shall apply to a procurement by or for the Depart-*
12 *ment of Defense to the extent that the Secretary of Defense,*
13 *in consultation with the Secretary of Commerce, the United*
14 *States Trade Representative, and the Secretary of State, de-*
15 *termines that it is inconsistent with United States obliga-*
16 *tions under a trade agreement.*

17 ***Subtitle C—Defense Contractor***
18 ***Matters***

19 **SEC. 841. REQUIREMENTS FOR DEFENSE CONTRACTORS RE-**
20 **LATING TO CERTAIN FORMER DEPARTMENT**
21 **OF DEFENSE OFFICIALS.**

22 *(a) REQUIREMENTS.—*

23 *(1) IN GENERAL.—Chapter 141 of title 10,*
24 *United States Code, is amended by adding at the end*
25 *the following new section:*

1 **“§ 2410p. Defense contractors: requirements con-**
2 **cerning former Department of Defense of-**
3 **ficials**

4 “(a) *IN GENERAL.*—Each contract for the procurement
5 of goods or services in excess of \$10,000,000, other than a
6 contract for the procurement of commercial items, that is
7 entered into by the Department of Defense shall include a
8 provision under which the contractor agrees to submit to
9 the Secretary of Defense, not later than April 1 of each year
10 such contract is in effect, a written report setting forth the
11 information required by subsection (b).

12 “(b) *REPORT INFORMATION.*—Except as provided in
13 subsection (c), a report by a contractor under subsection
14 (a) shall—

15 “(1) list the name of each person who—

16 “(A) is a former officer or employee of the
17 Department of Defense or a former or retired
18 member of the armed forces who served—

19 “(i) in an Executive Schedule position
20 under subchapter II of chapter 53 of title 5;

21 “(ii) in a position in the Senior Exec-
22 utive Service under subchapter VIII of
23 chapter 53 of title 5;

24 “(iii) in a general or flag officer posi-
25 tion compensated at a rate of pay for grade

1 0–7 or above under section 201 of title 37;
2 or

3 “(iv) as a program manager, deputy
4 program manager, procuring contracting
5 officer, administrative contracting officer,
6 source selection authority, member of the
7 source selection evaluation board, or chief of
8 a financial or technical evaluation team for
9 a contract with a value in excess of
10 \$10,000,000; and

11 “(B) during the preceding calendar year
12 was provided compensation by the contractor, if
13 such compensation was first provided by the con-
14 tractor not more than two years after such offi-
15 cer, employee, or member left service in the De-
16 partment of Defense; and

17 “(2) in the case of each person listed under para-
18 graph (1)—

19 “(A) identify the agency in which such per-
20 son was employed or served on active duty dur-
21 ing the last two years of such person’s service
22 with the Department of Defense;

23 “(B) state such person’s job title and iden-
24 tify each major defense system, if any, on which
25 such person performed any work with the De-

1 *partment of Defense during the last two years of*
 2 *such person's service with the Department; and*

3 *“(C) state such person's current job title*
 4 *with the contractor and identify each major de-*
 5 *fense system on which such person has performed*
 6 *any work on behalf of the contractor.*

7 *“(c) DUPLICATE INFORMATION NOT REQUIRED.—An*
 8 *annual report submitted by a contractor pursuant to sub-*
 9 *section (b) need not provide information with respect to any*
 10 *former officer or employee of the Department of Defense or*
 11 *former or retired member of the armed forces if such infor-*
 12 *mation has already been provided in a previous annual re-*
 13 *port filed by such contractor under this section.”.*

14 *(2) CLERICAL AMENDMENT.—The table of sec-*
 15 *tions at the beginning of chapter 141 of such title is*
 16 *amended by adding at the end the following new item:*

“2410p. Defense contractors: requirements concerning former Department of De-
fense officials.”.

17 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 18 *section (a) shall take effect on the date of the enactment*
 19 *of this Act, and shall apply with respect to contracts entered*
 20 *into on or after that date.*

21 **SEC. 842. LEAD SYSTEMS INTEGRATORS.**

22 *(a) LIMITATIONS ON CONTRACTORS ACTING AS LEAD*
 23 *SYSTEMS INTEGRATORS.—*

1 *a formal competition for such system or element con-*
2 *ducted by the Department of Defense in which the*
3 *contractor participated only as a respondent to the*
4 *request for proposal (RFP) under the competition.*

5 *“(c) CONSTRUCTION.—Nothing in this section shall be*
6 *construed to preclude a contractor described in subsection*
7 *(a) from performing work necessary to integrate two or*
8 *more individual systems or elements of a system of systems*
9 *with each other.*

10 *“(d) DEFINITIONS.—In this section:*

11 *“(1) The term ‘best of industry’, with respect to*
12 *the development or construction of a system or ele-*
13 *ment by a contractor, means that the contractor pro-*
14 *vides the Government any of the following in the de-*
15 *velopment or construction of the system or element for*
16 *the Government:*

17 *“(A) Best overall value.*

18 *“(B) Best technology.*

19 *“(C) Best capability.*

20 *“(D) Best availability.*

21 *“(2) The term ‘functions closely associated with*
22 *inherently governmental functions’ has the meaning*
23 *given such term in section 2383(b)(3) of this title.*

1 “(3) *The term ‘inherently governmental func-*
2 *tions’ has the meaning given such term in section*
3 *2383(b)(2) of this title.*”

4 “(4) *The term ‘system of systems’ means a set of*
5 *interdependent systems, including one or more major*
6 *weapon systems, that are related to provide a given*
7 *capability and in which the loss of any one would*
8 *significantly degrade the performance or capabilities*
9 *of the set of systems as a whole.”.*

10 (2) *CLERICAL AMENDMENT.—The table of sec-*
11 *tions at the beginning of chapter 141 of such title, as*
12 *amended by section 841(a)(2) of this Act, is further*
13 *amended by adding at the end the following new item:*

 “2410q. *Contracts: limitations on lead systems integrators.”.*

14 (3) *EFFECTIVE DATE.—The amendments made*
15 *by subsection (a) shall take effect on the date of the*
16 *enactment of this Act, and shall apply with respect to*
17 *contracts entered into on or after that date.*

18 (b) *UPDATE OF REGULATIONS ON LEAD SYSTEMS IN-*
19 *TEGRATORS.—Not later than December 31, 2006, the Sec-*
20 *retary of Defense shall update the acquisition regulations*
21 *of the Department of Defense in order to specify fully in*
22 *such regulations the matters with respect to lead systems*
23 *integrators set forth in section 805(b) of the National De-*
24 *fense Authorization for Fiscal Year 2006 (Public Law 109–*
25 *163; 119 Stat. 3372).*

1 (c) *DEFINITION OF LEAD SYSTEMS INTEGRATOR.*—

2 (1) *DEFINITION REQUIRED.*—*The Secretary of*
3 *Defense shall include in the report required by section*
4 *805 of the National Defense Authorization for Fiscal*
5 *Year 2006 a precise and comprehensive definition of*
6 *the term “lead systems integrator”, as that term is*
7 *utilized in such section.*

8 (2) *MATTERS TO BE ADDRESSED.*—*In defining*
9 *the term “lead systems integrator” under paragraph*
10 *(1), the Secretary shall take into account the fol-*
11 *lowing:*

12 (A) *The importance of lead systems integra-*
13 *tors in the production, fielding, and sustainment*
14 *of complex systems, including their role in ad-*
15 *ressing increases in cost, the evolution of inter-*
16 *operability requirements, and the maintenance*
17 *and sustainment of critical capabilities.*

18 (B) *The unique engineering and integration*
19 *skills of lead systems integrators.*

20 (C) *The management and organizational*
21 *skills and capabilities of lead systems integra-*
22 *tors, including the capacity of lead systems inte-*
23 *grators to facilitate the participation of small*
24 *and disadvantaged businesses in the production,*
25 *fielding, and sustainment of complex systems.*

1 (d) *CONTRACT TYPES AND FEE STRUCTURES.*—The
2 *Secretary of Defense shall include in the report required by*
3 *section 805 of the National Defense Authorization for Fiscal*
4 *Year 2006 a specification of various types of contracts and*
5 *fee structures, including award and incentive fees, that are*
6 *appropriate for use by lead systems integrators in the pro-*
7 *duction, fielding, and sustainment of complex systems.*

8 **SEC. 843. LINKING OF AWARD AND INCENTIVE FEES TO AC-**
9 **QUISITION OUTCOMES.**

10 (a) *GUIDANCE ON LINKING OF AWARD AND INCENTIVE*
11 *FEES TO ACQUISITION OUTCOMES.*—*Not later than 180*
12 *days after the date of the enactment of this Act, the Sec-*
13 *retary of Defense shall issue guidance, with detailed imple-*
14 *mentation instructions (including definitions), for the De-*
15 *partment of Defense on the appropriate use of award and*
16 *incentive fees in Department of Defense acquisition pro-*
17 *grams.*

18 (b) *ELEMENTS.*—*The guidance under subsection (a)*
19 *shall—*

20 (1) *ensure that all new contracts using award*
21 *fees link such fees to acquisition outcomes (which shall*
22 *be defined in terms of program cost, schedule, and*
23 *performance);*

24 (2) *provide guidance on the circumstances in*
25 *which contractor performance may be judged to be*

1 *“excellent” or “superior” and the percentage of the*
2 *available award fee which contractors should be paid*
3 *for such performance;*

4 (3) *establish standards for determining the per-*
5 *centage of the available award fee, if any, which con-*
6 *tractors should be paid for performance that is judged*
7 *to be “acceptable”, “average”, “expected”, “good”, or*
8 *“satisfactory”;*

9 (4) *ensure that no award fee may be paid for*
10 *contractor performance that is judged to be below-sat-*
11 *isfactory performance or performance that does not*
12 *meet the basic requirements of the contract;*

13 (5) *provide specific direction on the cir-*
14 *cumstances, if any, in which it may be appropriate*
15 *to roll over award fees that are not earned in one*
16 *award fee period to a subsequent award fee period or*
17 *periods;*

18 (6) *ensure that the Department of Defense—*

19 (A) *collects relevant data on award and in-*
20 *centive fees paid to contractors; and*

21 (B) *has mechanisms in place to evaluate*
22 *such data on a regular basis;*

23 (7) *include performance measures to evaluate the*
24 *effectiveness of award and incentive fees as a tool for*

1 *improving contractor performance and achieving de-*
2 *sired program outcomes; and*

3 *(8) provide mechanisms for sharing proven in-*
4 *centive strategies for the acquisition of different types*
5 *of products and services among contracting and pro-*
6 *gram management officials.*

7 *(c) ASSESSMENT OF INDEPENDENT EVALUATION*
8 *MECHANISMS.—*

9 *(1) IN GENERAL.—The Secretary of Defense shall*
10 *select a federally-funded research and development*
11 *center to assess various mechanisms that could be*
12 *used to ensure an independent evaluation of con-*
13 *tractor performance for the purpose of making deter-*
14 *minations applicable to the judging and payment of*
15 *award fees.*

16 *(2) CONSIDERATIONS.—The assessment con-*
17 *ducted pursuant to paragraph (1) shall include con-*
18 *sideration of the advantages and disadvantages of a*
19 *system in which award fees are—*

20 *(A) held in a separate fund or funds of the*
21 *Department of Defense; and*

22 *(B) allocated to a specific program only*
23 *upon a determination by an independent board,*
24 *charged with comparing contractor performance*

1 *across programs, that such fees have been earned*
2 *by the contractor for such program.*

3 (3) *REPORT.*—*The Secretary shall submit to the*
4 *congressional defense committees a report on the as-*
5 *essment conducted pursuant to paragraph (1) not*
6 *later than one year after the date of the enactment of*
7 *this Act.*

8 **SEC. 844. PROHIBITION ON EXCESSIVE PASS-THROUGH**
9 **CHARGES.**

10 (a) *REGULATIONS REQUIRED.*—*Not later than 120*
11 *days after the date of the enactment of this Act, the Sec-*
12 *retary of Defense shall prescribe regulations prohibiting ex-*
13 *cessive pass-through charges on contracts or subcontracts (or*
14 *task or delivery orders) that are entered into for or on behalf*
15 *of the Department of Defense that are in excess of the sim-*
16 *plified acquisition threshold, as specified in section 4(11)*
17 *of the Office of Federal Procurement Policy Act (41 U.S.C.*
18 *403(11)).*

19 (b) *SCOPE OF REGULATIONS.*—*The regulations pre-*
20 *scribed under this section shall not apply to any firm, fixed-*
21 *price contract or subcontract (or task or delivery order) that*
22 *is—*

23 (1) *awarded on the basis of adequate price com-*
24 *petition; or*

1 (2) *for the acquisition of a commercial item, as*
2 *defined in section 4(12) of the Office of Federal Pro-*
3 *curement Policy Act (41 U.S.C. 403(12)).*

4 *(c) DEFINITIONS.—In this section:*

5 (1) *The term “excessive pass-through charge”*
6 *means a charge by a covered contractor or subcon-*
7 *tractor for overhead or profit on work performed by*
8 *a covered lower-tier contractor (other than charges for*
9 *the direct costs of managing lower-tier contracts and*
10 *overhead and profit based on such direct costs).*

11 (2) *The term “covered contractor” means the fol-*
12 *lowing:*

13 (A) *A contractor that assigns work account-*
14 *ing for more than 90 percent of the cost of con-*
15 *tract performance (not including overhead or*
16 *profit) to subcontractors.*

17 (B) *In the case of a contract providing for*
18 *the development or production of more than one*
19 *weapon system, a contractor that assigns work*
20 *accounting for more than 90 percent of the cost*
21 *of contract performance (not including overhead*
22 *or profit) for any particular weapon system*
23 *under such contract to subcontractors.*

24 (3) *The term “covered lower-tier contractor”*
25 *means the following:*

1 (A) *With respect to a covered contractor de-*
2 *scribed by paragraph (2)(A) in a contract, any*
3 *lower-tier subcontractor under such contract.*

4 (B) *With respect to a covered contractor de-*
5 *scribed by paragraph (2)(B) in a contract, any*
6 *lower-tier subcontractor on a weapon system*
7 *under such contract for which such covered con-*
8 *tractor has assigned work accounting for more*
9 *than 90 percent of the cost of contract perform-*
10 *ance (not including overhead or profit).*

11 (d) *EFFECTIVE DATE.*—*The regulations prescribed*
12 *under this section shall apply to contracts awarded for or*
13 *on behalf of the Department of Defense on or after the date*
14 *that is 120 days after the date of the enactment of this Act.*

15 **SEC. 845. REPORT ON DEPARTMENT OF DEFENSE CON-**
16 **TRACTING WITH CONTRACTORS OR SUB-**
17 **CONTRACTORS EMPLOYING MEMBERS OF**
18 **THE SELECTIVE RESERVE.**

19 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
20 *conduct a study on contracting with the Department of De-*
21 *fense by actual and potential contractors and subcontract-*
22 *ors of the Department who employ members of the Selected*
23 *Reserve of the reserve components of the Armed Forces.*

24 (b) *ELEMENTS.*—*The study required by subsection (a)*
25 *shall address the following:*

1 (1) *The extent to which actual and potential con-*
2 *tractors and subcontractors of the Department, in-*
3 *cluding small businesses, employ members of the Se-*
4 *lective Reserve.*

5 (2) *The extent to which actual and potential con-*
6 *tractors and subcontractors of the Department have*
7 *been or are likely to be disadvantaged in the perform-*
8 *ance of contracts with the Department, or in competi-*
9 *tion for new contracts with the Department, when*
10 *employees who are such members are mobilized as*
11 *part of a United States military operation overseas.*

12 (3) *Any actions that, in the view of the Sec-*
13 *retary, should be taken to address any such disadvan-*
14 *tage, including—*

15 (A) *the extension of additional time for the*
16 *performance of contracts to contractors and sub-*
17 *contractors of Department who employ members*
18 *of the Selected Reserve who are mobilized as part*
19 *of a United States military operation overseas;*
20 *and*

21 (B) *the provision of assistance in forming*
22 *contracting relationships with other entities to*
23 *ameliorate the temporary loss of qualified per-*
24 *sonnel.*

1 (c) *REPORT.*—Not later than one year after the date
2 of the enactment of this Act, the Secretary shall submit to
3 Congress a report on the study required by this section. The
4 report shall set forth the findings and recommendations of
5 the Secretary as a result of the study.

6 (d) *REPEAL OF SUPERSEDED AUTHORITY.*—Section
7 819 of the National Defense Authorization Act for Fiscal
8 Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C.
9 2305 note) is repealed.

10 ***Subtitle D—Program Manager***
11 ***Matters***

12 ***SEC. 861. PROGRAM MANAGER EMPOWERMENT AND AC-***
13 ***COUNTABILITY.***

14 (a) *STRATEGY.*—The Secretary of Defense shall develop
15 a comprehensive strategy for enhancing the role of Depart-
16 ment of Defense program managers in developing and car-
17 rying out defense acquisition programs.

18 (b) *MATTERS TO BE ADDRESSED.*—The strategy re-
19 quired by this section shall address, at a minimum—

20 (1) *enhanced training and educational opportu-*
21 *nities for program managers;*

22 (2) *increased emphasis on the mentoring of cur-*
23 *rent and future program managers by experienced*
24 *senior executives and program managers within the*
25 *Department;*

1 (3) *improved career paths and career opportuni-*
2 *ties for program managers;*

3 (4) *additional incentives for the recruitment and*
4 *retention of highly qualified individuals to serve as*
5 *program managers;*

6 (5) *improved resources and support (including*
7 *systems engineering expertise, cost estimating exper-*
8 *tise, and software development expertise) for program*
9 *managers;*

10 (6) *improved means of collecting and dissemi-*
11 *nating best practices and lessons learned to enhance*
12 *program management across the Department;*

13 (7) *common templates and tools to support im-*
14 *proved data gathering and analysis for program*
15 *management and oversight purposes;*

16 (8) *increased accountability of program man-*
17 *agers for the results of defense acquisition programs;*
18 *and*

19 (9) *enhanced monetary and nonmonetary*
20 *awards for successful accomplishment of program ob-*
21 *jectives by program managers.*

22 (c) *REPORT.*—*Not later than 180 days after the date*
23 *of the enactment of this Act, the Secretary shall submit to*
24 *the congressional defense committees a report on the strat-*
25 *egy developed pursuant to this section.*

1 **SEC. 862. TENURE AND ACCOUNTABILITY OF PROGRAM**
2 **MANAGERS FOR PROGRAM DEVELOPMENT**
3 **PERIODS.**

4 (a) *REVISED GUIDANCE REQUIRED.*—Not later than
5 180 days after the date of the enactment of this Act, the
6 Secretary of Defense shall revise Department of Defense
7 guidance for defense acquisition programs to address the
8 tenure and accountability of program managers for the pro-
9 gram development period of defense acquisition programs.

10 (b) *PROGRAM DEVELOPMENT PERIOD.*—For the pur-
11 pose of this section, the term “program development period”
12 refers to the period before a decision on Milestone B ap-
13 proval (or Key Decision Point B approval in the case of
14 a space program).

15 (c) *RESPONSIBILITIES.*—The revised guidance re-
16 quired by subsection (a) shall provide that the program
17 manager for the program development period of a defense
18 acquisition program is responsible for—

19 (1) *bringing to maturity the technologies and*
20 *manufacturing processes that will be needed to carry*
21 *out such program;*

22 (2) *ensuring continuing focus during program*
23 *development on meeting stated mission requirements*
24 *and other requirements of the Department of Defense;*

1 (3) *making trade-offs between program cost,*
2 *schedule and performance for the life-cycle of such*
3 *program;*

4 (4) *developing a business case for such program;*
5 *and*

6 (5) *ensuring that appropriate information is*
7 *available to the milestone decision authority to make*
8 *a decision on Milestone B approval (or Key Decision*
9 *Point B approval in the case of a space program), in-*
10 *cluding information necessary to make the certifi-*
11 *cation required by section 2366a of title 10, United*
12 *States Code.*

13 (d) *QUALIFICATIONS, RESOURCES, AND TENURE.—*
14 *The Secretary shall ensure that each program manager for*
15 *the program development period of a defense acquisition*
16 *program—*

17 (1) *has the appropriate management, engineer-*
18 *ing, technical, and financial expertise needed to meet*
19 *the responsibilities assigned pursuant to subsection*
20 *(c);*

21 (2) *is provided the resources and support (in-*
22 *cluding systems engineering expertise, cost estimating*
23 *expertise, and software development expertise) needed*
24 *to meet such responsibilities; and*

1 (3) is assigned to the program manager position
2 for such program until such time as such program is
3 ready for a decision on Milestone B approval (or Key
4 Decision Point B approval in the case of a space pro-
5 gram).

6 **SEC. 863. TENURE AND ACCOUNTABILITY OF PROGRAM**
7 **MANAGERS FOR PROGRAM EXECUTION PERI-**
8 **ODS.**

9 (a) *REVISED GUIDANCE REQUIRED.*—Not later than
10 180 days after the date of the enactment of this Act, the
11 Secretary of Defense shall revise Department of Defense
12 guidance for defense acquisition programs to address the
13 tenure and accountability of program managers for the pro-
14 gram execution period of defense acquisition programs.

15 (b) *PROGRAM EXECUTION PERIOD.*—For the purpose
16 of this section, the term “program execution period” refers
17 to the period after Milestone B approval (or Key Decision
18 Point B approval in the case of a space program).

19 (c) *RESPONSIBILITIES.*—The revised guidance re-
20 quired by subsection (a) shall—

21 (1) require the program manager for the pro-
22 gram execution period of a defense acquisition pro-
23 gram to enter into a performance agreement with the
24 milestone decision authority for such program within
25 six months of assignment, that—

1 (A) establishes expected parameters for the
2 cost, schedule, and performance of such program
3 consistent with the business case for such pro-
4 gram;

5 (B) provides the commitment of the mile-
6 stone decision authority to provide the level
7 funding and resources required to meet such pa-
8 rameters; and

9 (C) provides the assurance of the program
10 manager that such parameters are achievable
11 and that such program manager will be account-
12 able for meeting such parameters; and

13 (2) provide the program manager with the au-
14 thority to—

15 (A) veto the addition of new program re-
16 quirements that would be inconsistent with the
17 parameters established in the performance agree-
18 ment entered pursuant to paragraph (1);

19 (B) make trade-offs between cost, schedule
20 and performance, provided that such trade-offs
21 are consistent with the parameters established in
22 the performance agreement entered pursuant to
23 paragraph (1);

24 (C) redirect funding within such program,
25 to the extent necessary to achieve the parameters

1 *established in the performance agreement entered*
2 *pursuant to paragraph (1);*

3 *(D) develop such interim goals and mile-*
4 *stones as may be required to achieve the param-*
5 *eters established in the performance agreement*
6 *entered pursuant to paragraph (1); and*

7 *(E) use program funds to recruit and hire*
8 *such technical experts as may be required to*
9 *carry out such program, if necessary expertise is*
10 *not otherwise provided by the Department of De-*
11 *fense.*

12 *(d) QUALIFICATIONS, RESOURCES, AND TENURE.—*
13 *The Secretary shall ensure that each program manager for*
14 *the program execution period of a defense acquisition*
15 *program—*

16 *(1) has the appropriate management, engineer-*
17 *ing, technical, and financial expertise needed to meet*
18 *the responsibilities assigned pursuant to subsection*
19 *(c);*

20 *(2) is provided the resources and support (in-*
21 *cluding systems engineering expertise, cost estimating*
22 *expertise, and software development expertise) needed*
23 *to meet such responsibilities; and*

24 *(3) is assigned to the program manager position*
25 *for such program at the time of Milestone B approval*

1 *(or Key Decision Point B approval in the case of a*
2 *space program) and continues in such position until*
3 *the delivery of the first production units of such pro-*
4 *gram.*

5 *(e) LIMITED WAIVER AUTHORITY.—The Secretary*
6 *may waive the requirement in subsection (d)(3) that a pro-*
7 *gram manager for the program execution period of a defense*
8 *acquisition program serve in that position until the deliv-*
9 *ery of the first production units of such program upon sub-*
10 *mitting to the congressional defense committees a written*
11 *determination that—*

12 *(1) such program is so complex, and the delivery*
13 *of the first production units will take so long, that it*
14 *would not be feasible for a single individual to serve*
15 *as program manager for the entire period covered by*
16 *such subsection; and*

17 *(2) the complexity of such program, and length*
18 *of time that will be required to deliver the first pro-*
19 *duction units, are not the result of a failure to meet*
20 *the certification requirements established in section*
21 *2366a of title 10, United States Code.*

22 **SEC. 864. DEPARTMENT OF DEFENSE PLAN FOR CONTIN-**
23 **GENCY PROGRAM MANAGEMENT.**

24 *(a) REQUIREMENT.—Not later than one year after the*
25 *date of the enactment of this Act, the Secretary of Defense*

1 *shall develop a plan for the Department of Defense for con-*
2 *tingency program management during combat operations*
3 *and post-conflict operations.*

4 (b) *MATTERS TO BE COVERED.*—*The plan of the De-*
5 *partment of Defense for contingency program management*
6 *required by subsection (a) shall, at a minimum, provide*
7 *for—*

8 (1) *the designation of a senior executive service*
9 *official on the Joint Staff with the responsibility for*
10 *administering the plan;*

11 (2) *the assignment of a senior commissioned offi-*
12 *cer of the Armed Forces with appropriate program*
13 *management experience and qualifications to act as*
14 *head of contingency program management during*
15 *combat operations, post-conflict operations, and con-*
16 *tingency operations, who shall report directly to the*
17 *commander of the combatant command in whose area*
18 *of responsibility the operations occur;*

19 (3) *a preplanned organizational structure for*
20 *contingency program management that is designed to*
21 *ensure that the Department is prepared to conduct*
22 *contingency program management during combat op-*
23 *erations and post-conflict operations, including ad-*
24 *vance planning for—*

1 (A) unified, agile program management
2 processes and procedures for an interagency and
3 coalition environment;

4 (B) standardized joint contract mechanisms
5 with clearly defined metrics;

6 (C) continuity of program and project man-
7 agement;

8 (D) identification of a deployable cadre of
9 experts, trained in processes required under
10 paragraph (4);

11 (E) required information technology re-
12 sources and reliable, interoperable connections
13 and communications; and

14 (F) coordination of program management
15 operations with the activities of commanders in
16 the field;

17 (4) a requirement for the development of a train-
18 ing program for contingency program management,
19 including—

20 (A) comprehension of program management
21 that focuses on cost, scope, schedule, success
22 metrics, project oversight, and resource bal-
23 ancing;

24 (B) contracting options and rules;

1 (C) procedures for the Department on fund-
2 ing, accountability and component and partner
3 responsibilities; and

4 (D) effective communications and rules for
5 coordination with commanders in the field; and

6 (5) a requirement for identification of hiring
7 and appointment authorities for rapid deployment of
8 personnel under this section to ensure the availability
9 of key personnel for sufficient lengths of time to pro-
10 vide for continuing of program and project manage-
11 ment.

12 (c) *UTILIZATION IN PLAN FOR INTERAGENCY PROCE-*
13 *DURES FOR STABILIZATION AND RECONSTRUCTION OPER-*
14 *ATIONS.—To the extent practicable, the elements of the plan*
15 *of the Department of Defense for contingency program man-*
16 *agement required by subsection (a) shall be taken into ac-*
17 *count in the development of the plan for the establishment*
18 *of interagency operating procedures for stabilization and*
19 *reconstruction operations required by section 1222.*

20 **SEC. 865. COMPTROLLER GENERAL REPORT.**

21 *Not later than February 1, 2007, the Comptroller Gen-*
22 *eral of the United States shall submit to the congressional*
23 *defense committees a report on the actions taken by the Sec-*
24 *retary of Defense to comply with the requirements of this*
25 *subtitle. The report shall include a description of such ac-*

1 tions and an assessment by the Comptroller General of the
2 effectiveness of such actions in meeting such requirements.

3 **Subtitle E—Other Matters**

4 **SEC. 871. CLARIFICATION OF AUTHORITY TO CARRY OUT**
5 **CERTAIN PROTOTYPE PROJECTS.**

6 Section 845(a) of the National Defense Authorization
7 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is
8 amended—

9 (1) in paragraph (2)(A), by inserting “or, for a
10 defense agency, the director of the defense agency”
11 after “(41 U.S.C. 414(c))”; and

12 (2) in paragraph (3), by inserting “or director
13 of a defense agency” after “executive”.

14 **SEC. 872. ONE-YEAR EXTENSION OF SPECIAL TEMPORARY**
15 **CONTRACT CLOSEOUT AUTHORITY.**

16 Section 804(d) of the National Defense Authorization
17 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
18 1542) is amended by striking “September 30, 2006” and
19 inserting “September 30, 2007”.

20 **SEC. 873. ONE-YEAR EXTENSION OF INAPPLICABILITY OF**
21 **CERTAIN LAWS TO CONTRACTING WITH EM-**
22 **PLOYERS OF PERSONS WITH DISABILITIES.**

23 Subsections (a)(2)(A) and (b)(2)(A) of the Ronald W.
24 Reagan National Defense Authorization Act for Fiscal Year
25 2005 (Public Law 108–375; 118 Stat. 2021), as amended

1 *by section 848(a) of the National Defense Authorization Act*
2 *for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
3 *3395), are each further amended by striking “2006” and*
4 *inserting “2007”.*

5 **SEC. 874. PILOT PROGRAM ON EXPANDED USE OF MENTOR-**
6 **PROTEGE AUTHORITY.**

7 (a) *PILOT PROGRAM AUTHORIZED.—The Secretary of*
8 *Defense may carry out a pilot program to assess the feasi-*
9 *bility and advisability of treating small business concerns*
10 *described in subsection (b) as disadvantaged small business*
11 *concerns under the Mentor-Protege Program under section*
12 *831 of the National Defense Authorization Act for Fiscal*
13 *Year 1991 (10 U.S.C. 2302 note).*

14 (b) *COVERED SMALL BUSINESS CONCERNS.—The*
15 *small business concerns described in this subsection are*
16 *small business concerns that—*

17 (1) *are participants in the Small Business Inno-*
18 *vative Research Program of the Department of De-*
19 *fense established pursuant to section 9 of the Small*
20 *Business Act (15 U.S.C. 638); and*

21 (2) *as determined by the Secretary, are devel-*
22 *oping technologies that will assist in detecting or de-*
23 *feating Improvised Explosive Devices (IEDs) or other*
24 *critical force protection measures.*

1 (c) *TREATMENT AS DISADVANTAGED SMALL BUSINESS*
2 *CONCERNS.*—

3 (1) *IN GENERAL.*—*For purposes of the pilot pro-*
4 *gram, the Secretary may treat a small business con-*
5 *cern described in subsection (b) as a disadvantaged*
6 *small business concern under the Mentor-Protége Pro-*
7 *gram.*

8 (2) *MENTOR-PROTEGE AGREEMENT.*—*Any eligi-*
9 *ble business concerned approved for participation in*
10 *the Mentor-Protége Program as a mentor firm may*
11 *enter into a mentor-protége agreement and provide*
12 *assistance described in section 831 of the National*
13 *Defense Authorization Act for Fiscal Year 1991 with*
14 *respect to a small business concern treated under*
15 *paragraph (1) as a disadvantaged small business con-*
16 *cern under the Mentor-Protége Program.*

17 (d) *FUNDING.*—

18 (1) *IN GENERAL.*—*Notwithstanding the limita-*
19 *tion in section 9(f)(2) of the Small Business Act (15*
20 *U.S.C. 638(f)(2)), funds for any reimbursement pro-*
21 *vided to a mentor firm under section 831(g) of the*
22 *National Defense Authorization Act for Fiscal Year*
23 *1991 with respect to a small business concern de-*
24 *scribed in subsection (b) under the pilot program*
25 *shall be derived from funds available for the Small*

1 *Business Innovative Research Program of the Depart-*
2 *ment of Defense.*

3 (2) *LIMITATION.*—*The amount available under*
4 *paragraph (1) for reimbursement described in that*
5 *paragraph may not exceed the amount equal to one*
6 *percent of the funds available for the Small Business*
7 *Innovative Research Program.*

8 (e) *SUNSET.*—

9 (1) *AGREEMENTS.*—*No mentor-protege agree-*
10 *ment may be entered into under the pilot program*
11 *after September 30, 2010.*

12 (2) *OTHER MATTERS.*—*No reimbursement may*
13 *be paid, and no credit toward the attainment of a*
14 *subcontracting goal may be granted, under the pilot*
15 *program after September 30, 2013.*

16 (f) *REPORT.*—*Not later than March 1, 2009, the Sec-*
17 *retary shall submit to the appropriate committees of Con-*
18 *gress a report on the pilot program. The report shall—*

19 (1) *describe the extent to which mentor-protege*
20 *agreements have been entered under the pilot pro-*
21 *gram; and*

22 (2) *describe and assess the technological benefits*
23 *arising under such agreements.*

24 (g) *DEFINITIONS.*—*In this section:*

1 (1) *The term “appropriate committees of Con-*
2 *gress” means—*

3 (A) *the Committees on Armed Services, Ap-*
4 *propriations, and Small Business and Entrepre-*
5 *neurship of the Senate; and*

6 (B) *the Committees on Armed Services and*
7 *Appropriations of the House of Representatives.*

8 (2) *The term “small business concern” has the*
9 *meaning given that term in section 831(m)(1) of the*
10 *National Defense Authorization Act for Fiscal Year*
11 *1991.*

12 ***TITLE IX—DEPARTMENT OF DE-***
13 ***FENSE ORGANIZATION AND***
14 ***MANAGEMENT***

15 ***Subtitle A—Duties and Functions of***
16 ***Department of Defense Officers***
17 ***and Organizations***

18 ***SEC. 901. UNITED STATES MILITARY CANCER INSTITUTE.***

19 (a) *ESTABLISHMENT.—Chapter 104 of title 10, United*
20 *States Code, is amended by adding at the end the following*
21 *new section:*

22 ***“§2117. United States Military Cancer Institute***

23 “(a) *ESTABLISHMENT.—The Secretary of Defense shall*
24 *establish in the University the United States Military Can-*

1 *cer Institute. The Institute shall be established pursuant to*
2 *regulations prescribed by the Secretary.*

3 “(b) *PURPOSES.—The purposes of the Institute are as*
4 *follows:*

5 “(1) *To establish and maintain a clearinghouse*
6 *of data on the incidence and prevalence of cancer*
7 *among members and former members of the armed*
8 *forces.*

9 “(2) *To conduct research that contributes to the*
10 *detection or treatment of cancer among the members*
11 *and former members of the armed forces.*

12 “(c) *HEAD OF INSTITUTE.—The Director of the United*
13 *States Military Cancer Institute is the head of the Institute.*
14 *The Director shall report to the President of the University*
15 *regarding matters relating to the Institute.*

16 “(d) *ELEMENTS.—(1) The Institute is composed of*
17 *clinical and basic scientists in the Department of Defense*
18 *who have an expertise in research, patient care, and edu-*
19 *cation relating to oncology and who meet applicable criteria*
20 *for affiliation with the Institute.*

21 “(2) *The components of the Institute include military*
22 *treatment and research facilities that meet applicable cri-*
23 *teria and are designated as affiliates of the Institute.*

1 “(e) *RESEARCH.—(1) The Director of the United*
2 *States Military Cancer Institute shall carry out research*
3 *studies on the following:*

4 “(A) *The epidemiological features of cancer, in-*
5 *cluding assessments of the carcinogenic effect of ge-*
6 *netic and environmental factors, and of disparities in*
7 *health, inherent or common among populations of*
8 *various ethnic origins within the members of the*
9 *armed forces.*

10 “(B) *The prevention and early detection of can-*
11 *cer among members and former members of the armed*
12 *forces.*

13 “(C) *Basic, translational, and clinical investiga-*
14 *tion matters relating to the matters described in sub-*
15 *paragraphs (A) and (B).*

16 “(2) *The research studies under paragraph (1) shall*
17 *include complementary research on oncologic nursing.*

18 “(f) *COLLABORATIVE RESEARCH.—The Director of the*
19 *United States Military Cancer Institute shall carry out the*
20 *research studies under subsection (e) in collaboration with*
21 *other cancer research organizations and entities selected by*
22 *the Institute for purposes of the research studies.*

23 “(g) *ANNUAL REPORT.—(1) Not later than November*
24 *1 each year, the Director of the United States Military Can-*
25 *cer Institute shall submit to the President of the University*

1 *a report on the current status of the research studies being*
 2 *carried out by the Institute under subsection (e).*

3 “(2) *Not later than 60 days after receiving a report*
 4 *under paragraph (1), the President of the University shall*
 5 *transmit such report to the Secretary of Defense and to Con-*
 6 *gress.”.*

7 (b) *CLERICAL AMENDMENT.—The table of sections at*
 8 *the beginning of chapter 104 of such title is amended by*
 9 *adding at the end the following new item:*

“2117. United States Military Cancer Institute.”.

10 **SEC. 902. SENIOR ACQUISITION EXECUTIVE FOR SPECIAL**
 11 **OPERATIONS WITHIN STAFF OF THE ASSIST-**
 12 **ANT SECRETARY OF DEFENSE FOR SPECIAL**
 13 **OPERATIONS AND LOW INTENSITY CONFLICT.**

14 (a) *INCLUSION WITHIN STAFF.—The staff of the As-*
 15 *stant Secretary of Defense for Special Operations and*
 16 *Low Intensity Conflict under section 138(b)(4) of title 10,*
 17 *United States Code, shall include a senior acquisition exec-*
 18 *utive for special operations.*

19 (b) *DUTIES.—The senior acquisition executive within*
 20 *the staff of the Assistant Secretary of Defense for Special*
 21 *Operations and Low Intensity Conflict under subsection (a)*
 22 *shall conduct policy and management oversight of the ac-*
 23 *quisition activities of the Special Operations Command*
 24 *under section 167 of title 10, United States Code, and shall*

1 *have such other duties as the Assistant Secretary shall des-*
 2 *ignate.*

3 **SEC. 903. UNITED STATES MARINE BAND AND UNITED**
 4 **STATES MARINE DRUM AND BUGLE CORPS.**

5 (a) *IN GENERAL.*—Section 6222 of title 10, United
 6 States Code, is amended to read as follows:

7 **“§ 6222. United States Marine Band; United States**
 8 **Marine Drum and Bugle Corps: composi-**
 9 **tion; appointment and promotion of mem-**
 10 **bers**

11 “(a) *UNITED STATES MARINE BAND.*—The band of the
 12 Marine Corps shall be composed of one director, two assist-
 13 ant directors, and other personnel in such numbers and
 14 grades as the Secretary of the Navy determines to be nec-
 15 essary.

16 “(b) *UNITED STATES MARINE DRUM AND BUGLE*
 17 *CORPS.*—The drum and bugle corps of the Marine Corps
 18 shall be composed of one commanding officer and other per-
 19 sonnel in such numbers and grades as the Secretary of the
 20 Navy determines to be necessary.

21 “(c) *APPOINTMENT AND PROMOTION.*—(1) The Sec-
 22 retary of the Navy shall prescribe regulations for the ap-
 23 pointment and promotion of members of the Marine Band
 24 and members of the Marine Drum and Bugle Corps.

1 “(2) *The President may from time to time appoint*
2 *members of the Marine Band and members of the Marine*
3 *Drum and Bugle Corps to grades not above the grade of*
4 *captain. The authority of the President to make appoint-*
5 *ments under this paragraph may be delegated only to the*
6 *Secretary of Defense.*

7 “(3) *The President, by and with the advice and consent*
8 *of the Senate, may from time to time appoint any member*
9 *of the Marine Band or of the Marine Drum and Bugle*
10 *Corps to a grade above the grade of captain.*

11 “(d) *RETIREMENT.*—*Unless otherwise entitled to high-*
12 *er retired grade and retired pay, a member of the Marine*
13 *Band or Marine Drum and Bugle Corps who holds, or has*
14 *held, an appointment under this section is entitled, when*
15 *retired, to be retired in, and with retired pay based on,*
16 *the highest grade held under this section in which the Sec-*
17 *retary of the Navy determines that such member served sat-*
18 *isfactorily.*

19 “(e) *REVOCATION OF APPOINTMENT.*—*The Secretary of*
20 *the Navy may revoke any appointment of a member of the*
21 *Marine Band or Marine Drum and Bugle Corps. When a*
22 *member’s appointment to a commissioned grade terminates*
23 *under this subsection, such member is entitled, at the option*
24 *of such member—*

25 “(1) *to be discharged from the Marine Corps; or*

1 “(2) to revert to the grade and status such mem-
2 ber held at the time of appointment under this sec-
3 tion.”.

4 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
5 *the beginning of chapter 565 of such title is amended by*
6 *striking the item relating to section 6222 and inserting the*
7 *following new item:*

“6222. *United States Marine Band; United States Marine Drum and Bugle*
Corps: composition; appointment and promotion of mem-
bers.”.

8 **SEC. 904. MILITARY DEPUTIES TO THE ASSISTANT SECRE-**
9 **TARIES OF THE MILITARY DEPARTMENTS FOR**
10 **ACQUISITION, LOGISTICS, AND TECHNOLOGY**
11 **MATTERS.**

12 (a) *DEPARTMENT OF THE ARMY.*—

13 (1) *ESTABLISHMENT OF POSITION.*—*There is*
14 *hereby established within the Department of the Army*
15 *the position of Military Deputy to the Assistant Sec-*
16 *retary of the Army for Acquisition, Logistics, and*
17 *Technology.*

18 (2) *LIEUTENANT GENERAL.*—*The individual*
19 *serving in the position of Military Deputy to the As-*
20 *stant Secretary of the Army for Acquisition, Logis-*
21 *tics, and Technology shall be a lieutenant general of*
22 *the Army on active duty.*

23 (3) *EXCLUSION FROM GRADE AND NUMBER LIM-*
24 *TATIONS.*—*An officer serving in the position of Mili-*

1 *tary Deputy to the Assistant Secretary of the Army*
2 *for Acquisition, Logistics, and Technology shall not be*
3 *counted against the numbers and percentages of offi-*
4 *cers of the Army of the grade of lieutenant general.*

5 *(b) DEPARTMENT OF THE NAVY.—*

6 *(1) ESTABLISHMENT OF POSITION.—There is*
7 *hereby established within the Department of the Navy*
8 *the position of Military Deputy to the Assistant Sec-*
9 *retary of the Navy for Research, Development, and*
10 *Acquisition.*

11 *(2) VICE ADMIRAL.—The individual serving in*
12 *the position of Military Deputy to the Assistant Sec-*
13 *retary of the Navy for Research, Development, and*
14 *Acquisition shall be a vice admiral on active duty.*

15 *(3) EXCLUSION FROM GRADE AND NUMBER LIM-*
16 *TATIONS.—An officer serving in the position of Mili-*
17 *tary Deputy to the Assistant Secretary of the Navy*
18 *for Research, Development, and Acquisition shall not*
19 *be counted against the numbers and percentages of of-*
20 *ficers of the grade of vice admiral.*

21 *(c) DEPARTMENT OF THE AIR FORCE.—*

22 *(1) ESTABLISHMENT OF POSITION.—There is*
23 *hereby established within the Department of the Air*
24 *Force the position of Military Deputy to the Assistant*
25 *Secretary of the Air Force for Acquisition.*

1 (2) *LIEUTENANT GENERAL.*—*The individual*
2 *serving in the position of Military Deputy to the As-*
3 *stant Secretary of the Air Force for Acquisition*
4 *shall be a lieutenant general of the Air Force on ac-*
5 *tive duty.*

6 (3) *EXCLUSION FROM GRADE AND NUMBER LIM-*
7 *TATIONS.*—*An officer serving in the position of Mili-*
8 *tary Deputy to the Assistant Secretary of the Air*
9 *Force for Acquisition shall not be counted against the*
10 *numbers and percentages of officers of the Air Force*
11 *of the grade of lieutenant general.*

12 ***Subtitle B—Space Activities***

13 ***SEC. 911. ESTABLISHMENT OF OPERATIONALLY RESPON-*** 14 ***SIVE SPACE CAPABILITIES.***

15 (a) *FINDINGS.*—*Congress makes the following findings:*

16 (1) *Access to and use of space is critical for pre-*
17 *servicing peace and protecting the national security,*
18 *commercial, and civil interests of the United States.*

19 (2) *Key priorities for the national security space*
20 *activities of the United States include improving the*
21 *capacity to support military operations worldwide*
22 *and responding to strategic military threats.*

23 (3) *To the maximum extent possible, space capa-*
24 *bilities should be integrated into the strategy, doc-*

1 *trine, operations, and contingency plans of the Armed*
2 *Forces of the United States.*

3 (4) *The commanders of the combatant commands*
4 *should have access to responsive space capabilities*
5 *that provide prompt, focused support in their theater*
6 *of operations, which capabilities should compliment*
7 *other national and Department of Defense space as-*
8 *sets while providing direct and flexible support to the*
9 *warfighter on the battlefield.*

10 (5) *The United States Space Transportation Pol-*
11 *icy of January 6, 2005, calls for the demonstration,*
12 *before 2010, of an initial capability for operationally*
13 *responsive access to and use of space to support the*
14 *national security requirements of the United States.*

15 (b) *POLICY.—It is the policy of the United States—*

16 (1) *to demonstrate, acquire, and deploy an effec-*
17 *tive capability for operationally responsive space to*
18 *support the warfighter from space; and*

19 (2) *that the capability described in paragraph*
20 *(1) shall consist of—*

21 (A) *responsive satellite payloads;*

22 (B) *inexpensive space launch vehicles and*
23 *range procedures that facilitate the timely*
24 *launch of satellites;*

1 (C) common technical standards for satellite
2 busses; and

3 (D) a configuration of operations and com-
4 mand and control capabilities that permit the
5 warfighter to exploit responsive space assets for
6 combat operations.

7 (c) *OPERATIONALLY RESPONSIVE SPACE HYBRID PRO-*
8 *GRAM OFFICE.*—

9 (1) *IN GENERAL.*—*The Secretary of Defense shall*
10 *establish within the Department of Defense an office*
11 *to be known as the Operationally Responsive Space*
12 *Hybrid Program Office (in this subsection referred to*
13 *as the “Office”).*

14 (2) *ELEMENTS.*—*The Office shall consist of ele-*
15 *ments of the Department of Defense selected by the*
16 *Secretary from among the science and technology, ac-*
17 *quisition, and operations elements of the Department*
18 *having the capacity to contribute to the development*
19 *of capabilities for operationally responsive space.*
20 *Such elements shall be selected so as to achieve a bal-*
21 *anced representation of the military departments in*
22 *the Office in order to ensure proper acknowledgment*
23 *of joint considerations in the activities of the Office.*

1 (3) *ORGANIZATION OF ELEMENTS.*—*The elements*
2 *of the Office under paragraph (2) shall be organized*
3 *by the Secretary into divisions as follows:*

4 (A) *A science and technology division that*
5 *shall pursue innovative approaches to the devel-*
6 *opment of capabilities for operationally respon-*
7 *sive space through basic and applied research fo-*
8 *cused on payloads, bus, and launch equipment.*

9 (B) *An acquisition division that shall un-*
10 *dertake the acquisition of systems necessary to*
11 *procure, integrate, sustain, and launch assets for*
12 *operationally responsive space.*

13 (C) *An operations division that shall—*

14 (i) *sustain and maintain assets for*
15 *operationally responsive space prior to*
16 *launch;*

17 (ii) *integrate and launch such assets;*

18 *and*

19 (iii) *operate such assets in orbit.*

20 (D) *A combatant command support divi-*
21 *sion that shall serve as the primary inter-*
22 *mediary between the military departments and*
23 *the combatant commands on operationally re-*
24 *sponsive space, including the integration of as-*
25 *sets for operationally responsive space into—*

1 (i) the operations plans of the combat-
2 ant commands;

3 (ii) the training and tactics procedures
4 of the military departments; and

5 (iii) military exercises, demonstra-
6 tions, and war games.

7 (3) *ACCOUNTABILITY.*—The head of the Office
8 shall report to the Executive Agent for Space of the
9 Department of Defense regarding the activities of Of-
10 fice under this subsection.

11 (4) *ACQUISITION AUTHORITY.*—The acquisition
12 activities of the Office shall be subject to the following:

13 (A) The Executive Agent for Space of the
14 Department of Defense shall be the senior acqui-
15 sition executive of the Office.

16 (B) The Joint Capabilities Integration and
17 Development System process shall not apply to
18 acquisitions by the Office.

19 (C) The commander of the United States
20 Strategic Command, or a designate of the com-
21 mander, shall—

22 (i) validate all system requirements for
23 systems to be acquired by the Office; and

24 (ii) participate in the approval of any
25 acquisition program initiated by the Office.

1 (D) *The unit procurement cost of a launch*
2 *vehicle procured by the Office may not exceed*
3 *\$20,000,000.*

4 (E) *The unit procurement cost of an inte-*
5 *grated satellite procured by the Office may not*
6 *exceed \$40,000,000.*

7 (5) *ADJUSTMENT OF UNIT PROCUREMENT COST*
8 *LIMITS.—The Executive Agent for Space shall adjust*
9 *the amounts specified in subparagraphs (D) and (E)*
10 *of paragraph (4) to take into account the effects of in-*
11 *flation. Such adjustment shall take place once every*
12 *five years.*

13 (d) *PLAN FOR OPERATIONALLY RESPONSIVE SPACE.—*

14 (1) *PLAN REQUIRED.—Not later than 180 days*
15 *after the date of the enactment of this Act, the Sec-*
16 *retary of Defense shall submit to the congressional de-*
17 *fense committees a report setting forth a plan for the*
18 *acquisition by the Department of Defense of capabili-*
19 *ties for operationally responsive space to support the*
20 *warfighter.*

21 (2) *ELEMENTS.—The plan required by para-*
22 *graph (1) shall include the following:*

23 (A) *An identification of the roles and mis-*
24 *sions of each military department, Defense Agen-*
25 *cy, and other component or element of the De-*

1 *partment of Defense for the fulfillment of the*
2 *mission of the Department with respect to oper-*
3 *ationally responsive space.*

4 *(B) An identification of the capabilities re-*
5 *quired by the Department to fulfill such mission.*

6 *(C) A description of the chain of command*
7 *and reporting structure of the Operationally Re-*
8 *sponsive Space Hybrid Program Office under*
9 *subsection (c).*

10 *(D) The security classification level required*
11 *for the Office in order to ensure that the Office*
12 *carries out its responsibilities under subsection*
13 *(c) in a proper and efficient manner.*

14 *(E) A description of the acquisition policies*
15 *and procedures applicable to the Office, includ-*
16 *ing a description of any legislative or adminis-*
17 *trative action necessary to provide the Office ad-*
18 *ditional acquisition authority to carry out its re-*
19 *sponsibilities.*

20 *(F) A schedule for the implementation of the*
21 *plan.*

22 *(G) The funding and personnel required to*
23 *implement the plan over the course of the current*
24 *future-years defense program under section 221*
25 *of title 10, United States Code.*

1 (e) *DEFINITIONS.*—*In this section:*

2 (1) *The term “operationally responsive space”*
3 *means the development and launch of space assets*
4 *upon demand in a low-cost manner.*

5 (2) *The term “procurement unit cost” has the*
6 *meaning given that term in section 2432(a) of title*
7 *10, United States Code.*

8 **SEC. 912. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**
9 **ON PROVISION OF SPACE SURVEILLANCE**
10 **NETWORK SERVICES TO NON-UNITED STATES**
11 **GOVERNMENT ENTITIES.**

12 *Section 2274(i) of title 10, United States Code, is*
13 *amended by striking “shall be conducted during the three-*
14 *year period beginning on a date specified by the Secretary*
15 *of Defense, which date shall be not later than 180 days after*
16 *the date of the enactment of this section” and inserting*
17 *“may be conducted through September 30, 2009”.*

18 **SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DE-**
19 **PARTMENT OF DEFENSE ORGANIZATION AND**
20 **MANAGEMENT FOR NATIONAL SECURITY IN**
21 **SPACE.**

22 (a) *INDEPENDENT REVIEW AND ASSESSMENT RE-*
23 *QUIRED.*—

24 (1) *IN GENERAL.*—*The Secretary of Defense shall*
25 *provide for an independent review and assessment of*

1 *the organization and management of the Department*
2 *of Defense for national security in space.*

3 (2) *CONDUCT OF REVIEW.*—*The review and as-*
4 *essment shall be conducted by an appropriate entity*
5 *outside the Department of Defense selected by the Sec-*
6 *retary for purposes of this section.*

7 (3) *ELEMENTS.*—*The review and assessment*
8 *shall address the following:*

9 (A) *The requirements of the Department of*
10 *Defense for national security space capabilities,*
11 *as identified by the Department, and the efforts*
12 *of the Department to fulfill such requirements.*

13 (B) *The future space missions of the De-*
14 *partment, and the plans of the Department to*
15 *meet the future space missions.*

16 (C) *The actions that could be taken by the*
17 *Department to modify the organization and*
18 *management of the Department over the near-*
19 *term, medium-term, and long-term in order to*
20 *strengthen United States national security in*
21 *space, and the ability of the Department to im-*
22 *plement its requirements and carry out the fu-*
23 *ture space missions, including the following:*

24 (i) *Actions to exploit existing and*
25 *planned military space assets to provide*

1 *support for United States military oper-*
2 *ations.*

3 (ii) *Actions to improve or enhance cur-*
4 *rent interagency coordination processes re-*
5 *garding the operation of national security*
6 *space assets, including improvements or en-*
7 *hancements in interoperability and commu-*
8 *nications.*

9 (iii) *Actions to improve or enhance the*
10 *relationship between the intelligence aspects*
11 *of national security space (so-called “black*
12 *space”) and the non-intelligence aspects of*
13 *national security space (so-called “white*
14 *space”).*

15 (iv) *Actions to improve or enhance the*
16 *manner in which military space issues are*
17 *addressed by professional military edu-*
18 *cation institutions.*

19 (4) *LIAISON.—The Secretary shall designate at*
20 *least one senior civilian employee of the Department*
21 *of Defense, and at least one general or flag officer of*
22 *an Armed Force, to serve as liaison between the De-*
23 *partment, the Armed Forces, and the entity con-*
24 *ducting the review and assessment.*

25 (b) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than one year after
2 the date of the enactment of this Act, the entity con-
3 ducting the review and assessment shall submit to the
4 Secretary and the congressional defense committees a
5 report on the review and assessment.

6 (2) *ELEMENTS.*—The report shall include—

7 (A) the results of the review and assessment;

8 and

9 (B) recommendations on the best means by
10 which the Department may improve its organi-
11 zation and management for national security in
12 space.

13 ***Subtitle C—Other Matters***

14 ***SEC. 921. DEPARTMENT OF DEFENSE POLICY ON UN-*** 15 ***MANNED SYSTEMS.***

16 (a) *POLICY REQUIRED.*—The Secretary of Defense
17 shall, in consultation with the Chairman of the Joint Chiefs
18 of Staff, develop a policy applicable throughout the Depart-
19 ment of Defense on research, development, test, and evalua-
20 tion, procurement, and operation of unmanned systems.

21 (b) *ELEMENTS.*—The policy required by subsection (a)
22 shall include the following:

23 (1) *Mission requirements (including mission re-*
24 *quirements for the military departments and joint*
25 *mission requirements) for unmanned systems to re-*

1 *place manned systems in the performance of routine*
2 *or dangerous missions.*

3 (2) *A strategy and schedules for the replacement*
4 *of manned systems with unmanned systems in the*
5 *performance of such missions.*

6 (3) *Preference for joint unmanned systems in ac-*
7 *quisition programs for new systems, including a re-*
8 *quirement under any such program for the develop-*
9 *ment of a manned system for a certification that an*
10 *unmanned system is incapable of meeting program*
11 *requirements.*

12 (4) *Joint development and procurement of un-*
13 *manned systems and components.*

14 (5) *A strategy for the divestment of the military*
15 *department unmanned systems unique to a particular*
16 *department with a preference for joint unmanned sys-*
17 *tems.*

18 (6) *Programs to address technical, operational,*
19 *and production challenges, and gaps in capabilities,*
20 *with respect to unmanned systems.*

21 (7) *An organizational structure for effective*
22 *management, coordination, and budgeting for the de-*
23 *velopment and procurement of unmanned systems, in-*
24 *cluding an assessment of the feasibility and advis-*
25 *ability of designating a single department or other*

1 *element of the Department of Defense to act as execu-*
2 *tive agent for the Department on unmanned systems.*

3 (8) *Requirements for the integration of un-*
4 *manned and manned missions.*

5 (9) *Requirements in order to satisfy the goals for*
6 *unmanned air and ground systems established in sec-*
7 *tion 220 of the Floyd D. Spence National Defense Au-*
8 *thorization Act for Fiscal Year 2001 (as enacted into*
9 *law by Public Law 106–398; 114 Stat. 1654A–38).*

10 (c) *REPORT.*—*Not later than 120 days after the date*
11 *of the enactment of this Act, the Secretary shall submit to*
12 *the congressional defense committees a report setting forth*
13 *the policy required by subsection (a).*

14 **SEC. 922. EXECUTIVE SCHEDULE LEVEL IV FOR DEPUTY**
15 **UNDER SECRETARY OF DEFENSE FOR LOGIS-**
16 **TICS AND MATERIEL READINESS.**

17 (a) *EXECUTIVE SCHEDULE LEVEL IV.*—*Section 5315*
18 *of title 5, United States Code, is amended by inserting after*
19 *the item relating to the Deputy Under Secretary of Defense*
20 *for Personnel and Readiness the following new item:*

21 “*Deputy Under Secretary of Defense for Logis-*
22 *tics and Materiel Readiness.*”

23 (b) *CONFORMING AMENDMENT.*—*Section 5314 of title*
24 *5, United States Code, is amended by striking the item re-*

1 *lating to the Deputy Under Secretary of Defense for Logis-*
2 *tics and Materiel Readiness.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall take effect on the date of the enactment of this*
5 *Act, and shall apply with respect to individuals appointed*
6 *as Deputy Under Secretary of Defense for Logistics and*
7 *Materiel Readiness on or after that date.*

8 **SEC. 923. THREE-YEAR EXTENSION OF JOINT INCENTIVES**
9 **PROGRAM ON SHARING OF HEALTH CARE RE-**
10 **SOURCES BY THE DEPARTMENT OF DEFENSE**
11 **AND DEPARTMENT OF VETERANS AFFAIRS.**

12 *Section 8111(d)(4) of title 38, United States Code, is*
13 *amended by striking “September 30, 2007” and inserting*
14 *“September 30, 2010”.*

15 **SEC. 924. SENSE OF SENATE ON NOMINATION OF INDI-**
16 **VIDUAL TO SERVE AS DIRECTOR OF OPER-**
17 **ATIONAL TEST AND EVALUATION ON A PER-**
18 **MANENT BASIS.**

19 (a) *FINDINGS.*—*The Senate makes the following find-*
20 *ings:*

21 (1) *Congress established the position of Director*
22 *of Operational Test and Evaluation of the Depart-*
23 *ment of Defense in 1983 to ensure the operational ef-*
24 *fectiveness and suitability of weapon systems in com-*
25 *bat.*

1 *capabilities required for the active and reserve compo-*
2 *nents to discharge each such mission.”.*

3 **SEC. 926. REFORMS TO THE DEFENSE TRAVEL SYSTEM TO A**
4 **FEE-FOR-USE-OF-SERVICE SYSTEM.**

5 *No later than one year after the enactment of this Act,*
6 *the Secretary of Defense may not obligate or expend any*
7 *funds related to the Defense Travel System except those*
8 *funds obtained through a one-time, fixed price service fee*
9 *per Department of Defense customer utilizing the system*
10 *with an additional fixed fee for each transaction.*

11 **SEC. 927. REPORT ON INCORPORATION OF ELEMENTS OF**
12 **THE RESERVE COMPONENTS INTO THE SPE-**
13 **CIAL FORCES.**

14 *(a) FINDINGS.—The Senate makes the following find-*
15 *ings:*

16 *(1) The Quadrennial Defense Review rec-*
17 *ommends an increase in the size of the Special Oper-*
18 *ations Command and the Special Forces as a funda-*
19 *mental part of our efforts to fight the war on terror.*

20 *(2) The Special Forces play a crucial role in the*
21 *war on terror, and the expansion of their force struc-*
22 *ture as outlined in the Quadrennial Defense Review*
23 *should be fully funded.*

24 *(3) Expansion of the Special Forces should be*
25 *consistent with the Total Force Policy.*

1 (4) *The Secretary of Defense should assess whether*
2 *the establishment of additional reserve component*
3 *Special Forces units and associated units is con-*
4 *sistent with the Total Force Policy.*

5 (5) *Training areas in high-altitude and moun-*
6 *tainous areas represent a national asset for preparing*
7 *Special Forces units and personnel for duty in simi-*
8 *lar regions of Central Asia.*

9 (b) *REPORT ON INCORPORATION OF ELEMENTS INTO*
10 *SPECIAL FORCES.—Not later than six months after the date*
11 *of the enactment of this Act, the Secretary of Defense shall*
12 *submit to the congressional defense committees a report to*
13 *address whether units and capabilities should be incor-*
14 *porated into the reserve components of the Armed Forces*
15 *as part of the expansion of the Special Forces as outlined*
16 *in the Quadrennial Defense Review, and consistent with the*
17 *Total Force Policy.*

18 (c) *REPORT ON SPECIAL FORCES TRAINING.—Not*
19 *later than six months after the date of the enactment of this*
20 *Act, the Secretary of Defense shall submit to the congres-*
21 *sional defense committees a report on the effort taken by*
22 *the United States Special Operations Command to provide*
23 *Special Forces training in high-altitude and mountainous*
24 *areas within the United States.*

1 ***Subtitle D—National Guard***
 2 ***Bureau Matters***

3 **SEC. 931. SHORT TITLE.**

4 *This title may be cited as the “National Defense En-*
 5 *hancement and National Guard Empowerment Act of*
 6 *2006”.*

7 **SEC. 932. EXPANDED AUTHORITY OF CHIEF OF THE NA-**
 8 ***TIONAL GUARD BUREAU AND EXPANDED***
 9 ***FUNCTIONS OF THE NATIONAL GUARD BU-***
 10 ***REAU.***

11 *(a) EXPANDED AUTHORITY.—*

12 (1) *IN GENERAL.—*Subsection (a) of section
 13 *10501 of title 10, United States Code, is amended by*
 14 *striking “joint bureau of the Department of the Army*
 15 *and the Department of the Air Force” and inserting*
 16 *“joint activity of the Department of Defense”.*

17 (2) *PURPOSE.—*Subsection (b) of such section is
 18 *amended by striking “between” and all that follows*
 19 *and inserting “between—*

20 *“(1)(A) the Secretary of Defense, the Joint Chiefs*
 21 *of Staff, and the commanders of the combatant com-*
 22 *mands for the United States, and (B) the Department*
 23 *of the Army and the Department of the Air Force;*
 24 *and*

25 *“(2) the several States.”.*

1 **(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE**
2 **NATIONAL GUARD BUREAU.—**

3 **(1) ADVISORY FUNCTION ON NATIONAL GUARD**
4 **MATTERS.—***Subsection (c) of section 10502 of title 10,*
5 *United States Code, is amended by inserting “to the*
6 *Secretary of Defense, to the Chairman of the Joint*
7 *Chiefs of Staff,” after “principal advisor”.*

8 **(2) GRADE.—***Subsection (e) of such section, as*
9 *redesignated by paragraph (2)(A)(i) of this sub-*
10 *section, is further amended by striking “lieutenant*
11 *general” and inserting “general”.*

12 **(3) ANNUAL REPORT TO CONGRESS ON VALI-**
13 **DATED REQUIREMENTS.—***Section 10504 of such title*
14 *is amended by adding at the end the following new*
15 *subsection:*

16 **“(c) ANNUAL REPORT ON VALIDATED REQUIRE-**
17 **MENTS.—***Not later than December 31 each year, the Chief*
18 *of the National Guard Bureau shall submit to Congress a*
19 *report on the requirements validated under section*
20 *10503a(b)(1) of this title during the preceding fiscal year.”.*

21 **(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL**
22 **GUARD BUREAU.—**

23 **(1) DEVELOPMENT OF CHARTER.—***Section 10503*
24 *of title 10, United States Code, is amended—*

1 (A) in the matter preceding paragraph (1),
2 by striking “The Secretary of the Army and the
3 Secretary of the Air Force shall jointly develop”
4 and inserting “The Secretary of Defense, in con-
5 sultation with the Secretary of the Army and the
6 Secretary of the Air Force, shall develop”; and

7 (B) in paragraph (12), by striking “the
8 Secretaries” and inserting “the Secretary of De-
9 fense”.

10 (2) *ADDITIONAL GENERAL FUNCTIONS.*—Such
11 section is further amended—

12 (A) by redesignating paragraph (12), as
13 amended by paragraph (1)(B) of this subsection,
14 as paragraph (13); and

15 (B) by inserting after paragraph (11) the
16 following new paragraph (12):

17 “(12) *Facilitating and coordinating with other*
18 *Federal agencies, and with the several States, the use*
19 *of National Guard personnel and resources for and in*
20 *contingency operations, military operations other*
21 *than war, natural disasters, support of civil authori-*
22 *ties, and other circumstances.”.*

23 (3) *MILITARY ASSISTANCE FOR CIVIL AUTHORI-*
24 *TIES.*—Chapter 1011 of such title is further amended

1 *by inserting after section 10503 the following new sec-*
2 *tion:*

3 **“§ 10503a. Functions of National Guard Bureau: mili-**
4 **tary assistance to civil authorities**

5 “(a) *IDENTIFICATION OF ADDITIONAL NECESSARY AS-*
6 *SISTANCE.—The Chief of the National Guard Bureau*
7 *shall—*

8 “(1) *identify gaps between Federal and State ca-*
9 *pabilities to prepare for and respond to emergencies;*
10 *and*

11 “(2) *make recommendations to the Secretary of*
12 *Defense on programs and activities of the National*
13 *Guard for military assistance to civil authorities to*
14 *address such gaps.*

15 “(b) *SCOPE OF RESPONSIBILITIES.—In meeting the*
16 *requirements of subsection (a), the Chief of the National*
17 *Guard Bureau shall, in coordination with the Adjutant*
18 *Generals of the States, have responsibilities as follows:*

19 “(1) *To validate the requirements of the several*
20 *States and Territories with respect to military assist-*
21 *ance to civil authorities.*

22 “(2) *To develop doctrine and training require-*
23 *ments relating to the provision of military assistance*
24 *to civil authorities.*

1 “(3) *To administer amounts provided the Na-*
2 *tional Guard for the provision of military assistance*
3 *to civil authorities.*

4 “(4) *To carry out any other responsibility relat-*
5 *ing to the provision of military assistance to civil au-*
6 *thorities as the Secretary of Defense shall specify.*

7 “(c) *ASSISTANCE.—The Chairman of the Joint Chiefs*
8 *of Staff shall assist the Chief of the National Guard Bureau*
9 *in carrying out activities under this section.*

10 “(d) *CONSULTATION.—The Chief of the National*
11 *Guard Bureau shall carry out activities under this section*
12 *in consultation with the Secretary of the Army and the Sec-*
13 *retary of the Air Force.”.*

14 (4) *LIMITATION ON INCREASE IN PERSONNEL OF*
15 *NATIONAL GUARD BUREAU.—The Secretary of Defense*
16 *shall, to the extent practicable, ensure that no addi-*
17 *tional personnel are assigned to the National Guard*
18 *Bureau in order to address administrative or other*
19 *requirements arising out of the amendments made by*
20 *this subsection.*

21 (d) *CONFORMING AND CLERICAL AMENDMENTS.—*

22 (1) *CONFORMING AMENDMENT.—The heading of*
23 *section 10503 of such title is amended to read as fol-*
24 *lows:*

1 **“§ 10503. Functions of National Guard Bureau: char-**
 2 **ter”.**

3 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 4 *tions at the beginning of chapter 1011 of such title is*
 5 *amended by striking the item relating to section*
 6 *10503 and inserting the following new items:*

“10503. Functions of National Guard Bureau: charter.

“10503a. Functions of National Guard Bureau: military assistance to civil au-
thorities.”.

7 **SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COM-**
 8 **MANDER OF THE UNITED STATES NORTHERN**
 9 **COMMAND BE FILLED BY A QUALIFIED NA-**
 10 **TIONAL GUARD OFFICER.**

11 (a) *IN GENERAL.*—*The position of Deputy Com-*
 12 *mander of the United States Northern Command shall be*
 13 *filled by a qualified officer of the National Guard who is*
 14 *eligible for promotion to the grade of lieutenant general.*

15 (b) *PURPOSE.*—*The purpose of the requirement in sub-*
 16 *section (a) is to ensure that information received from the*
 17 *National Guard Bureau regarding the operation of the Na-*
 18 *tional Guard of the several States is integrated into the*
 19 *plans and operations of the United States Northern Com-*
 20 *mand.*

21 **TITLE X—GENERAL PROVISIONS**
 22 **Subtitle A—Financial Matters**

23 **SEC. 1001. TRANSFER AUTHORITY.**

24 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

1 (1) *AUTHORITY.*—Upon determination by the
2 Secretary of Defense that such action is necessary in
3 the national interest, the Secretary may transfer
4 amounts of authorizations made available to the De-
5 partment of Defense in this division for fiscal year
6 2007 between any such authorizations for that fiscal
7 year (or any subdivisions thereof). Amounts of au-
8 thorizations so transferred shall be merged with and
9 be available for the same purposes as the authoriza-
10 tion to which transferred.

11 (2) *AGGREGATE LIMITATION.*—The total amount
12 of authorizations that the Secretary may transfer
13 under the authority of this section may not exceed
14 \$4,000,000,000.

15 (b) *LIMITATIONS.*—The authority provided by this sec-
16 tion to transfer authorizations—

17 (1) may only be used to provide authority for
18 items that have a higher priority than the items from
19 which authority is transferred; and

20 (2) may not be used to provide authority for an
21 item that has been denied authorization by Congress.

22 (c) *EFFECT ON AUTHORIZATION AMOUNTS.*—A trans-
23 fer made from one account to another under the authority
24 of this section shall be deemed to increase the amount au-

1 *thorized for the account to which the amount is transferred*
2 *by an amount equal to the amount transferred.*

3 (d) *NOTICE TO CONGRESS.—The Secretary shall*
4 *promptly notify Congress of each transfer made under sub-*
5 *section (a).*

6 **SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY**
7 **SUPPLEMENTAL APPROPRIATIONS FOR FIS-**
8 **CAL YEAR 2006.**

9 (a) *IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON*
10 *TERROR.—Amounts authorized to be appropriated to the*
11 *Department of Defense for fiscal year 2006 in the National*
12 *Defense Authorization Act for Fiscal Year 2006 (Public*
13 *Law 109–163) are hereby adjusted, with respect to any such*
14 *authorized amount, by the amount by which appropriations*
15 *pursuant to such authorization are increased by a supple-*
16 *mental appropriation, or decreased by a rescission, or both,*
17 *or are increased by a transfer of funds, pursuant to title*
18 *I of the Emergency Supplemental Appropriations Act for*
19 *Defense, the Global War on Terror, and Hurricane Recov-*
20 *ery, 2006 (Public Law 109–234).*

21 (b) *HURRICANE DISASTER RELIEF AND RECOVERY.—*
22 *Amounts authorized to be appropriated to the Department*
23 *of Defense for fiscal year 2006 in the National Defense Au-*
24 *thorization Act for Fiscal Year 2006 are hereby adjusted,*
25 *with respect to any such authorized amount, by the amount*

1 *by which appropriations pursuant to such authorization*
2 *are increased by a supplemental appropriation, or de-*
3 *creased by a rescission, or both, or are increased by a trans-*
4 *fer of funds, pursuant to title II of the Emergency Supple-*
5 *mental Appropriations Act for Defense, the Global War on*
6 *Terror, and Hurricane Recovery, 2006.*

7 (c) *BORDER SECURITY.*—*Amounts authorized to be*
8 *appropriated to the Department of Defense for fiscal year*
9 *2006 in the National Defense Authorization Act for Fiscal*
10 *Year 2006 are hereby adjusted, with respect to any such*
11 *authorized amount, by the amount by which appropriations*
12 *pursuant to such authorization are increased by a supple-*
13 *mental appropriation, or decreased by a rescission, or both,*
14 *or are increased by a transfer of funds, pursuant to title*
15 *V of the Emergency Supplemental Appropriations Act for*
16 *Defense, the Global War on Terror, and Hurricane Recov-*
17 *ery, 2006.*

18 **SEC. 1003. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**
19 **TO SAVINGS RELATING TO LOWER INFLA-**
20 **TION.**

21 (a) *REDUCTION.*—*The aggregate amount authorized to*
22 *be appropriated by titles I, II, and III is the amount equal*
23 *to the sum of all the amounts authorized to be appropriated*
24 *by such titles reduced by \$951,469,000.*

1 (b) *SOURCE OF SAVINGS.*—Reductions required in
2 order to comply with subsection (a) shall be derived from
3 savings resulting from lower-than-expected inflation as a
4 result of a review of the inflation assumptions used in the
5 preparation of the budget of the President for fiscal year
6 2007, as submitted to Congress pursuant to section 1005
7 of title 31, United States Code.

8 (c) *ALLOCATION OF REDUCTION.*—The Secretary of
9 Defense shall allocate the reduction required by subsection
10 (a) among the amounts authorized to be appropriated for
11 accounts in titles I, II, and III to reflect the extent to which
12 net savings from lower-than-expected inflation are allocable
13 to amounts authorized to be appropriated to such accounts.

14 **SEC. 1004. INCREASE IN FISCAL YEAR 2006 GENERAL TRANS-**
15 **FER AUTHORITY.**

16 Section 1001(a)(2) of the National Defense Authoriza-
17 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
18 Stat. 3418) is amended by striking “\$3,500,000,000” and
19 inserting “\$5,000,000,000”.

20 **SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COM-**
21 **MON-FUNDED BUDGETS IN FISCAL YEAR 2007.**

22 (a) *FISCAL YEAR 2007 LIMITATION.*—The total
23 amount contributed by the Secretary of Defense in fiscal
24 year 2007 for the common-funded budgets of NATO may
25 be any amount up to, but not in excess of, the amount speci-

1 *fied in subsection (b) (rather than the maximum amount*
2 *that would otherwise be applicable to those contributions*
3 *under the fiscal year 1998 baseline limitation).*

4 *(b) TOTAL AMOUNT.—The amount of the limitation*
5 *applicable under subsection (a) is the sum of the following:*

6 *(1) The amounts of unexpended balances, as of*
7 *the end of fiscal year 2006, of funds appropriated for*
8 *fiscal years before fiscal year 2007 for payments for*
9 *those budgets.*

10 *(2) The amount specified in subsection (c)(1).*

11 *(3) The amount specified in subsection (c)(2).*

12 *(4) The total amount of the contributions author-*
13 *ized to be made under section 2501.*

14 *(c) AUTHORIZED AMOUNTS.—Amounts authorized to*
15 *be appropriated by titles II and III of this Act are available*
16 *for contributions for the common-funded budgets of NATO*
17 *as follows:*

18 *(1) Of the amount provided in section 201(1),*
19 *\$797,000 for the Civil Budget.*

20 *(2) Of the amount provided in section 301(1),*
21 *\$310,277,000 for the Military Budget.*

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

23 *(1) COMMON-FUNDED BUDGETS OF NATO.—The*
24 *term “common-funded budgets of NATO” means the*
25 *Military Budget, the Security Investment Program,*

1 *and the Civil Budget of the North Atlantic Treaty Or-*
2 *ganization (and any successor or additional account*
3 *or program of NATO).*

4 (2) *FISCAL YEAR 1998 BASELINE LIMITATION.*—

5 *The term “fiscal year 1998 baseline limitation”*
6 *means the maximum annual amount of Department*
7 *of Defense contributions for common-funded budgets of*
8 *NATO that is set forth as the annual limitation in*
9 *section 3(2)(C)(ii) of the resolution of the Senate giv-*
10 *ing the advice and consent of the Senate to the ratifi-*
11 *cation of the Protocols to the North Atlantic Treaty*
12 *of 1949 on the Accession of Poland, Hungary, and the*
13 *Czech Republic (as defined in section 4(7) of that res-*
14 *olution), approved by the Senate on April 30, 1998.*

15 **SEC. 1006. MODIFICATION OF DATE OF SUBMITTAL OF OMB/**

16 **CBO REPORT ON SCORING OF OUTLAYS.**

17 *Section 226(a) of title 10, United States Code, is*
18 *amended by striking “January 15 of each year” and insert-*
19 *ing “April 1 of each year”.*

20 **SEC. 1007. PROHIBITION ON PARKING OF FUNDS.**

21 (a) *PROHIBITION.*—

22 (1) *IN GENERAL.*—*Chapter 165 of title 10,*
23 *United States Code, is amended by inserting after sec-*
24 *tion 2773a the following new section:*

1 **“§2773b. Parking of funds: prohibition; penalties**

2 “(a) *PROHIBITION.*—An officer or employee of the De-
3 partment of Defense may not direct the designation of funds
4 for a particular purpose in the budget of the President, as
5 submitted to Congress pursuant to section 1105 of title 31,
6 or the supporting documents of the Department of Defense
7 component of such budget, with the knowledge or intent that
8 such funds, if made available to the Department, will not
9 be used for the purpose for which they are designated.

10 “(b) *PENALTIES.*—The direction of the designation of
11 funds in violation of the prohibition in subsection (a) shall
12 be treated for purposes of chapter 13 of title 31 as a viola-
13 tion of section 1341(a)(1)(A) of title 31.”.

14 (2) *CLERICAL AMENDMENT.*—The table of sec-
15 tions at the beginning of chapter 165 of such title is
16 amended by inserting after the item relating to sec-
17 tion 2773a the following new item:

“2773b. Parking of funds: prohibition; penalties.”.

18 (b) *EFFECTIVE DATE.*—

19 (1) *IN GENERAL.*—The amendments made by
20 subsection (a) shall take effect on the date that is 31
21 days after the date of the enactment of this Act.

22 (2) *MODIFICATION OF CERTAIN POLICIES AND*
23 *REGULATIONS.*—Not later than 30 days after the date
24 of the enactment of this Act, the Secretary of Defense
25 shall modify the policies and regulations of the De-

1 *partment of Defense regarding the preparation and*
2 *submittal to Congress of budget materials for the De-*
3 *partment of Defense to take into account the provi-*
4 *sions of section 2773b of title 10, United States Code*
5 *(as added by subsection (a)).*

6 **SEC. 1008. INCORPORATION OF CLASSIFIED ANNEX.**

7 *(a) STATUS OF CLASSIFIED ANNEX.—The Classified*
8 *Annex prepared by the Committee on Armed Services of the*
9 *Senate to accompany S. 2766 of the 109th Congress and*
10 *transmitted to the President is hereby incorporated into this*
11 *Act.*

12 *(b) CONSTRUCTION WITH OTHER PROVISIONS OF*
13 *ACT.—The amounts specified in the Classified Annex are*
14 *not in addition to amounts authorized to be appropriated*
15 *by other provisions of this Act.*

16 *(c) LIMITATION ON USE OF FUNDS.—Funds appro-*
17 *riated pursuant to an authorization contained in this Act*
18 *that are made available for a program, project, or activity*
19 *referred to in the Classified Annex may only be expended*
20 *for such program, project, or activity in accordance with*
21 *such terms, conditions, limitations, restrictions, and re-*
22 *quirements as are set out for such program, project, or ac-*
23 *tivity in the Classified Annex.*

24 *(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The*
25 *President shall provide for appropriate distribution of the*

1 *Classified Annex, or of appropriate portions of the annex,*
2 *within the executive branch of the Government.*

3 **SEC. 1009. REPORTS TO CONGRESS AND NOTICE TO PUBLIC**
4 **ON EARMARKS IN FUNDS AVAILABLE TO THE**
5 **DEPARTMENT OF DEFENSE.**

6 (a) *ANNUAL REPORT AND NOTICE REQUIRED.—The*
7 *Secretary of Defense shall submit to Congress, and post on*
8 *the Internet website of the Department of Defense available*
9 *to the public, each year information as follows:*

10 (1) *A description of each earmark of funds made*
11 *available to the Department of Defense for the pre-*
12 *vious fiscal year, including the location (by city,*
13 *State, country, and congressional district if relevant)*
14 *in which the earmarked funds are to be utilized, the*
15 *purpose of such earmark (if known), and the recipient*
16 *of such earmark.*

17 (2) *The total cost of administering each such ear-*
18 *mark including the amount of such earmark, staff*
19 *time, administrative expenses, and other costs.*

20 (3) *The total cost of administering all such ear-*
21 *marks.*

22 (4) *An assessment of the utility of each such ear-*
23 *mark in meeting the goals of the Department, set*
24 *forth using a rating system as follows:*

1 (A) *A for an earmark that directly advances*
2 *the primary goals of the Department or an agen-*
3 *cy, element, or component of the Department.*

4 (B) *B for an earmark that advances many*
5 *of the primary goals of the Department or an*
6 *agency, element, or component of the Depart-*
7 *ment.*

8 (C) *C for an earmark that may advance*
9 *some of the primary goals of the Department or*
10 *an agency, element, or component of the Depart-*
11 *ment.*

12 (D) *D for an earmark that cannot be dem-*
13 *onstrated as being cost-effective in advancing the*
14 *primary goals of the Department or any agency,*
15 *element, or component of the Department.*

16 (E) *F for an earmark that distracts from or*
17 *otherwise impedes that capacity of the Depart-*
18 *ment to meet the primary goals of the Depart-*
19 *ment.*

20 (b) *EARMARK DEFINED.—In this section, the term*
21 *“earmark” means a provision of law, or a directive con-*
22 *tained within a joint explanatory statement or report ac-*
23 *companying a conference report or bill (as applicable), that*
24 *specifies the identity of an entity, program, project, or serv-*
25 *ice, including a defense system, to receive assistance not re-*

1 *requested by the President and the amount of the assistance*
2 *to be so received.*

3 ***Subtitle B—Naval Vessels***

4 ***SEC. 1011. REPEAL OF REQUIREMENT FOR 12 OPERATIONAL***
5 ***AIRCRAFT CARRIERS WITHIN THE NAVY.***

6 *Section 5062 of title 10, United States Code, is*
7 *amended—*

8 *(1) by striking subsection (b); and*

9 *(2) by redesignating subsections (c) and (d) as*
10 *subsections (b) and (c), respectively.*

11 ***SEC. 1012. APPROVAL OF TRANSFER OF NAVAL VESSELS TO***
12 ***FOREIGN NATIONS BY VESSEL CLASS.***

13 *Section 7307(a) of title 10, United States Code, is*
14 *amended by inserting “or vessel of that class” after “that*
15 *vessel”.*

16 ***SEC. 1013. NAMING OF CVN-78 AIRCRAFT CARRIER AS THE***
17 ***U.S.S. GERALD FORD.***

18 *(a) FINDINGS.—Congress makes the following findings:*

19 *(1) Gerald R. Ford has served his country with*
20 *honor and distinction for the past 64 years, and con-*
21 *tinues to serve.*

22 *(2) Gerald R. Ford joined the United States*
23 *Naval Reserve in 1942 and served valiantly at sea on*
24 *the U.S.S. Monterey (CVL-26) during World War II,*
25 *taking part in major operations in the Pacific, in-*

1 *cluding at Makin Island, Kwajalein, Truk, Saipan,*
2 *and the Philippine Sea.*

3 *(3) The U.S.S. Monterey earned 10 battle stars,*
4 *awarded for participation in battle, while Gerald R.*
5 *Ford served on the vessel.*

6 *(4) Gerald R. Ford was first elected to the House*
7 *of Representatives in 1948.*

8 *(5) In the course of 25 years of service in the*
9 *House of Representatives, Gerald R. Ford distin-*
10 *guished himself by his exemplary record for character,*
11 *decency, and trustworthiness.*

12 *(6) Throughout his service in Congress, Gerald*
13 *R. Ford was an ardent proponent of strong national*
14 *defense and international leadership by the United*
15 *States.*

16 *(7) From 1965 to 1973, Gerald R. Ford served*
17 *as minority leader of the House of Representatives,*
18 *raising the standard for bipartisanship in his tireless*
19 *fight for freedom, hope, and justice.*

20 *(8) In 1973, Gerald R. Ford was appointed by*
21 *President Nixon to the office of Vice President of the*
22 *United States with the overwhelming support of Con-*
23 *gress.*

24 *(9) From 1974 to 1976, Gerald R. Ford served*
25 *as the 38th President of the United States, taking of-*

1 *vice during one of the most challenging periods in the*
2 *history of the United States and restoring the faith of*
3 *the people of the United States in the office of the*
4 *President through his steady leadership, courage, and*
5 *ultimate integrity.*

6 *(10) President Gerald R. Ford helped restore the*
7 *prestige of the United States in the world community*
8 *by working to achieve peace in the Middle East, pre-*
9 *serve détente with the Soviet Union, and set new lim-*
10 *its on the spread of nuclear weapons.*

11 *(11) President Gerald R. Ford served as Com-*
12 *mander in Chief of the Armed Forces of the United*
13 *States with great dignity, supporting a strong Navy*
14 *and a global military presence for the United State*
15 *and honoring the men and women of the Armed*
16 *Forces of the United States.*

17 *(12) Since leaving the office of President, Gerald*
18 *R. Ford has been an international ambassador of*
19 *American goodwill, a noted scholar and lecturer, a*
20 *strong supporter of human rights, and a promoter of*
21 *higher education.*

22 *(13) Gerald R. Ford was awarded the Medal of*
23 *Freedom and the Congressional Gold Medal in 1999*
24 *in recognition of his contribution to the Nation.*

1 (14) *As President, Gerald R. Ford bore the*
2 *weight of a constitutional crisis and guided the Na-*
3 *tion on a path of healing and restored hope, earning*
4 *forever the enduring respect and gratitude of the Na-*
5 *tion.*

6 (b) *NAMING OF CVN-78 AIRCRAFT CARRIER.—CVN-*
7 *78, a nuclear powered aircraft carrier of the Navy, shall*
8 *be named the U.S.S. Gerald Ford.*

9 **SEC. 1014. AUTHORITY TO DONATE SS ARTHUR M. HUDDALL**
10 **TO THE GOVERNMENT OF GREECE.**

11 (a) *FINDINGS.—Congress makes the following findings:*

12 (1) *It is in the economic and environmental in-*
13 *terests of the United States to promote the disposal of*
14 *vessels in the National Defense Reserve Fleet that are*
15 *of insufficient value to warrant further preservation.*

16 (2) *The Maritime Administration of the Depart-*
17 *ment of Transportation has been authorized to make*
18 *such disposals, including the sale and recycling of*
19 *such vessels and the donation of such vessels to any*
20 *State, commonwealth, or possession of the United*
21 *States, and to nonprofit organizations.*

22 (3) *The government of Greece has expressed an*
23 *interest in obtaining and using the ex-Liberty ship,*
24 *SS ARTHUR M. HUDDALL, for purposes of a mu-*
25 *seum exhibit.*

1 (4) *It is in the interest of the United States to*
 2 *authorize the Maritime Administration to donate SS*
 3 *ARTHUR M. HUDDALL to Greece.*

4 (b) *DONATION OF SS ARTHUR M. HUDDALL TO*
 5 *GOVERNMENT OF GREECE.*—*Notwithstanding Section*
 6 *510(j) of the Merchant Marine Act, 1936 (46 App. U.S.C.*
 7 *1158), the Secretary of Transportation is authorized to*
 8 *transfer SS ARTHUR M. HUDDALL, by gift, to the Gov-*
 9 *ernment of Greece, in accordance with terms and conditions*
 10 *determined by the Secretary.*

11 (c) *ADDITIONAL EQUIPMENT.*—*The Secretary may*
 12 *convey additional equipment from other obsolete vessels of*
 13 *the National Defense Reserve Fleet to assist the Government*
 14 *of Greece under this section for purposes of the museum ex-*
 15 *hibit referred to in subsection (a)(3).*

16 ***Subtitle C—Counterdrug Matters***

17 ***SEC. 1021. EXTENSION OF AVAILABILITY OF FUNDS FOR*** 18 ***UNIFIED COUNTERDRUG AND*** 19 ***COUNTERTERRORISM CAMPAIGN IN COLOM-*** 20 ***BIA.***

21 *Section 1021 of the Ronald W. Reagan National De-*
 22 *fense Authorization Act for Fiscal Year 2005 (Public Law*
 23 *108–375; 118 Stat. 2042) is amended—*

24 (1) *in subsection (a)(1), by striking “2005 and*
 25 *2006” and inserting “2005 through 2008”; and*

1 (2) *in subsection (c), by striking “2005 and*
2 *2006” and inserting “2005 through 2008”.*

3 **SEC. 1022. EXTENSION OF AUTHORITY OF DEPARTMENT OF**
4 **DEFENSE TO PROVIDE ADDITIONAL SUPPORT**
5 **FOR COUNTERDRUG ACTIVITIES OF OTHER**
6 **GOVERNMENTAL AGENCIES.**

7 *Section 1004(a) of the National Defense Authorization*
8 *Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended*
9 *by striking “through 2006” and inserting “through 2011”.*

10 **SEC. 1023. EXTENSION AND EXPANSION OF CERTAIN AU-**
11 **THORITIES TO PROVIDE ADDITIONAL SUP-**
12 **PORT FOR COUNTERDRUG ACTIVITIES.**

13 (a) *CONCURRENCE OF SECRETARY OF STATE IN PRO-*
14 *VISION OF SUPPORT.—Paragraph (1) of subsection (a) of*
15 *section 1033 of the National Defense Authorization Act for*
16 *Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as*
17 *amended by section 1021 of the National Defense Authoriza-*
18 *tion Act for Fiscal Year 2004 (Public Law 108–136; 117*
19 *Stat. 1593), is further amended by striking “shall consult*
20 *with” and inserting “shall seek the concurrence of”.*

21 (b) *EXTENSION OF AUTHORITY.—Paragraph (2) of*
22 *such subsection is amended by striking “September 30,*
23 *2006” and inserting “September 30, 2008”.*

24 (c) *ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-*
25 *CEIVE SUPPORT.—Subsection (b) of such section 1033, as*

1 *so amended, is further amended by adding at the end the*
2 *following new paragraphs:*

3 “(10) *The Government of Azerbaijan.*

4 “(11) *The Government of Kazakhstan.*

5 “(12) *The Government of Kyrgyzstan.*

6 “(13) *The Government of Armenia.*

7 “(14) *The Government of Niger.*

8 “(15) *The Government of Mauritania.*

9 “(16) *The Government of Mali.*

10 “(17) *The Government of Chad.*

11 “(18) *The Government of Indonesia.*

12 “(19) *The Government of Philippines.*

13 “(20) *The Government of Thailand.*

14 “(21) *The Government of Malaysia.*

15 “(22) *The Government of Guatemala.*

16 “(23) *The Government of Belize.*

17 “(24) *The Government of Panama.*”.

18 (d) *TYPES OF SUPPORT.*—Subsection (c)(2) of such
19 *section 1033, as so amended, is further amended by insert-*
20 *ing “, vehicles, and, subject to section 484(a) of the Foreign*
21 *Assistance Act of 1961 (22 U.S.C. 2291c(a)), aircraft, and*
22 *detection, interception, monitoring, and testing equipment”*
23 *after “patrol boats”.*

1 (e) *MAXIMUM ANNUAL AMOUNT OF SUPPORT.*—Sub-
2 section (e)(2) of such section 1033, as so amended, is further
3 amended—

4 (1) by striking “or \$40,000,000” and inserting
5 “\$40,000,000”; and

6 (2) by inserting before the period at the end the
7 following: “, or \$80,000,000 during any of the fiscal
8 years 2007 through 2008”.

9 (f) *ANNUAL REPORT ON SUPPORT PROVIDED TO ADDI-*
10 *TIONAL GOVERNMENTS.*—Such section 1033 is further
11 amended by adding at the end the following new subsection:

12 “(i) *ANNUAL REPORT ON SUPPORT PROVIDED TO*
13 *CERTAIN GOVERNMENTS.*—Not later than November 30
14 each year through 2008, the Secretary of Defense shall sub-
15 mit to the congressional defense committees and the Com-
16 mittee on Foreign Relations of the Senate and the Com-
17 mittee on International Relations of the House of Rep-
18 resentatives a comprehensive report on the support provided
19 under this section during the preceding fiscal year to each
20 government referred to in paragraphs (1) through (24) of
21 subsection (b).”.

22 **SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.**

23 (a) *FINDINGS.*—Congress makes the following findings:

24 (1) In 1982 the United States Government cre-
25 ated Operation Bahamas, Turks & Caicos (OPBAT)

1 *to counter the smuggling of cocaine into the United*
2 *States.*

3 (2) *According to the Drug Enforcement Agency,*
4 *an estimated 80 percent of the cocaine entering the*
5 *United States in the 1980s came through the Baha-*
6 *mas, whereas, according to the Office of National*
7 *Drug Control Policy, only an estimated 10 percent*
8 *comes through the Bahamas today.*

9 (3) *According to the Drug Enforcement Agency,*
10 *more than 80,000 kilograms of cocaine and nearly*
11 *700,000 pounds of marijuana have been seized in Op-*
12 *eration Bahamas, Turks & Caicos since 1986, with a*
13 *combined street value of approximately two trillion*
14 *dollars.*

15 (4) *The Army has provided military airlift to*
16 *law enforcement officials under Operation Bahamas,*
17 *Turks & Caicos to create an effective, reliable, and*
18 *immediate response capability for drug interdiction.*
19 *This support is largely responsible for the decline in*
20 *cocaine shipments to the United States through the*
21 *Bahamas.*

22 (5) *The Bahamas is an island nation composed*
23 *of approximately 700 islands and keys, which makes*
24 *aviation assets the best and most efficient method of*

1 *transporting law enforcement agents and interdicting*
2 *smugglers.*

3 *(6) It is in the interests of the United States to*
4 *maintain the results of the successful Operation Ba-*
5 *hamas, Turks & Caicos program and prevent drug*
6 *smugglers from rebuilding their operations through*
7 *the Bahamas.*

8 *(b) REPORT ON UNITED STATES GOVERNMENT SUP-*
9 *PORT FOR OPBAT.—*

10 *(1) REPORT ON DECISION TO WITHDRAW.—Not*
11 *later than 30 days before implementing a decision to*
12 *withdraw Department of Defense helicopters from Op-*
13 *eration Bahamas, Turks & Caicos, the Secretary of*
14 *Defense shall submit to the Congress a report out-*
15 *lining the plan for the coordination of the Operation*
16 *Bahamas, Turks & Caicos mission, at the same level*
17 *of effectiveness, using other United States Government*
18 *assets.*

19 *(2) CONSULTATION.—The Secretary of Defense*
20 *shall consult with the Secretary of State, the Attorney*
21 *General, and the Secretary of Homeland Security,*
22 *and with other appropriate officials of the United*
23 *States Government, in preparing the report under*
24 *paragraph (1).*

1 (3) *ELEMENTS.*—*The report under paragraph*
2 *(1) on the withdrawal of equipment referred to in*
3 *that paragraph shall include the following:*

4 (A) *An explanation of the military jus-*
5 *tification for the withdrawal of the equipment.*

6 (B) *An assessment of the availability of*
7 *other options (including other Government heli-*
8 *copters) to provide the capability being provided*
9 *by the equipment to be withdrawn.*

10 (C) *An explanation of how each option*
11 *specified under subparagraph (B) will provide*
12 *the capability currently provided by the equip-*
13 *ment to be withdrawn.*

14 (D) *An assessment of the potential use of*
15 *unmanned aerial vehicles in Operation Baha-*
16 *mas, Turks & Caicos, including the capabilities*
17 *of such vehicles and any advantages or disadvan-*
18 *tages associated with the use of such vehicles in*
19 *that operation, and a recommendation on wheth-*
20 *er or not to deploy such vehicles in that oper-*
21 *ation.*

1 ***Subtitle D—Defense Intelligence***
2 ***and Related Matters***

3 ***SEC. 1031. TWO-YEAR EXTENSION OF AUTHORITY TO EN-***
4 ***GAGE IN COMMERCIAL ACTIVITIES AS SECU-***
5 ***RITY FOR INTELLIGENCE COLLECTION AC-***
6 ***TIVITIES.***

7 *Section 431(a) of title 10, United States Code, is*
8 *amended by striking “December 31, 2006” and inserting*
9 *“December 31, 2008”.*

10 ***SEC. 1032. ANNUAL REPORT ON INTELLIGENCE OVERSIGHT***
11 ***ACTIVITIES OF THE DEPARTMENT OF DE-***
12 ***FENSE.***

13 *(a) ANNUAL REPORT REQUIRED.—Not later than*
14 *March 1, 2007, and annually thereafter, the Secretary of*
15 *Defense shall submit to the congressional defense committees*
16 *and the congressional intelligence committees a report on*
17 *the intelligence oversight activities of the Department of De-*
18 *fense during the previous calendar year.*

19 *(b) ELEMENTS.—Each report under subsection (a)*
20 *shall include, for the calendar year covered by such report,*
21 *the following:*

22 *(1) A description of any questionable intelligence*
23 *activity that came to the attention of any General*
24 *Counsel or Inspector General within the Department*
25 *of Defense, or the Under Secretary of Defense for In-*

1 *telligence, and a description of the actions taken by*
2 *such official with respect to such activity.*

3 (2) *A description of the results of intelligence*
4 *oversight inspections undertaken by each of the fol-*
5 *lowing:*

6 (A) *The Office of the Secretary of Defense.*

7 (B) *Each military department.*

8 (C) *Each combat support agency.*

9 (D) *Each field operating agency.*

10 (3) *A description of any changes made in—*

11 (A) *any program for the intelligence over-*
12 *sight activities of the Department of Defense, in-*
13 *cluding any training program; or*

14 (B) *any published directive or policy memo-*
15 *randa on the intelligence or intelligence-related*
16 *activities of—*

17 (i) *any military department;*

18 (ii) *any combat support agency; or*

19 (iii) *any field operating agency.*

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

21 (1) *The term “combat support agency” has the*
22 *meaning given that term in section 193(f) of title 10,*
23 *United States Code.*

24 (2) *The term “congressional intelligence commit-*
25 *tees” has the meaning given that term in section 3(7)*

1 of the National Security Act of 1947 (50 U.S.C.
2 401a(7)).

3 (3) The term “field operating agency” means a
4 specialized subdivision of the Department of Defense
5 that carries out activities under the operational con-
6 trol of the Department.

7 (4) The term “intelligence oversight activities of
8 the Department of Defense” refers to any activity un-
9 dertaken by an agency, element, or component of the
10 Department of Defense to ensure compliance with re-
11 gard to requirements or instructions on the intel-
12 ligence and intelligence-related activities of the De-
13 partment under law or any Executive order or Presi-
14 dential directive (including Executive Order No.
15 12333).

16 (5) The term “questionable intelligence activity”
17 means an intelligence or intelligence-related activity
18 of the Department of Defense that may violate the law
19 or any Executive order or Presidential directive (in-
20 cluding Executive Order No. 12333).

21 **SEC. 1033. ADMINISTRATION OF PILOT PROJECT ON CIVIL-**
22 **IAN LINGUIST RESERVE CORPS.**

23 (a) *TRANSFER OF ADMINISTRATION TO SECRETARY OF*
24 *DEFENSE.*—

1 (1) *IN GENERAL.*—Administration of the pilot
2 project on the establishment of a Civilian Linguist
3 Reserve Corps required by section 613 of the Intel-
4 ligence Authorization Act for Fiscal Year 2005 (*Pub-*
5 *lic Law 108–487; 118 Stat. 3959; 50 U.S.C. 403–1b*
6 *note*) is hereby transferred from the Director of Na-
7 tional Intelligence to the Secretary of Defense.

8 (2) *CONFORMING AMENDMENTS.*—Section 613 of
9 the Intelligence Authorization Act for Fiscal Year
10 2005 is amended—

11 (A) by striking “Director of National Intel-
12 ligence” each place it appears and inserting
13 “Secretary of Defense”; and

14 (B) by striking “Director” each place it ap-
15 pears and inserting “Secretary”.

16 (b) *DISCHARGE OF PROJECT.*—Subsection (a) of such
17 section is further amended by adding at the end the fol-
18 lowing new sentence: “The Secretary shall carry out the
19 pilot project through the National Security Education Pro-
20 gram.”.

21 (c) *REPEAL OF SPECIFICATION OF DURATION OF*
22 *PROJECT.*—Such section is further amended—

23 (1) by striking subsection (c); and

24 (2) by redesignating subsections (d) and (e) as
25 subsections (c) and (d), respectively.

1 (d) *MODIFICATION OF REPORT REQUIREMENTS.*—
2 Subsection (d) of such section, as redesignated by subsection
3 (b) of this section, is further amended—

4 (1) in paragraph (1), by striking “an initial
5 and a final report” and inserting “a report”;

6 (2) in paragraph (2), by striking “Each report”
7 and inserting “The report”; and

8 (3) in paragraph (3), by striking “final report”
9 and inserting “report required under paragraph (1)”.

10 (e) *REPEAL OF SUPERSEDED AUTHORIZATION.*—Such
11 section is further amended by striking subsection (f).

12 **SEC. 1034. IMPROVEMENT OF AUTHORITIES ON THE NA-**
13 **TIONAL SECURITY EDUCATION PROGRAM.**

14 (a) *EXPANSION OF EMPLOYMENT CREDITABLE UNDER*
15 *SERVICE AGREEMENTS.*—Paragraph (2) of subsection (b)
16 of section 802 of the David L. Boren National Security
17 Education Act of 1991 (50 U.S.C. 1902) is amended to read
18 as follows:

19 “(2)(A) will (in accordance with regulations pre-
20 scribed by the Secretary of Defense in coordination
21 with the heads of the other Federal departments and
22 agencies concerned) begin work not later than three
23 years after the recipient’s completion of degree study
24 during which scholarship assistance was provided
25 under the program—

1 “(i) for not less than one year in a position
2 certified by the Secretary of Defense, in coordi-
3 nation with the Director of National Intelligence,
4 the Secretary of Homeland Security, and the
5 Secretary of State (as appropriate), as contrib-
6 uting to the national security of the United
7 States in the Department of Defense, any ele-
8 ment of the intelligence community, the Depart-
9 ment of Homeland Security, or the Department
10 of State;

11 “(ii) for not less than one year in a posi-
12 tion in a Federal agency or office that is identi-
13 fied by the Secretary of Defense under subsection
14 (g) as having national security responsibilities if
15 the recipient demonstrates to the Secretary that
16 no position is available in the departments and
17 agencies covered by clause (i); or

18 “(iii) for not less than one academic year in
19 a position in the field of education in a dis-
20 cipline related to the study supported by the pro-
21 gram if the recipient demonstrates to the Sec-
22 retary of Defense that no position is available in
23 the departments, agencies, and offices covered by
24 clauses (i) and (ii); or

1 “(B) will (in accordance with such regulations)
2 begin work not later than two years after the recipi-
3 ent’s completion or termination of study for which fel-
4 lowship assistance was provided under the program—

5 “(i) for not less than one year in a position
6 certified by the Secretary of Defense, in coordi-
7 nation with the Director of National Intelligence,
8 the Secretary of Homeland Security, and the
9 Secretary of State (as appropriate), as contrib-
10 uting to the national security of the United
11 States in the Department of Defense, any ele-
12 ment of the intelligence community, the Depart-
13 ment of Homeland Security, or the Department
14 of State;

15 “(ii) for not less than one year in a posi-
16 tion in a Federal agency or office that is identi-
17 fied by the Secretary of Defense under subsection
18 (g) as having national security responsibilities if
19 the recipient demonstrates to the Secretary that
20 no position is available in the departments and
21 agencies covered by clause (i); or

22 “(iii) for not less than one academic year in
23 a position in the field of education in a dis-
24 cipline related to the study supported by the pro-
25 gram if the recipient demonstrates to the Sec-

1 *retary of Defense that no position is available in*
2 *the departments, agencies, and offices covered by*
3 *clauses (i) and (ii); and”.*

4 *(b) TEMPORARY EMPLOYMENT AND RETENTION OF*
5 *CERTAIN PARTICIPANTS.—Such section is further*
6 *amended—*

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

9 *(2) by inserting after subsection (g) the following*
10 *new subsection (h):*

11 *“(h) TEMPORARY EMPLOYMENT AND RETENTION OF*
12 *CERTAIN PARTICIPANTS.—*

13 *“(1) IN GENERAL.—The Secretary of Defense*
14 *may—*

15 *“(A) appoint or retain a person provided*
16 *scholarship or fellowship assistance under the*
17 *program in a position in the Department of De-*
18 *fense on an interim basis during the period of*
19 *the person’s pursuit of a degree under the pro-*
20 *gram and for a period not to exceed two years*
21 *after completion of the degree, but only if, in the*
22 *case of the period after completion of the*
23 *degree—*

1 “(i) there is no appropriate permanent
2 position for the person under subsection
3 (b)(2)(A); and

4 “(ii) there is an active and ongoing ef-
5 fort to identify and assign the person to an
6 appropriate permanent position as soon as
7 possible; and

8 “(B) if there is no appropriate permanent
9 position available for the person after the end of
10 the periods described in subparagraph (A), sepa-
11 rate the person from employment with the De-
12 partment without regard to any other provision
13 of law, in which event the service agreement of
14 the person under subsection (b) shall terminate.

15 “(2) TREATMENT OF CERTAIN SERVICE.—The pe-
16 riod of service of a person covered by paragraph (1)
17 in a position on an interim basis under that para-
18 graph shall, after completion of the degree, be treated
19 as a period of service for purposes of satisfying the
20 obligated service requirements of the person under the
21 service agreement of the person under subsection (b).”.

22 (c) PLAN FOR IMPROVING PROGRAM.—Not later than
23 90 days after the date of the enactment of this Act, the Sec-
24 retary of Defense shall submit to Congress a plan for im-
25 proving the recruitment, placement, and retention within

1 *the Department of Defense of individuals who receive schol-*
2 *arships or fellowships under the David L. Boren National*
3 *Security Education Act of 1991 (50 U.S.C. 1901 et seq.)*
4 *in order to facilitate the purposes of that Act in meeting*
5 *the requirements of the Department in acquiring individ-*
6 *uals with critical foreign language skills and individuals*
7 *who are regional experts.*

8 **SEC. 1035. COLLECTION BY NATIONAL SECURITY AGENCY**
9 **OF SERVICE CHARGES FOR CERTIFICATION**
10 **OR VALIDATION OF INFORMATION ASSUR-**
11 **ANCE PRODUCTS.**

12 *The National Security Agency Act of 1959 (50 U.S.C.*
13 *402 note) is amended by adding at the end the following*
14 *new section:*

15 *“SEC. 20.(a) The Director may collect charges for eval-*
16 *uating, certifying, or validating information assurance*
17 *products under the National Information Assurance Pro-*
18 *gram or successor program.*

19 *“(b) The charges collected under subsection (a) shall*
20 *be established through a public rulemaking process in ac-*
21 *cordance with Office of Management and Budget Circular*
22 *No. A–25.*

23 *“(c) Charges collected under subsection (a) shall not*
24 *exceed the direct costs of the program referred to in that*
25 *subsection.*

1 “(d) *The appropriation or fund bearing the cost of the*
2 *service for which charges are collected under the program*
3 *referred to in subsection (a) may be reimbursed, or the Di-*
4 *rector may require advance payment subject to such adjust-*
5 *ment on completion of the work as may be agreed upon.*

6 “(e) *Amounts collected under this section shall be cred-*
7 *ited to the account or accounts from which costs associated*
8 *with such amounts have been or will be incurred, to reim-*
9 *burse or offset the direct costs of the program referred to*
10 *in subsection (a).”.*

11 **SEC. 1036. FUNDING FOR A CERTAIN MILITARY INTEL-**
12 **LIGENCE PROGRAM.**

13 (a) *INCREASE IN AMOUNT FOR RESEARCH, DEVELOP-*
14 *MENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The*
15 *amount authorized to be appropriated by section 201(4) for*
16 *research, development, test, and evaluation for Defense-wide*
17 *activities is hereby increased by \$450,000,000.*

18 (b) *OFFSET.—The amount authorized to be appro-*
19 *priated by section 201(3) for research, development, test,*
20 *and evaluation for the Air Force is hereby decreased by*
21 *\$450,000,000, with the amount of the reduction to be allo-*
22 *cated to amounts available for a classified program as de-*
23 *scribed on page 34 of Volume VII (Compartmented Annex)*
24 *of the Fiscal Year 2007 Military Intelligence Program jus-*
25 *tification book.*

1 ***Subtitle E—Defense Against Ter-***
 2 ***rorism and Related Security***
 3 ***Matters***

4 ***SEC. 1041. ENHANCEMENT OF AUTHORITY TO PAY MONE-***
 5 ***TARY REWARDS FOR ASSISTANCE IN COM-***
 6 ***BATING TERRORISM.***

7 *Section 127b(c) of title 10, United States Code, is*
 8 *amended—*

9 *(1) in paragraph (1)(B), by inserting “, or to a*
 10 *subcommander of a combatant command designated*
 11 *by the commander of the combatant command and*
 12 *approved by an Under Secretary of Defense to whom*
 13 *such authority is delegated under subparagraph (A),”*
 14 *after “combatant command”; and*

15 *(2) in paragraph (2), by striking “\$2,500” and*
 16 *inserting “\$10,000”.*

17 ***SEC. 1042. USE OF THE ARMED FORCES IN MAJOR PUBLIC***
 18 ***EMERGENCIES.***

19 *(a) USE OF THE ARMED FORCES AUTHORIZED.—*

20 *(1) IN GENERAL.—Section 333 of title 10,*
 21 *United States Code, is amended to read as follows:*

22 ***“§ 333. Major public emergencies; interference with***
 23 ***State and Federal law***

24 ***“(a) USE OF ARMED FORCES IN MAJOR PUBLIC***
 25 ***EMERGENCIES.—(1) The President may employ the armed***

1 *forces, including the National Guard in Federal service,*
2 *to—*

3 “(A) *restore public order and enforce the laws of*
4 *the United States when, as a result of a natural dis-*
5 *aster, epidemic, or other serious public health emer-*
6 *gency, terrorist attack or incident, or other condition*
7 *in any State or possession of the United States, the*
8 *President determines that—*

9 “(i) *domestic violence has occurred to such*
10 *an extent that the constituted authorities of the*
11 *State or possession are incapable of maintaining*
12 *public order; and*

13 “(ii) *such violence results in a condition de-*
14 *scribed in paragraph (2); or*

15 “(B) *suppress, in a State, any insurrection, do-*
16 *mestic violence, unlawful combination, or conspiracy*
17 *if such insurrection, violation, combination, or con-*
18 *spiracy results in a condition described in paragraph*
19 *(2).*

20 “(2) *A condition described in this paragraph is a con-*
21 *dition that—*

22 “(A) *so hinders the execution of the laws of a*
23 *State or possession, as applicable, and of the United*
24 *States within that State or possession, that any part*
25 *or class of its people is deprived of a right, privilege,*

1 *immunity, or protection named in the Constitution*
2 *and secured by law, and the constituted authorities of*
3 *that State or possession are unable, fail, or refuse to*
4 *protect that right, privilege, or immunity, or to give*
5 *that protection; or*

6 “(B) *opposes or obstructs the execution of the*
7 *laws of the United States or impedes the course of jus-*
8 *tice under those laws.*”

9 “(3) *In any situation covered by paragraph (1)(B),*
10 *the State shall be considered to have denied the equal protec-*
11 *tion of the laws secured by the Constitution.*”

12 “(b) *NOTICE TO CONGRESS.—The President shall no-*
13 *tify Congress of the determination to exercise the authority*
14 *in subsection (a)(1)(A) as soon as practicable after the de-*
15 *termination and every 14 days thereafter during the dura-*
16 *tion of the exercise of the authority.*”

17 “(2) *PROCLAMATION TO DISPERSE.—Section 334*
18 *of such title is amended by inserting “or those ob-*
19 *structing the enforcement of the laws” after “insur-*
20 *gents”.*”

21 “(3) *HEADING AMENDMENT.—The heading of such*
22 *15 of such title is amended to read as follows:*

1 **“CHAPTER 15—ENFORCEMENT OF THE**
 2 **LAWS TO RESTORE PUBLIC ORDER”.**

3 (4) *CLERICAL AMENDMENTS.—(A) The table of*
 4 *chapters at the beginning of subtitle A of title 10,*
 5 *United States Code, and at the beginning of part I*
 6 *of such subtitle, are each amended by striking the*
 7 *item relating to chapter 15 and inserting the fol-*
 8 *lowing new item:*

“15. Enforcement of the Laws To Restore Public Order 331”.

9 (B) *The table of sections at the beginning of*
 10 *chapter 15 of such title is amended by striking the*
 11 *item relating to sections 333 and inserting the fol-*
 12 *lowing new item:*

“333. Major public emergencies; interference with State and Federal law.”.

13 (b) *PROVISION OF SUPPLIES, SERVICES, AND EQUIP-*
 14 *MENT.—*

15 (1) *IN GENERAL.—Chapter 152 of such title is*
 16 *amended by adding at the end the following new sec-*
 17 *tion:*

18 **“§ 2567. Provision of supplies, services, and equipment**
 19 **in major public emergencies**

20 “(a) *PROVISION AUTHORIZED.—In any situation in*
 21 *which the President determines to exercise the authority in*
 22 *section 333(a)(1)(A) of this title, the President may direct*
 23 *the Secretary of Defense to provide supplies, services, and*
 24 *equipment to persons affected by the situation.*

1 “(b) *COVERED SUPPLIES, SERVICES, AND EQUIP-*
2 *MENT.—The supplies, services, and equipment provided*
3 *under this section may include food, water, utilities, bed-*
4 *ding, transportation, tentage, search and rescue, medical*
5 *care, minor repairs, the removal of debris, and other assist-*
6 *ance necessary for the immediate preservation of life and*
7 *property.*

8 “(c) *LIMITATIONS.—(1) Supplies, services, and equip-*
9 *ment may be provided under this section—*

10 “(A) *only to the extent that the constituted au-*
11 *thorities of the State or possession concerned are un-*
12 *able to provide such supplies, services, and equipment,*
13 *as the case may be; and*

14 “(B) *only until such authorities, or other depart-*
15 *ments or agencies of the United States charged with*
16 *the provision of such supplies, services, and equip-*
17 *ment, are able to provide such supplies, services, and*
18 *equipment.*

19 “(2) *The Secretary may provide supplies, services, and*
20 *equipment under this section only to the extent that the Sec-*
21 *retary determines that doing so will not interfere with mili-*
22 *tary preparedness or ongoing military operations or func-*
23 *tions.*

24 “(d) *INAPPLICABILITY OF CERTAIN AUTHORITIES.—*
25 *The provision of supplies, services, or equipment under this*

1 *section shall not be subject to the provisions of section 403(c)*
 2 *of the Robert T. Stafford Disaster Relief and Emergency*
 3 *Assistance Act (42 U.S.C. 5170b(c)).”.*

4 (2) *CLERICAL AMENDMENT.—The table of sec-*
 5 *tions at the beginning of such chapter is amended by*
 6 *adding at the end the following new item:*

“2567. Provision of supplies, services, and equipment in major public emer-
gencies.”.

7 (c) *CONFORMING AMENDMENTS.—Section 12304(c) of*
 8 *such title is amended—*

9 (1) *by striking paragraph (1); and*

10 (2) *by redesignating paragraphs (2) and (3) as*
 11 *paragraphs (1) and (2), respectively.*

12 **SEC. 1043. TREATMENT UNDER FREEDOM OF INFORMATION**
 13 **ACT OF CERTAIN CONFIDENTIAL INFORMA-**
 14 **TION SHARED WITH STATE AND LOCAL PER-**
 15 **SONNEL.**

16 *Confidential business information and other sensitive*
 17 *but unclassified homeland security information in the pos-*
 18 *session of the Department of Defense that is shared, pursu-*
 19 *ant to section 892 of the Homeland Security Act of 2002*
 20 *(6 U.S.C. 482), with State and local personnel involved in*
 21 *the prevention, interdiction, or disruption of, or response*
 22 *to, terrorist activity shall not be subject to disclosure under*
 23 *section 552 of title 5, United States Code (commonly re-*

1 *ferred to as the “Freedom of Information Act”), by virtue*
2 *of the sharing of such information with such personnel.*

3 **SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR**
4 **SECURING THE SOUTHERN LAND BORDER OF**
5 **THE UNITED STATES.**

6 (a) *AUTHORITY TO PROVIDE ASSISTANCE.—(1) With*
7 *the approval of the Secretary of Defense, the Governor of*
8 *a State may order any units or personnel of the National*
9 *Guard of such State to annual training duty under section*
10 *502(a) of title 32, United States Code, to carry out in any*
11 *State along the southern land border of the United States*
12 *the activities authorized in subsection (b) for the purpose*
13 *of securing such border. Such duty shall not exceed 21 days*
14 *in any year.*

15 (2) *With the approval of the Secretary of Defense, the*
16 *Governor of a State may order any units or personnel of*
17 *the National Guard of such State to perform duty under*
18 *section 502(f) of title 32, United States Code, to provide*
19 *command, control, and continuity of support for units and*
20 *personnel performing annual training duty under para-*
21 *graph (1).*

22 (b) *AUTHORIZED ACTIVITIES.—The activities author-*
23 *ized by this subsection are the following:*

24 (1) *Ground surveillance activities.*

25 (2) *Airborne surveillance activities.*

1 (3) *Logistical support.*

2 (4) *Provision of translation services and train-*
3 *ing.*

4 (5) *Provision of administrative support services.*

5 (6) *Provision of technical training services.*

6 (7) *Provision of emergency medical assistance*
7 *and services.*

8 (8) *Provision of communications services.*

9 (9) *Rescue of aliens in peril.*

10 (10) *Construction of roadways, patrol roads,*
11 *fences, barriers, and other facilities to secure the*
12 *southern land border of the United States.*

13 (11) *Ground and air transportation.*

14 (c) *COOPERATIVE AGREEMENTS.—Units and per-*
15 *sonnel of the National Guard of a State may perform ac-*
16 *tivities in another State under subsection (a) only pursuant*
17 *to the terms of an emergency management assistance com-*
18 *pact or other cooperative arrangement entered into between*
19 *the Governors of such States for purposes of this section,*
20 *and only with the approval of the Secretary of Defense.*

21 (d) *COORDINATION OF ASSISTANCE.—The Secretary of*
22 *Homeland Security shall, in consultation with the Sec-*
23 *retary of Defense and the Governors of the States concerned,*
24 *coordinate the performance of activities under this section*
25 *by units and personnel of the National Guard.*

1 (e) *ANNUAL TRAINING.*—*Annual training duty per-*
2 *formed by members of the National Guard under this sec-*
3 *tion shall be appropriate for the units and individual mem-*
4 *bers concerned, taking into account the types of units and*
5 *military occupational specialties of individual members*
6 *performing such duty.*

7 (f) *PROHIBITION ON DIRECT PARTICIPATION IN LAW*
8 *ENFORCEMENT.*—*Activities carried out under this section*
9 *shall not include the direct participation of a member of*
10 *the National Guard in a search, seizure, arrest, or similar*
11 *activity.*

12 (g) *DURATION OF AUTHORITY.*—*The authority of this*
13 *section shall expire on January 1, 2009.*

14 (h) *DEFINITIONS.*—*In this section:*

15 (1) *The term “Governor of a State” means, in*
16 *the case of the District of Columbia, the Commanding*
17 *General of the National Guard of the District of Co-*
18 *lumbia.*

19 (2) *The term “State” means each of the several*
20 *States and the District of Columbia, the Common-*
21 *wealth of Puerto Rico, Guam, and the Virgin Islands.*

22 (3) *The term “State along the southern land bor-*
23 *der of the United States” means each of the following:*

24 (A) *The State of Arizona.*

25 (B) *The State of California.*

1 (C) *The State of New Mexico.*

2 (D) *The State of Texas.*

3 ***Subtitle F—Miscellaneous Authori-***
4 ***ties on Availability and Use of***
5 ***Funds***

6 ***SEC. 1051. ACCEPTANCE AND RETENTION OF REIMBURSE-***
7 ***MENT FROM NON-FEDERAL SOURCES TO DE-***
8 ***FRAY DEPARTMENT OF DEFENSE COSTS OF***
9 ***CONFERENCES.***

10 (a) *IN GENERAL.*—Subchapter II of chapter 134 of
11 *title 10, United States Code, is amended by adding at the*
12 *end the following new section:*

13 ***“§ 2262. Department of Defense conferences: collection***
14 ***of fees to cover Department of Defense***
15 ***costs***

16 “(a) *IN GENERAL.*—(1) *The Secretary of Defense may,*
17 *whether directly or by contract, collect fees from any indi-*
18 *vidual or commercial participant in a conference, seminar,*
19 *exhibition, symposium, or similar meeting (in this section*
20 *referred to collectively as a ‘conference’) conducted by the*
21 *Department of Defense.*

22 “(2) *Fees may be collected with respect to a conference*
23 *under this subsection in advance of the conference.*

1 “(3) *The total amount of fees collected under this sub-*
2 *section with respect to a conference may not exceed the costs*
3 *of the Department of Defense with respect to the conference.*

4 “(b) *TREATMENT OF COLLECTIONS.—(1) Amounts col-*
5 *lected under subsection (a) with respect to a conference shall*
6 *be credited to the appropriation or account from which the*
7 *costs of the conference are paid.*

8 “(2) *In the event the total amount of fees collected with*
9 *respect to a conference exceeds the costs of the Department*
10 *with respect to the conference, the amount of such excess*
11 *shall be deposited into the Treasury as miscellaneous re-*
12 *ceipts.*

13 “(3) *Amounts credited to an appropriation or account*
14 *under paragraph (1) with respect to a conference shall be*
15 *available to pay the costs of the Department with respect*
16 *to the conference or to reimburse the Department for costs*
17 *incurred with respect to the conference.*

18 “(c) *ANNUAL REPORTS.—(1) Each year, not later than*
19 *45 days after the President submits to Congress the budget*
20 *for a fiscal year under section 1105 of title 31, the Secretary*
21 *shall submit to the congressional defense committees budget*
22 *justification documents summarizing the use of the author-*
23 *ity under this section.*

24 “(2) *Each report under this subsection shall include*
25 *the following:*

1 “(A) A list of conferences during the last two cal-
2 endar years for which fees were collected under sub-
3 section (a).

4 “(B) For each conference listed under subpara-
5 graph (A)—

6 “(i) The estimated costs of the Department
7 for such conference.

8 “(ii) The actual costs of the Department for
9 such conference, including a separate statement
10 of the amount of any conference coordinator fees
11 associated with such conference.

12 “(iii) The amount for collected under sub-
13 section (a) for such conference.

14 “(C) An estimate of the number of conferences to
15 be conducted in the calendar year of such report for
16 which the Department will collect fees under sub-
17 section (a).”.

18 (b) *CLERICAL AMENDMENT.*—The table of sections at
19 the beginning of subchapter II of chapter 134 of such title
20 is amended by adding at the end the following new item:

 “2262. Department of Defense conferences: collection of fees to cover Department
 of Defense costs.”.

1 **SEC. 1052. MINIMUM ANNUAL PURCHASE AMOUNTS FOR**
2 **AIRLIFT FROM CARRIERS PARTICIPATING IN**
3 **THE CIVIL RESERVE AIR FLEET.**

4 (a) *IN GENERAL.*—Chapter 931 of title 10, United
5 States Code, is amended by adding at the end the following
6 new section:

7 **“§9515. Airlift services: minimum annual purchase**
8 **amount for carriers participating in Civil**
9 **Reserve Air Fleet**

10 “(a) *IN GENERAL.*—The Secretary of Defense may
11 award to air carriers participating in the Civil Reserve Air
12 Fleet on a fiscal year basis a one-year contract for airlift
13 services with a minimum purchase amount determined in
14 accordance with this section.

15 “(b) *MINIMUM PURCHASE AMOUNT.*—(1) The aggre-
16 gate amount of the minimum purchase amount for all con-
17 tracts awarded under subsection (a) for a fiscal year shall
18 be based on forecast needs, but may not exceed the amount
19 equal to 80 percent of the annual average expenditure of
20 the Department of Defense for airlift during the five-fiscal
21 year period ending in the fiscal year before the fiscal year
22 for which such contracts are awarded.

23 “(2) In calculating the annual average expenditure of
24 the Department of Defense for airlift for purposes of para-
25 graph (1), the Secretary of Defense may omit from the cal-
26 culation any fiscal year exhibiting unusually high demand

1 for airlift if the Secretary determines that the omission of
2 such fiscal year from the calculation will result in a more
3 accurate forecast of anticipated airlift for purposes of that
4 paragraph.

5 “(3) The aggregate amount of the minimum purchase
6 amount for all contracts awarded under subsection (a) for
7 a fiscal year, as determined under paragraph (1), shall be
8 allocated among all carriers awarded contracts under that
9 subsection for such fiscal year in proportion to the commit-
10 ments of such carriers to the Civil Reserve Air Fleet for
11 such fiscal year.

12 “(c) *ADJUSTMENT TO MINIMUM PURCHASE AMOUNT*
13 *FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.*—In deter-
14 mining the minimum purchase amount payable under a
15 contract under subsection (a) for airlift provided by a car-
16 rier during the fiscal year covered by such contract, the Sec-
17 retary of Defense may adjust the amount allocated to the
18 carrier under subsection (b)(3) to take into account periods
19 during such fiscal year when services of the carrier are un-
20 available for usage by the Department of Defense, including
21 during periods of refused business or suspended operations
22 or when the carrier is placed in nonuse status pursuant
23 to section 2640 of this title for safety issues.

24 “(d) *DISTRIBUTION OF AMOUNTS.*—If any amount
25 available under this section for the minimum purchase of

1 *airlift from a carrier for a fiscal year under a contract*
2 *under subsection (a) is not utilized to purchase airlift from*
3 *the carrier in such fiscal year, such amount shall be pro-*
4 *vided to the carrier prior to the first day of the following*
5 *fiscal year.*

6 “(e) *TRANSFER OF FUNDS.—At the beginning of each*
7 *fiscal year, the Secretary of each military department shall*
8 *transfer to the transportation working capital fund a per-*
9 *centage of the total amount anticipated to be required in*
10 *such fiscal year for payment of minimum purchase*
11 *amounts under all contracts awarded under subsection (a)*
12 *for such fiscal year equivalent to the percentage of the an-*
13 *ticipated use of airlift by such military department during*
14 *such fiscal year from all carriers under contracts awarded*
15 *under subsection (a) for such fiscal year.*

16 “(f) *AVAILABILITY OF AIRLIFT.—(1) From the total*
17 *amount of airlift available for a fiscal year under all con-*
18 *tracts awarded under subsection (a) for such fiscal year,*
19 *a military department shall be entitled to obtain a percent-*
20 *age of such airlift equivalent to the percentage of the con-*
21 *tribution of the military department to the transportation*
22 *working capital fund for such fiscal year under subsection*
23 *(e).*

24 “(2) *A military department may transfer any entitle-*
25 *ment to airlift under paragraph (1) to any other military*

1 *department or to any other agency, element, or component*
2 *of the Department of Defense.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
4 *the beginning of chapter 931 of such title is amended by*
5 *adding at the end the following new item:*

“9515. *Airlift services: minimum annual purchase amount for carriers partici-*
parting in Civil Reserve Air Fleet.”.

6 **SEC. 1053. INCREASED FLEXIBILITY IN USE OF FUNDS FOR**
7 **JOINT STAFF EXERCISES.**

8 (a) *IN GENERAL.*—*Amounts available to the Chair-*
9 *man of the Joint Chiefs of Staff for joint staff exercises may*
10 *be available for any expenses as follows:*

11 (1) *Expenses of the Armed Forces in connection*
12 *with such exercises, including expense relating to self-*
13 *deploying watercraft under the jurisdiction of a mili-*
14 *tary department.*

15 (2) *Expenses relating to the costs of port support*
16 *activities in connection with such exercises, including*
17 *transportation and port handling.*

18 (3) *Expenses relating to the breakout and oper-*
19 *ation of prepositioned watercraft and lighterage for*
20 *joint logistics and over the shore exercises in connec-*
21 *tion with such exercises.*

22 (b) *SUPPLEMENT NOT SUPPLANT.*—*Any amounts*
23 *made available by the Chairman of the Joint Chiefs of Staff*
24 *under subsection (a) for expenses covered by that subsection*

1 *are in addition to any other amounts available under law*
2 *for such expenses.*

3 **SEC. 1054. STRENGTHENING THE SPECIAL INSPECTOR GEN-**
4 **ERAL FOR IRAQ RECONSTRUCTION.**

5 *For purposes of discharging the duties of the Special*
6 *Inspector General for Iraq Reconstruction under subsection*
7 *(f) of section 3001 of the Emergency Supplemental Appro-*
8 *priations Act for Defense and for the Reconstruction of Iraq*
9 *and Afghanistan, 2004 (5 U.S.C. 8G note), and for purposes*
10 *of determining the date of termination of the Office of the*
11 *Special Inspector General under subsection (o) of such sec-*
12 *tion, any funds appropriated or otherwise made available*
13 *for fiscal year 2006 for the reconstruction of Iraq, regardless*
14 *of how such funds may be designated, shall be treated as*
15 *amounts appropriated or otherwise made available for the*
16 *Iraq Relief and Reconstruction Fund.*

17 **Subtitle G—Report Matters**

18 **SEC. 1061. REPORT ON CLARIFICATION OF PROHIBITION ON**
19 **CRUEL, INHUMAN, OR DEGRADING TREAT-**
20 **MENT OR PUNISHMENT.**

21 *(a) FINDINGS.—Congress makes the following findings:*

22 *(1) It is critical that members of the Armed*
23 *Forces have clear guidelines about the legality of in-*
24 *terrogation techniques as they seek critical intelligence*
25 *in the War on Terrorism.*

1 (2) *To avoid confusion, any determination made*
2 *about the legality of various interrogation techniques*
3 *must be consistent across the United States Govern-*
4 *ment.*

5 (3) *Confusion continues about the permissibility*
6 *of various interrogation techniques, even after the en-*
7 *actment of the Detainee Treatment Act of 2005 (title*
8 *X of division A of Public Law 109–148).*

9 (4) *In testimony before the Senate and in writ-*
10 *ten response to queries from the Senate, senior mili-*
11 *tary commanders, Judge Advocates General of the*
12 *Armed Forces, and various civilian officials of the*
13 *Executive Branch have given incomplete or varying*
14 *answers to questions on what constitutes cruel, inhu-*
15 *man, or degrading treatment.*

16 (5) *It is critical to clarify these matters in order*
17 *to ensure that members of the Armed Forces do not*
18 *receive unclear or misleading guidance on such mat-*
19 *ters.*

20 (b) *REPORT.—Not later than 90 days after the date*
21 *of the enactment of this Act, the President shall submit to*
22 *the congressional defense committees a report setting forth*
23 *the coordinated and definitive legal opinion of the United*
24 *States Government on whether each of the following interro-*
25 *gation techniques constitutes cruel, inhuman, or degrading*

1 *treatment or punishment (as defined in section 1002(d) of*
2 *the Detainee Treatment Act of 2006 (as defined in the De-*
3 *tainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C.*
4 *2000dd(d)):*

5 (1) *Waterboarding, or any other technique using*
6 *water, bags, or other devices or substances to induce*
7 *a sensation of drowning or asphyxiation.*

8 (2) *Sleep deprivation, including, at a minimum,*
9 *depriving a prisoner of sleep for 24 hours or more or*
10 *permitting five or less hours of sleep per day over a*
11 *period of three or more days.*

12 (3) *Stress positions, including the use of any*
13 *technique in which a prisoner is placed or shackled*
14 *in a painful or awkward position (including pro-*
15 *longed standing or crouching, shackling arms above*
16 *the head for prolonged periods, or the use of shackles*
17 *or handcuffs in a manner which causes pain due to*
18 *the swelling of tissue over a prolonged period of time).*

19 (4) *The use of extreme temperatures as an aid to*
20 *interrogation.*

21 (5) *The use of beatings, slapping, or violent*
22 *shaking.*

23 (6) *The use of dogs as an aid to interrogation.*

24 (7) *The use of nakedness or other forms of sexual*
25 *humiliation as an aid to interrogation.*

1 (c) *ELEMENTS.*—*The report under subsection (b) shall*
2 *state, for each interrogation technique listed in that sub-*
3 *section, the following*

4 (1) *Whether the technique would constitute cruel*
5 *and unusual punishment under the Constitution of*
6 *the United States if used on a United States citizen*
7 *within the United States.*

8 (2) *Whether the technique would constitute cruel*
9 *and unusual punishment under the Constitution of*
10 *the United States if used on a United States citizen*
11 *outside the United States.*

12 (3) *Whether the technique would be legal if used*
13 *to interrogate a member of the Armed Forces of the*
14 *United States by a state party to the Geneva Conven-*
15 *tions.*

16 (4) *Whether the technique would be legal if used*
17 *to interrogate a United States citizen by a state party*
18 *to the Convention Against Torture and Other Cruel,*
19 *Inhuman or Degrading Treatment or Punishment.*

20 (d) *CERTIFICATION ON NATURE OF OPINIONS.*—*The*
21 *report under subsection (b) shall include a certification that*
22 *the legal opinions set forth in the report are the coordinated*
23 *and definitive opinion of the United States Government*
24 *binding on all departments and agencies of the United*
25 *States Government, any personnel of such departments and*

1 agencies, and any contractors of such departments and
2 agencies.

3 (e) *DISSEMINATION OF OPINIONS.*—

4 (1) *IN GENERAL.*—*The President shall ensure the*
5 *dissemination of the legal opinions set forth in the re-*
6 *port to all departments and agencies of the United*
7 *States Government, together with the instruction that*
8 *such opinions be further disseminated to all personnel*
9 *of such departments and agencies and all contractors*
10 *of such departments and agencies.*

11 (2) *CERTIFICATION ON DISSEMINATION.*—*The re-*
12 *port shall include a certification regarding compli-*
13 *ance with the requirement in paragraph (1).*

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

15 (1) *The term “Convention Against Torture and*
16 *Other Cruel, Inhuman or Degrading Treatment or*
17 *Punishment” means the Convention Against Torture*
18 *and Other Cruel, Inhuman or Degrading Treatment*
19 *or Punishment, done at New York, December 10,*
20 *1984, and entering into force June 26, 1987 (T. Doc.*
21 *100–20).*

22 (2) *The term “Geneva Conventions” means—*

23 (A) *the Convention for the Amelioration of*
24 *the Condition of the Wounded and Sick in*

1 *Armed Forces in the Field, done at Geneva Au-*
2 *gust 12, 1949 (6 UST 3114);*

3 *(B) the Convention for the Amelioration of*
4 *the Condition of the Wounded, Sick, and Ship-*
5 *wrecked Members of Armed Forces at Sea, done*
6 *at Geneva August 12, 1949 (6 UST 3217);*

7 *(C) the Convention Relative to the Treat-*
8 *ment of Prisoners of War, done at Geneva Au-*
9 *gust 12, 1949 (6 UST 3316); and*

10 *(D) the Convention Relative to the Protec-*
11 *tion of Civilian Persons in Time of War, done*
12 *at Geneva August 12, 1949 (6 UST 3516).*

13 **SEC. 1062. REPORTS ON MEMBERS OF THE ARMED FORCES**
14 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
15 **MENT OF DEFENSE SERVING IN THE LEGISLA-**
16 **TIVE BRANCH.**

17 *(a) MONTHLY REPORTS ON DETAILS AND FELLOW-*
18 *SHIPS OF LONG DURATION.—Not later than 120 days after*
19 *the date of the enactment of this Act, and monthly there-*
20 *after, the Secretary of Defense shall submit to the congres-*
21 *sional defense committees a report on the members of the*
22 *Armed Forces and civilian employees of the Department of*
23 *Defense who, as of the date of such report, have served con-*
24 *tinuously in the Legislative Branch for more than 12 con-*

1 *secutive months in one or a combination of covered legisla-*
2 *tive details or fellowships.*

3 **(b) REPORTS ON CERTAIN MILITARY DETAILS AND**
4 *FELLOWSHIPS.—If a member of the Armed Forces is as-*
5 *signed to a covered legislative detail or fellowship as the*
6 *last tour of duty of such member before retirement or sepa-*
7 *ration from the Armed Forces in contravention of the regu-*
8 *lations of the Department of Defense, the Secretary shall*
9 *submit to the congressional defense committees a report on*
10 *the assignment of such member to such covered legislative*
11 *detail or fellowship. The report shall include a rationale*
12 *for the waiver of the regulations of the Department in order*
13 *to permit the detail or fellowship.*

14 **(c) REPORT ELEMENTS.—Each report under sub-**
15 *section (a) or (b) shall set forth, for each member of the*
16 *Armed Forces or civilian employee covered of the Depart-*
17 *ment of Defense covered by such report, the following:*

18 (1) *The name of such member or employee.*

19 (2) *In the case of a member, the Armed Force of*
20 *such member.*

21 (3) *The committee or member of Congress to*
22 *which such member or employee is detailed or as-*
23 *signed.*

24 (4) *A general description of the projects or tasks*
25 *undertaken or to be undertaken, as applicable, by*

1 *such member or employee as a detailee, fellow, or*
2 *both.*

3 (5) *The anticipated termination date of the cur-*
4 *rent detail or fellowship of such member or employee.*

5 (d) *COVERED LEGISLATIVE DETAIL OR FELLOWSHIP*
6 *DEFINED.—In this section, the term “covered legislative de-*
7 *tail or fellowship” means the following:*

8 (1) *A detail under the provisions of Department*
9 *of Defense Directive 1000.17.*

10 (2) *A legislative fellowship (including a legisla-*
11 *tive fellowship under the provisions of Department of*
12 *Defense Directive 1322.6).*

13 **SEC. 1063. ADDITIONAL ELEMENT IN ANNUAL REPORT ON**
14 **CHEMICAL AND BIOLOGICAL WARFARE DE-**
15 **FENSE.**

16 *Section 1703(b) of the National Defense Authorization*
17 *Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended*
18 *by adding at the end the following new paragraph:*

19 “(10) *A description of the coordination and inte-*
20 *gration of the program of the Defense Advanced Re-*
21 *search Projects Agency (DARPA) on basic and ap-*
22 *plied research and advanced technology development*
23 *on chemical and biological warfare defense tech-*
24 *nologies and systems under section 1701(c)(2) with*

1 *the overall program of the Department of Defense on*
2 *chemical and biological warfare defense, including—*

3 *“(A) the degree to which the program of the*
4 *Defense Advanced Research Projects Agency sup-*
5 *ports the objectives and requirements of the pro-*
6 *gram of the Department of Defense; and*

7 *“(B) the means of determining the level of*
8 *coordination and support provided by the pro-*
9 *gram of the Defense Advanced Research Projects*
10 *Agency for the program of the Department of De-*
11 *fense.”.*

12 **SEC. 1064. REPORT ON LOCAL BOARDS OF TRUSTEES OF**
13 **THE ARMED FORCES RETIREMENT HOME.**

14 *Not later than 30 days after the date of the enactment*
15 *of this Act, the Secretary of Defense shall submit to the con-*
16 *gressional defense committees a report setting forth the fol-*
17 *lowing:*

18 *(1) The current composition and activities of the*
19 *Local Board of Trustees of the Armed Forces Retire-*
20 *ment Home—Washington under section 1516 of the*
21 *Armed Forces Retirement Home Act of 1991 (24*
22 *U.S.C. 416).*

23 *(2) The current composition and activities of the*
24 *Local Board of Trustees of the Armed Forces Retire-*

1 *ment Home—Gulfport under section 1516 of such*
2 *Act.*

3 **SEC. 1065. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

4 (a) *ANNUAL REPORT ON AVIATION CAREER INCENTIVE*
5 *PAY.—Section 301a of title 37, United States Code, is*
6 *amended by striking subsection (f).*

7 (b) *ANNUAL REPORT ON EFFECTS OF CERTAIN INITIA-*
8 *TIVES ON RECRUITMENT AND RETENTION.—*

9 (1) *REPEAL.—Section 1015 of title 37, United*
10 *States Code, is repealed.*

11 (2) *CLERICAL AMENDMENT.—The table of sec-*
12 *tions at the beginning of chapter 19 of such title is*
13 *amended by striking the item relating to section 1015.*

14 (c) *SECRETARY OF DEFENSE RECOMMENDATION ON*
15 *NEED FOR DEFENSE IMPACT REVIEW PROCESS.—Section*
16 *1041 of the National Defense Authorization Act for Fiscal*
17 *Year 2002 (Public Law 107–107; 115 Stat. 1217) is re-*
18 *pealed.*

19 (d) *REPORT ON PILOT PROGRAM TO ENHANCE MILI-*
20 *TARY RECRUITING BY IMPROVING MILITARY AWARENESS*
21 *OF SCHOOL COUNSELORS AND EDUCATORS.—Section 564*
22 *of the Floyd D. Spence National Defense Authorization Act*
23 *for Fiscal Year 2001 (as enacted into law by Public Law*
24 *106–398 (114 Stat. 1654A–134); 10 U.S.C. 503 note) is*
25 *amended by striking subsection (c).*

1 (e) *ANNUAL REPORT ON MEDICAL INFORMATICS.*—
2 *Section 723(d) of the National Defense Authorization Act*
3 *for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended—*

4 (1) *by striking paragraph (5); and*

5 (2) *by redesignating paragraphs (6) and (7) as*
6 *paragraphs (5) and (6), respectively.*

7 (f) *REPORT ON IMPOSITION OF ADDITIONAL CHARGES*
8 *OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.*—*Sec-*
9 *tion 553(b) of the National Defense Authorization Act for*
10 *Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2772;*
11 *10 U.S.C. 4331 note) is amended by striking the second sen-*
12 *tence.*

13 **SEC. 1066. REPORT ON INCENTIVES TO ENCOURAGE CER-**
14 **TAIN MEMBERS AND FORMER MEMBERS OF**
15 **THE ARMED FORCES TO SERVE IN THE BU-**
16 **REAU OF CUSTOMS AND BORDER PROTEC-**
17 **TION.**

18 (a) *REPORT REQUIRED.*—*Not later than 60 days after*
19 *the date of the enactment of this Act, the Secretary of Home-*
20 *land Security and the Secretary of Defense shall jointly sub-*
21 *mit to the appropriate committees of Congress a report as-*
22 *sessing the desirability and feasibility of offering incentives*
23 *to covered members and former members of the Armed*
24 *Forces for the purpose of encouraging such members to serve*
25 *in the Bureau of Customs and Border Protection.*

1 **(b) COVERED MEMBERS AND FORMER MEMBERS OF**
2 *THE ARMED FORCES.*—*For purposes of this section, covered*
3 *members and former members of the Armed Forces are the*
4 *following:*

5 (1) *Members of the reserve components of the*
6 *Armed Forces.*

7 (2) *Former members of the Armed Forces within*
8 *two years of separation from service in the Armed*
9 *Forces.*

10 **(c) REQUIREMENTS AND LIMITATIONS.**—

11 (1) *NATURE OF INCENTIVES.*—*In considering in-*
12 *centives for purposes of the report required by sub-*
13 *section (a), the Secretaries shall consider such incen-*
14 *tives, whether monetary or otherwise and whether or*
15 *not authorized by current law or regulations, as the*
16 *Secretaries jointly consider appropriate.*

17 (2) *TARGETING OF INCENTIVES.*—*In assessing*
18 *any incentive for purposes of the report, the Secre-*
19 *taries shall give particular attention to the utility of*
20 *such incentive in—*

21 (A) *encouraging service in the Bureau of*
22 *Customs and Border Protection after service in*
23 *the Armed Forces by covered members and*
24 *former of the Armed Forces who have provided*
25 *border patrol or border security assistance to the*

1 *Bureau as part of their duties as members of the*
2 *Armed Forces; and*

3 *(B) leveraging military training and expe-*
4 *rience by accelerating training, or allowing cred-*
5 *it to be applied to related areas of training, re-*
6 *quired for service with the Bureau of Customs*
7 *and Border Protection.*

8 *(3) PAYMENT.—In assessing incentives for pur-*
9 *poses of the report, the Secretaries shall assume that*
10 *any costs of such incentives shall be borne by the De-*
11 *partment of Homeland Security.*

12 *(d) ELEMENTS.—The report required by subsection (a)*
13 *shall include the following:*

14 *(1) A description of various monetary and non-*
15 *monetary incentives considered for purposes of the re-*
16 *port.*

17 *(2) An assessment of the desirability and feasi-*
18 *bility of utilizing any such incentive for the purpose*
19 *specified in subsection (a), including an assessment of*
20 *the particular utility of such incentive in encouraging*
21 *service in the Bureau of Customs and Border Protec-*
22 *tion after service in the Armed Forces by covered*
23 *members and former members of the Armed Forces de-*
24 *scribed in subsection (c)(2).*

1 (3) *Any other matters that the Secretaries jointly*
2 *consider appropriate.*

3 (e) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
4 *FINED.—In this section, the term “appropriate committees*
5 *of Congress” means—*

6 (1) *the Committees on Armed Services, Home-*
7 *land Security and Governmental Affairs, and Appro-*
8 *priations of the Senate; and*

9 (2) *the Committees on Armed Services, Home-*
10 *land Security, and Appropriations of the House of*
11 *Representatives.*

12 **SEC. 1067. REPORT ON REPORTING REQUIREMENTS APPLI-**
13 **CABLE TO THE DEPARTMENT OF DEFENSE.**

14 (a) *REPORT REQUIRED.—*

15 (1) *IN GENERAL.—Not later than March 1, 2007,*
16 *the Secretary of Defense shall submit to the congres-*
17 *sional defense committees a report on each report de-*
18 *scribed in paragraph (2) that is required by law to*
19 *be submitted to the congressional defense committees*
20 *by the Department of Defense or any department,*
21 *agency, element, or component under the Department*
22 *of Defense.*

23 (2) *COVERED REPORTS.—Paragraph (1) applies*
24 *with respect to any report required under a provision*
25 *of law enacted on or after the date of the enactment*

1 *of the National Defense Authorization Act for Fiscal*
2 *Year 2004 (Public Law 108–136) that requires recur-*
3 *ring reports to the committees referred to in that*
4 *paragraph.*

5 **(b) ELEMENTS.**—*The report required by subsection (a)*
6 *shall set forth the following:*

7 (1) *Each report described by that subsection, in-*
8 *cluding a statement of the provision of law under*
9 *which such report is required to be submitted to Con-*
10 *gress.*

11 (2) *For each such report, an assessment by the*
12 *Secretary of the utility of such report from the per-*
13 *spective of the Department of Defense and a rec-*
14 *ommendation on the advisability of repealing the re-*
15 *quirement for the submittal of such report.*

16 **SEC. 1068. REPORT ON TECHNOLOGIES FOR NEUTRALIZING**
17 **OR DEFEATING THREATS TO MILITARY RO-**
18 **TARY WING AIRCRAFT FROM PORTABLE AIR**
19 **DEFENSE SYSTEMS AND ROCKET PROPELLED**
20 **GRENADES.**

21 **(a) IN GENERAL.**—*Not later than 180 days after the*
22 *date of the enactment of this Act, the Secretary of Defense*
23 *shall submit to Congress a report on technologies for neu-*
24 *tralizing or defeating threats to military rotary wing air-*
25 *craft posed by portable air defense systems and rocket pro-*

1 *pelled grenades that are being researched, developed, em-*
2 *ployed, or considered by the United States Government or*
3 *the North Atlantic Treaty Organization.*

4 (b) *CONTENT.—The report required under subsection*
5 *(a) shall include—*

6 (1) *an assessment of the expected value and util-*
7 *ity of the technologies, particularly with respect to—*

8 (A) *the saving of lives;*

9 (B) *the ability to reduce the vulnerability of*
10 *aircraft; and*

11 (C) *the enhancement of the ability of air-*
12 *craft and their crews to accomplish assigned*
13 *missions;*

14 (2) *an assessment of the potential costs of devel-*
15 *oping and deploying such technologies;*

16 (3) *a description of efforts undertaken to develop*
17 *such technologies, including—*

18 (A) *non-lethal counter measures;*

19 (B) *lasers and other systems designed to*
20 *dazzle, impede, or obscure threatening weapon or*
21 *their users;*

22 (C) *direct fire response systems;*

23 (D) *directed energy weapons; and*

24 (E) *passive and active systems; and*

1 (4) a description of any impediments to the de-
2 velopment of such technologies, such as legal restric-
3 tions under the law of war, treaty restrictions under
4 the Protocol on Blinding Lasers, and political obsta-
5 cles such as the reluctance of other allied countries to
6 pursue such technologies.

7 **SEC. 1069. REPORTS ON DEPARTMENT OF JUSTICE EF-**
8 **FORTS TO INVESTIGATE AND PROSECUTE**
9 **CASES OF CONTRACTING ABUSE IN IRAQ, AF-**
10 **GHANISTAN, AND THROUGHOUT THE WAR ON**
11 **TERROR.**

12 (a) *FINDINGS.*—Congress makes the following findings:

13 (1) *Waste, fraud, and abuse in contracting are*
14 *harmful to United States efforts to successfully win*
15 *the conflicts in Iraq and Afghanistan and succeed in*
16 *the war on terror. The act of stealing from our sol-*
17 *diers who are daily in harm's way is clearly criminal*
18 *and must be actively prosecuted.*

19 (2) *It is a vital interest of United States tax-*
20 *payers to be protected from theft of their tax dollars*
21 *by corrupt contractors.*

22 (3) *Whistleblower lawsuits are an important tool*
23 *for exposing waste, fraud, and abuse and can identify*
24 *serious graft and corruption.*

1 (4) *This issue is of paramount importance to the*
2 *United States taxpayer, and the Congress must be*
3 *provided with information about alleged contractor*
4 *waste, fraud, and abuse taking place in Iraq, Afghan-*
5 *istan, and throughout the war on terror and about the*
6 *efforts of the Department of Justice to combat these*
7 *crimes.*

8 (b) *REPORTS.—*

9 (1) *IN GENERAL.—Not later than 90 days after*
10 *the date of the enactment of this Act, and every 180*
11 *days thereafter, the Attorney General shall submit to*
12 *the Committee on the Judiciary and the Committee*
13 *on Homeland Security and Governmental Affairs of*
14 *the Senate, the Committee on the Judiciary and the*
15 *Committee on Government Reform of the House of*
16 *Representatives, and the congressional defense com-*
17 *mittees a report on efforts to investigate and prosecute*
18 *cases of waste, fraud, and abuse under sections 3729*
19 *and 3730(b) of title 31, United States Code, or any*
20 *other related law that are related to Federal con-*
21 *tracting in Iraq, Afghanistan, and throughout the*
22 *war on terror.*

23 (2) *CONTENT.—Each report submitted under*
24 *paragraph (1) shall include the following:*

1 (A) *Information on organized efforts of the*
2 *Department of Justice that have been created to*
3 *ensure that the Department of Justice is inves-*
4 *tigating, in a timely and appropriate manner,*
5 *claims of contractor waste, fraud, and abuse re-*
6 *lated to the activities of the United States Gov-*
7 *ernment in Iraq, Afghanistan, and throughout*
8 *the war on terror.*

9 (B) *Information on the specific number of*
10 *personnel, financial resources, and workdays de-*
11 *voted to addressing this waste, fraud, and abuse,*
12 *including a complete listing of all of the offices*
13 *across the United States and throughout the*
14 *world that are working on these cases and an ex-*
15 *planation of the types of additional resources,*
16 *both in terms of personnel and finances, that the*
17 *Department of Justice needs to ensure that all of*
18 *these cases proceed on a timely basis.*

19 (C) *A detailed description of any internal*
20 *Department of Justice task force that exists to*
21 *work specifically on cases of contractor fraud*
22 *and abuse in Iraq, Afghanistan, and throughout*
23 *the war on terror, including a description of its*
24 *action plan, the frequency of its meetings, the*
25 *level and quantity of staff dedicated to it, its*

1 *measures for success, the nature and substance of*
2 *the allegations, and the amount of funds in con-*
3 *troversy for each case. If there is a showing of ex-*
4 *traordinary circumstances that disclosure of par-*
5 *ticular information would pose an imminent*
6 *threat of harm to a relator and be detrimental*
7 *to the public interest, then this information*
8 *should be redacted in accordance with standard*
9 *practices.*

10 (D) *A detailed description of any inter-*
11 *agency task force that exists to work specifically*
12 *on cases of contractor waste, fraud, and abuse in*
13 *Iraq, Afghanistan, and throughout the war on*
14 *terror, including its action plan, the frequency of*
15 *its meetings, the level and quantity of staff dedi-*
16 *cated to it, its measures for success, the type, na-*
17 *ture, and substance of the allegations, and the*
18 *amount of funds in controversy for each case. If*
19 *there is a showing of extraordinary cir-*
20 *cumstances that disclosure of particular informa-*
21 *tion would pose an imminent threat of harm to*
22 *a relator and be detrimental to the public inter-*
23 *est, then this information should be redacted in*
24 *accordance with standard practices.*

1 (E) *The names of the senior officials di-*
2 *rectly responsible for oversight of the efforts to*
3 *address these cases of contractor waste, fraud,*
4 *and abuse in Iraq, Afghanistan, and throughout*
5 *the war on terror.*

6 (F) *Specific information on the number of*
7 *investigators and other personnel that have been*
8 *provided to the Department of Justice by other*
9 *Federal departments and agencies in support of*
10 *the efforts of the Department of Justice to combat*
11 *contractor waste, fraud, and abuse in Iraq, Af-*
12 *ghanistan, and throughout the war on terror, in-*
13 *cluding data on the quantity of time that these*
14 *investigators have spent working within the De-*
15 *partment of Justice structures dedicated to this*
16 *effort.*

17 (G) *Specific information on the full number*
18 *of investigations, including grand jury investiga-*
19 *tions currently underway, that are addressing*
20 *these cases of contractor waste, fraud, and abuse*
21 *in Iraq, Afghanistan, and throughout the war on*
22 *terror.*

23 (H) *Specific information on the number*
24 *and status of the criminal cases that have been*
25 *launched to address contractor waste, fraud, and*

1 *abuse in Iraq, Afghanistan, and throughout the*
2 *war on terror.*

3 *(I) Specific information on the number of*
4 *civil cases that have been filed to address con-*
5 *tractor waste, fraud, and abuse in Iraq, Afghani-*
6 *stan, and throughout the war on terror, includ-*
7 *ing specific information on the quantity of cases*
8 *initiated by private parties, as well as the quan-*
9 *tity of cases that have been referred to the De-*
10 *partment of Justice by the Department of De-*
11 *fense, the Department of State, and other rel-*
12 *evant Federal departments and agencies.*

13 *(J) Specific information on the resolved*
14 *civil and criminal cases that have been filed to*
15 *address contractor waste, fraud, and abuse in*
16 *Iraq, Afghanistan, and throughout the war on*
17 *terror, including the specific results of these*
18 *cases, the types of waste, fraud, and abuse that*
19 *took place, the amount of funds that were re-*
20 *turned to the United States Government as a re-*
21 *sult of resolution of these cases, and a full de-*
22 *scription of the type and substance of the waste,*
23 *fraud, and abuse that took place. If there is a*
24 *showing of extraordinary circumstances that dis-*
25 *closure of particular information would pose an*

1 *imminent threat of harm to a relator and be det-*
2 *rimental to the public interest, then this infor-*
3 *mation should be redacted in accordance with*
4 *standard practices.*

5 *(K) The best estimate by the Department of*
6 *Justice of the scale of the problem of contractor*
7 *waste, fraud, and abuse in Iraq, Afghanistan,*
8 *and throughout the war on terror.*

9 **SEC. 1070. REPORT ON BIODEFENSE STAFFING AND TRAIN-**
10 **ING REQUIREMENTS IN SUPPORT OF NA-**
11 **TIONAL BIOSAFETY LABORATORIES.**

12 *(a) STUDY REQUIRED.—The Secretary of Defense*
13 *shall, in consultation with the Secretary of Homeland Secu-*
14 *rity and the Secretary of Health and Human Services, con-*
15 *duct a study to determine the staffing and training require-*
16 *ments for pending capital programs to construct biodefense*
17 *laboratories (including agriculture and animal labora-*
18 *tories) at Biosafety Level (BSL) 3 and Biosafety Level 4*
19 *or to expand current biodefense laboratories to such bio-*
20 *safety levels.*

21 *(b) ELEMENTS.—In conducting the study, the Sec-*
22 *retary of Defense shall address the following:*

23 *(1) The number of trained personnel, by dis-*
24 *cipline and qualification level, required for existing*

1 *biodefense laboratories at Biosafety Level 3 and Bio-*
2 *safety Level 4.*

3 (2) *The number of research and support staff, in-*
4 *cluding researchers, laboratory technicians, animal*
5 *handlers, facility managers, facility or equipment*
6 *maintainers, biosecurity personnel (including bio-*
7 *safety, physical, and electronic security personnel),*
8 *and other safety personnel required to manage bio-*
9 *defense research efforts to combat bioterrorism at the*
10 *biodefense laboratories described in subsection (a).*

11 (3) *The training required to provide the per-*
12 *sonnel described by paragraphs (1) and (2), including*
13 *the type of training (whether classroom, laboratory,*
14 *or field training) required, the length of training re-*
15 *quired by discipline, and the curriculum required to*
16 *be developed for such training.*

17 (4) *Training schedules necessary to meet the*
18 *scheduled openings of the biodefense laboratories de-*
19 *scribed in subsection (a), including schedules for re-*
20 *resher training and continuing education that may*
21 *be necessary for that purpose.*

22 (c) *REPORT.—Not later than December 31, 2006, the*
23 *Secretary of Defense shall submit to Congress a report set-*
24 *ting forth the results of the study conducted under this sec-*
25 *tion.*

1 **SEC. 1070A. ANNUAL REPORT ON ACQUISITIONS OF ARTI-**
2 **CLES, MATERIALS, AND SUPPLIES MANUFAC-**
3 **TURED OUTSIDE THE UNITED STATES.**

4 (a) *IN GENERAL.*—Not later than March 31 of each
5 year, the Department of Defense shall submit a report to
6 Congress on the amount of the acquisitions made by the
7 agency in the preceding fiscal year of articles, materials,
8 or supplies purchased from entities that manufacture the
9 articles, materials, or supplies outside of the United States.

10 (b) *CONTENT.*—Each report required by subsection (a)
11 shall separately indicate—

12 (1) the dollar value of any articles, materials, or
13 supplies purchased that were manufactured outside of
14 the United States;

15 (2) an itemized list of all waivers granted with
16 respect to such articles, materials, or supplies under
17 the Buy American Act (41 U.S.C. 10a et seq.); and

18 (3) a summary of—

19 (A) the total procurement funds expended
20 on articles, materials, and supplies manufac-
21 tured inside the United States; and

22 (B) the total procurement funds expended
23 on articles, materials, and supplies manufac-
24 tured outside the United States.

25 (c) *PUBLIC AVAILABILITY.*—The Department of De-
26 fense submitting a report under subsection (a) shall make

1 *the report publicly available to the maximum extent prac-*
2 *ticable.*

3 (d) *APPLICABILITY.—This section shall not apply to*
4 *acquisitions made by an agency, or component thereof, that*
5 *is an element of the intelligence community as set forth in*
6 *or designated under section 3(4) of the National Security*
7 *Act of 1947 (50 U.S.C. 401a(4)).*

8 **SEC. 1070B. ANNUAL REPORT ON FOREIGN SALES OF SIG-**
9 **NIFICANT MILITARY EQUIPMENT MANUFAC-**
10 **TURED INSIDE THE UNITED STATES.**

11 (a) *IN GENERAL.—Not later than March 31 of each*
12 *year, the Department of Defense shall submit a report to*
13 *Congress on foreign military sales and direct sales to for-*
14 *ign customers of significant military equipment manufac-*
15 *tured inside the United States.*

16 (b) *CONTENT.—Each report required by subsection (a)*
17 *shall indicate, for each sale in excess of \$2,000,000—*

18 (1) *the nature of the military equipment sold*
19 *and the dollar value of the sale;*

20 (2) *the country to which the military equipment*
21 *was sold; and*

22 (3) *the manufacturer of the equipment and the*
23 *State in which the equipment was manufactured.*

1 (c) *PUBLIC AVAILABILITY.*—*The Department of De-*
2 *fense shall make reports submitted under this section pub-*
3 *licly available to the maximum extent practicable.*

4 **SEC. 1070C. REPORT ON FEASIBILITY OF ESTABLISHING RE-**
5 **REGIONAL COMBATANT COMMAND FOR AFRICA.**

6 (a) *IN GENERAL.*—*Not later than 180 days after the*
7 *date of the enactment of this Act, the Secretary of Defense*
8 *shall submit to the congressional defense committees and the*
9 *Committee on Foreign Relations of the Senate and the Com-*
10 *mittee on International Relations of the House of Rep-*
11 *resentatives a report on the establishment of a United States*
12 *Armed Forces regional combatant command for Africa.*

13 (b) *CONTENT.*—*The report required under subsection*
14 *(a) shall include—*

15 (1) *a study on the feasibility and desirability of*
16 *establishing of a United States Armed Forces regional*
17 *combatant command for Africa;*

18 (2) *an assessment of the benefits and problems*
19 *associated with establishing such a command; and*

20 (3) *an estimate of the costs, time, and resources*
21 *needed to establish such a command.*

1 **SEC. 1070D. ANNUAL REPORTS ON EXPANDED USE OF UN-**
2 **MANNED AERIAL VEHICLES IN THE NATIONAL**
3 **AIRSPACE SYSTEM.**

4 (a) *FINDINGS.—The Senate makes the following find-*
5 *ings:*

6 (1) *Unmanned aerial vehicles (UAVs) serve De-*
7 *partment of Defense intelligence, surveillance, recon-*
8 *naissance, and combat missions.*

9 (2) *Operational reliability of unmanned systems*
10 *continues to improve and sense-and-avoid technology*
11 *development and fielding must continue in an effort*
12 *to provide unmanned aerial systems with an equiva-*
13 *lent level of safety to manned aircraft.*

14 (3) *Unmanned aerial vehicles have the potential*
15 *to support the Nation’s homeland defense mission,*
16 *border security mission, and natural disaster recovery*
17 *efforts.*

18 (4) *Accelerated development and testing of stand-*
19 *ards for the integration of unmanned aerial vehicles*
20 *in the National Airspace System would further the*
21 *increased safe use of such vehicles for border security,*
22 *homeland defense, and natural disaster recovery ef-*
23 *forts.*

24 (b) *ANNUAL REPORTS.—Not later than one year after*
25 *the date of the enactment of this Act and annually thereafter*
26 *until the Federal Aviation Administration promulgates*

1 *such policy, the Secretary of Defense shall submit to the*
 2 *Committees on Armed Services, Commerce, Science and*
 3 *Transportation, and Homeland Security and Governmental*
 4 *Affairs of the Senate and the Committees on Armed Serv-*
 5 *ices, Energy and Commerce, and Government Reform of the*
 6 *House of Representatives a report on the actions of the De-*
 7 *partment of Defense to support the development by the Fed-*
 8 *eral Aviation Administration of a policy on the testing and*
 9 *operation of unmanned aerial vehicles in the National Air-*
 10 *space System.*

11 ***Subtitle H—Technical and***
 12 ***Conforming Amendments***

13 ***SEC. 1071. UNIFORM DEFINITION OF NATIONAL SECURITY***
 14 ***SYSTEM FOR CERTAIN DEPARTMENT OF DE-***
 15 ***FENSE PURPOSES.***

16 (a) ***DEFENSE BUSINESS SYSTEMS.***—*Section*
 17 *2222(j)(6) of title 10, United States Code, is amended by*
 18 *striking “section 2315 of this title” and inserting “section*
 19 *3542(b)(2) of title 44”.*

20 (b) ***INFORMATION TECHNOLOGY.***—*Section 2223(c)(3)*
 21 *of such title is amended by striking “section 11103 of title*
 22 *40” and inserting “section 3542(b)(2) of title 44”.*

23 (c) ***PROCUREMENT OF AUTOMATIC DATA PROCESSING***
 24 ***EQUIPMENT AND SERVICES.***—*The text of section 2315 of*
 25 *such title is amended to read as follows:*

1 *“For the purposes of subtitle III of title 40, the term*
 2 *‘national security system’ has the meaning given that term*
 3 *in section 3542(b)(2) of title 44.”*

4 **SEC. 1072. CONFORMING AMENDMENT RELATING TO RE-**
 5 **DESIGNATION OF DEFENSE COMMUNICA-**
 6 **TIONS AGENCY AS DEFENSE INFORMATION**
 7 **SYSTEMS AGENCY.**

8 *Paragraph (1) of section 193(f) of title 10, United*
 9 *States Code, is amended to read as follows:*

10 *“(1) The Defense Information Systems Agency.”*

11 **SEC. 1073. TECHNICAL AMENDMENT.**

12 *Effective as of the date of the enactment of the National*
 13 *Defense Authorization Act for Fiscal Year 2006 (Public*
 14 *Law 109–163) and as if included in the enactment thereof,*
 15 *section 341(e) of such Act (119 Stat. 3199) is amended by*
 16 *striking “(a)(1)(E)” and inserting “(a)(1)(F)”*

17 ***Subtitle I—Other Matters***

18 **SEC. 1081. NATIONAL FOREIGN LANGUAGE COORDINATION**
 19 **COUNCIL.**

20 *(a) ESTABLISHMENT.—*

21 *(1) IN GENERAL.—Effective on October 1, 2006,*
 22 *there is established the National Foreign Language*
 23 *Coordination Council (in this section referred to as*
 24 *the “Council”).*

1 (2) *INDEPENDENT ESTABLISHMENT.*—*The Na-*
2 *tional Foreign Language Coordination Council shall*
3 *be an independent establishment as defined under sec-*
4 *tion 104 of title 5, United States Code.*

5 (b) *MEMBERSHIP.*—*The Council shall consist of the*
6 *following members or their designees:*

7 (1) *The National Language Director, who shall*
8 *serve as the chairperson of the Council.*

9 (2) *The Secretary of Education.*

10 (3) *The Secretary of Defense.*

11 (4) *The Secretary of State.*

12 (5) *The Secretary of Homeland Security.*

13 (6) *The Attorney General.*

14 (7) *The Director of National Intelligence.*

15 (8) *The Secretary of Labor.*

16 (9) *The Director of the Office of Personnel Man-*
17 *agement.*

18 (10) *The Director of the Office of Management*
19 *and Budget.*

20 (11) *The Secretary of Commerce.*

21 (12) *The Secretary of Health and Human Serv-*
22 *ices.*

23 (13) *The Secretary of the Treasury.*

24 (14) *The Secretary of Housing and Urban Devel-*
25 *opment.*

1 (15) *The Secretary of Agriculture.*

2 (16) *The Chairman and President of the Export-*
3 *Import Bank of the United States.*

4 (17) *The heads of such other Federal agencies as*
5 *the Council considers appropriate.*

6 (c) *RESPONSIBILITIES.—*

7 (1) *IN GENERAL.—The Council shall be charged*
8 *with—*

9 (A) *developing a national foreign language*
10 *strategy, within 18 months of the date of the en-*
11 *actment of this Act, in consultation with—*

12 (i) *State and local government agen-*
13 *cies;*

14 (ii) *academic sector institutions;*

15 (iii) *foreign language related interest*
16 *groups;*

17 (iv) *business associations;*

18 (v) *industry;*

19 (vi) *heritage associations; and*

20 (vii) *other relevant stakeholders;*

21 (B) *conducting a survey of the extent of*
22 *Federal agency foreign language and area exper-*
23 *tise, and of Federal agency needs for such exper-*
24 *tise;*

1 (C) identifying and evaluating the ade-
2 quacy of Federal foreign language programs, in-
3 cluding any duplicative or overlapping programs
4 that may impede efficiency; and

5 (D) monitoring the implementation of such
6 strategy through—

7 (i) application of current and recently
8 enacted laws; and

9 (ii) the promulgation and enforcement
10 of rules and regulations.

11 (2) *STRATEGY CONTENT.*—The strategy developed
12 under paragraph (1) shall include—

13 (A) identification of priorities to expand
14 foreign language skills in the public and private
15 sectors;

16 (B) recommendations for improving coordi-
17 nation of foreign language programs and activi-
18 ties among Federal agencies, enhancing Federal
19 foreign language programs and activities, and
20 allocating resources appropriately in order to
21 maximize the use of resources;

22 (C) needed national policies and cor-
23 responding legislative and regulatory actions in
24 support of, and allocation of designated resources
25 to, promising programs and initiatives at all

1 *levels (Federal, State, and local), especially in*
2 *the less commonly taught languages that are seen*
3 *as critical for national security and global com-*
4 *petitiveness during the next 20 to 50 years;*

5 *(D) effective ways to increase public aware-*
6 *ness of the need for foreign language skills and*
7 *career paths in the public and private sectors*
8 *that can employ those skills, with the objective of*
9 *increasing support for foreign language study*
10 *among—*

11 *(i) Federal, State, and local leaders;*

12 *(ii) students;*

13 *(iii) parents;*

14 *(iv) elementary, secondary, and post-*
15 *secondary educational institutions; and*

16 *(v) employers;*

17 *(E) recommendations for incentives for de-*
18 *veloping related educational programs, including*
19 *foreign language teacher training;*

20 *(F) coordination of public and private sec-*
21 *tor efforts to provide foreign language instruc-*
22 *tion and acquire foreign language and area ex-*
23 *pertise;*

1 (G) coordination of public and private sec-
2 tor initiatives to develop a strategic posture for
3 language research;

4 (H) recommendations for—

5 (i) the development of foreign language
6 achievement standards; and

7 (ii) corresponding assessments of for-
8 eign language achievement standards for the
9 elementary, secondary, and postsecondary
10 education levels, including the National As-
11 sessment of Educational Progress in foreign
12 languages;

13 (I) recommendations for development of—

14 (i) language skill-level certification
15 standards;

16 (ii) frameworks for pre-service and
17 professional development study for those
18 who teach foreign language;

19 (iii) suggested graduation criteria for
20 foreign language studies in non-language
21 areas, such as—

22 (I) international business;

23 (II) national security;

24 (III) public administration;

25 (IV) health care;

1 (V) *engineering;*

2 (VI) *law;*

3 (VII) *journalism; and*

4 (VIII) *sciences;*

5 (J) *identification of and means for repli-*
6 *cating best practices for teaching foreign lan-*
7 *guages in the public and private sectors, includ-*
8 *ing best practices from the international commu-*
9 *nity; and*

10 (K) *recommendations for overcoming bar-*
11 *riers in foreign language proficiency.*

12 (d) *SUBMISSION OF STRATEGY TO PRESIDENT AND*
13 *CONGRESS.—Not later than 18 months after the date of the*
14 *enactment of this Act, the Council shall prepare and trans-*
15 *mit to the President and the relevant committees of Con-*
16 *gress the national foreign language strategy required under*
17 *subsection (c).*

18 (e) *MEETINGS.—The Council may hold such meetings,*
19 *and sit and act at such times and places, as the Council*
20 *considers appropriate, but shall meet in formal session at*
21 *least 2 times a year. State and local government agencies*
22 *and other organizations (such as academic sector institu-*
23 *tions, foreign language-related interest groups, business as-*
24 *sociations, industry, and heritage community organiza-*

1 tions) shall be invited, as appropriate, to public meetings
2 of the Council at least once a year.

3 (f) *STAFF.*—

4 (1) *IN GENERAL.*—*The Director may—*

5 (A) *appoint, without regard to the provi-*
6 *sions of title 5, United States Code, governing*
7 *the competitive service, such personnel as the Di-*
8 *rector considers necessary; and*

9 (B) *compensate such personnel without re-*
10 *gard to the provisions of chapter 51 and sub-*
11 *chapter III of chapter 53 of that title.*

12 (2) *DETAIL OF GOVERNMENT EMPLOYEES.*—

13 *Upon request of the Council, any Federal Government*
14 *employee may be detailed to the Council without re-*
15 *imbursement, and such detail shall be without inter-*
16 *ruption or loss of civil service status or privilege.*

17 (3) *EXPERTS AND CONSULTANTS.*—*With the ap-*

18 *proval of the Council, the Director may procure tem-*
19 *porary and intermittent services under section*
20 *3109(b) of title 5, United States Code.*

21 (4) *TRAVEL EXPENSES.*—*Council members and*

22 *staff shall be allowed travel expenses, including per*
23 *diem in lieu of subsistence, at rates authorized for*
24 *employees of agencies under subchapter I of chapter*
25 *57 of title 5, United States Code, while away from*

1 *their homes or regular places of business in the per-*
2 *formance of services for the Council.*

3 (5) *SECURITY CLEARANCE.*—

4 (A) *IN GENERAL.*—*Subject to subparagraph*
5 *(B), the appropriate Federal agencies or depart-*
6 *ments shall cooperate with the Council in expedi-*
7 *tiously providing to the Council members and*
8 *staff appropriate security clearances to the extent*
9 *possible pursuant to existing procedures and re-*
10 *quirements.*

11 (B) *EXCEPTION.*—*No person shall be pro-*
12 *vided with access to classified information under*
13 *this section without the appropriate required se-*
14 *curity clearance access.*

15 (6) *COMPENSATION.*—*The rate of pay for any*
16 *employee of the Council (including the Director) may*
17 *not exceed the rate payable for level V of the Executive*
18 *Schedule under section 5316 of title 5, United States*
19 *Code.*

20 (g) *POWERS.*—

21 (1) *DELEGATION.*—*Any member or employee of*
22 *the Council may, if authorized by the Council, take*
23 *any action that the Council is authorized to take in*
24 *this section.*

25 (2) *INFORMATION.*—

1 (A) *COUNCIL AUTHORITY TO SECURE.*—The
2 Council may secure directly from any Federal
3 agency such information, consistent with Federal
4 privacy laws, including the Family Educational
5 Rights and Privacy Act (20 U.S.C. 1232g) and
6 the Department of Education’s General Edu-
7 cation Provisions Act (20 U.S.C. 1232(h)), the
8 Council considers necessary to carry out its re-
9 sponsibilities.

10 (B) *REQUIREMENT TO FURNISH RE-*
11 *QUESTED INFORMATION.*—Upon request of the
12 Director, the head of such agency shall furnish
13 such information to the Council.

14 (3) *DONATIONS.*—The Council may accept, use,
15 and dispose of gifts or donations of services or prop-
16 erty.

17 (4) *MAIL.*—The Council may use the United
18 States mail in the same manner and under the same
19 conditions as other Federal agencies.

20 (h) *CONFERENCES, NEWSLETTER, AND WEBSITE.*—In
21 carrying out this section, the Council—

22 (1) may arrange Federal, regional, State, and
23 local conferences for the purpose of developing and co-
24 ordinating effective programs and activities to im-
25 prove foreign language education;

1 (2) *may publish a newsletter concerning Federal,*
2 *State, and local programs that are effectively meeting*
3 *the foreign language needs of the nation; and*

4 (3) *shall create and maintain a website con-*
5 *taining information on the Council and its activities,*
6 *best practices on language education, and other rel-*
7 *evant information.*

8 (i) *REPORTS.*—*Not later than April 1, 2007, and an-*
9 *nually thereafter, the Council shall prepare and transmit*
10 *to the President and the relevant committees of Congress*
11 *a report that describes—*

12 (1) *the activities of the Council to develop the*
13 *national foreign language strategy required under*
14 *subsection (c);*

15 (2) *the findings of the Council as of the date of*
16 *such report;*

17 (3) *the efforts of the Council to improve foreign*
18 *language education and training; and*

19 (4) *impediments identified by the Council to the*
20 *implementation of a comprehensive national foreign*
21 *language strategy, including any statutory and regu-*
22 *latory restrictions.*

23 (j) *ESTABLISHMENT OF NATIONAL LANGUAGE DIREC-*
24 *TOR.*—

1 (1) *IN GENERAL.*—*There is established a Na-*
2 *tional Language Director who shall be appointed by*
3 *the President. The National Language Director shall*
4 *be a nationally recognized individual with credentials*
5 *and abilities in the public and private sectors to be*
6 *involved with creating and implementing long-term*
7 *solutions to achieving national foreign language and*
8 *cultural competency.*

9 (2) *RESPONSIBILITIES.*—*The National Language*
10 *Director shall—*

11 (A) *develop and monitor the implementa-*
12 *tion of a national foreign language strategy*
13 *across the public and private sectors;*

14 (B) *establish formal relationships among*
15 *the major stakeholders in meeting the needs of*
16 *the Nation for improved capabilities in foreign*
17 *languages and cultural understanding, including*
18 *Federal, State, and local government agencies,*
19 *academia, industry, labor, and heritage commu-*
20 *nities; and*

21 (C) *coordinate and lead a public informa-*
22 *tion campaign that raises awareness of public*
23 *and private sector careers requiring foreign lan-*
24 *guage skills and cultural understanding, with the*
25 *objective of increasing interest in and support*

1 *for the study of foreign languages among na-*
2 *tional leaders, the business community, local offi-*
3 *cials, parents, and individuals.*

4 *(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—*

5 *(1) STATE CONTACT PERSONS.—The Council*
6 *shall consult with each State to provide for the des-*
7 *ignation by each State of an individual to serve as*
8 *a State contact person for the purpose of receiving*
9 *and disseminating information and communications*
10 *received from the Council.*

11 *(2) STATE INTERAGENCY COUNCILS AND LEAD*
12 *AGENCIES.—Each State is encouraged to establish a*
13 *State interagency council on foreign language coordi-*
14 *nation or designate a lead agency for the State for the*
15 *purpose of assuming primary responsibility for co-*
16 *ordinating and interacting with the Council and*
17 *State and local government agencies as necessary.*

18 *(l) SUNSET.—This section shall cease to have effect on*
19 *September 30, 2015.*

20 *(m) AUTHORIZATION OF APPROPRIATIONS.—There is*
21 *authorized to be appropriated for fiscal year 2007,*
22 *\$1,500,000 to carry out this section.*

1 **SEC. 1082. SUPPORT OF SUCCESSOR ORGANIZATIONS OF**
2 **THE DISESTABLISHED INTERAGENCY GLOBAL**
3 **POSITIONING SYSTEM EXECUTIVE BOARD.**

4 *Section 8 of the Commercial Space Transportation*
5 *Competitiveness Act of 2000 (Public Law 106–405; 114*
6 *Stat. 1753; 10 U.S.C. 2281 note) is amended by striking*
7 *“the Interagency Global Positioning System Executive*
8 *Board, including an Executive Secretariat to be housed at*
9 *the Department of Commerce” and inserting “the National*
10 *Space-Based Positioning, Navigation, and Timing Execu-*
11 *tive Committee, the National Space-Based Positioning,*
12 *Navigation, and Timing Coordination Office, and the Na-*
13 *tional Space-Based Positioning, Navigation, and Timing*
14 *Advisory Board, and any successor organization”.*

15 **SEC. 1083. QUADRENNIAL DEFENSE REVIEW.**

16 *(a) FINDINGS.—Congress makes the following findings:*

17 *(1) The Quadrennial Defense Review (QDR)*
18 *under section 118 of title 10, United States Code, is*
19 *vital in laying out the strategic military planning*
20 *and threat objectives of the Department of Defense.*

21 *(2) The Quadrennial Defense Review is critical*
22 *to identifying the correct mix of military planning*
23 *assumptions, defense capabilities, and strategic fo-*
24 *cuses for the Armed Forces of the United States.*

25 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
26 *that the Quadrennial Defense Review is intended to provide*

1 *more than an overview of global threats and the general*
2 *strategic orientation of the Department of Defense.*

3 (c) *IMPROVEMENTS TO QUADRENNIAL DEFENSE RE-*
4 *VIEW.—*

5 (1) *CONDUCT OF REVIEW.—Subsection (b) of sec-*
6 *tion 118 of title 10, United States Code, is*
7 *amended—*

8 (A) *in paragraph (2), by striking “and” at*
9 *the end;*

10 (B) *in paragraph (3), by striking the period*
11 *at the end and inserting “; and”; and*

12 (C) *by adding at the end the following new*
13 *paragraph:*

14 “(4) *to make recommendations that are not con-*
15 *strained to comply with the budget submitted to Con-*
16 *gress by the President pursuant to section 1105 of*
17 *title 31.”.*

18 (2) *ADDITIONAL ELEMENT IN REPORT TO CON-*
19 *GRESS.—Subsection (d) of such section is amended—*

20 (A) *in paragraph (1), by inserting “, the*
21 *strategic planning guidance,” after “United*
22 *States”;*

23 (B) *by redesignating paragraphs (9)*
24 *through (15) as paragraphs (10) through (16),*
25 *respectively; and*

1 (C) by inserting after paragraph (8) the fol-
2 lowing new paragraph (9):

3 “(9) *The specific capabilities, including the gen-
4 eral number and type of specific military platforms,
5 needed to achieve the strategic and warfighting objec-
6 tives identified in the review.*”.

7 (3) *CJCS REVIEW.*—Subsection (e)(1) of such
8 section is amended by inserting before the period at
9 the end the following: “ and a description of the capa-
10 bilities needed to address such risk”.

11 (4) *INDEPENDENT ASSESSMENT.*—Such section is
12 further amended by adding at the end the following
13 new subsection:

14 “(f) *INDEPENDENT ASSESSMENT.*—(1) Not later than
15 one year before the date a report on a quadrennial defense
16 review is to be submitted to Congress under subsection (d),
17 the President shall appoint a panel to conduct an inde-
18 pendent assessment of the review.

19 “(2) *The panel appointed under paragraph (1) shall
20 be composed of seven individuals (who may not be employ-
21 ees of the Department of Defense) as follows:*

22 “(A) *Three members shall be appointed by the
23 President.*

24 “(B) *One member shall be appointed by the
25 President in consultation with, and based on the rec-*

1 *ommendations of, the Speaker of the House of Rep-*
2 *resentatives.*

3 “(C) *One member shall be appointed by the*
4 *President in consultation with, and based on the rec-*
5 *ommendations of, the Minority Leader of the House*
6 *of Representatives.*

7 “(D) *One member shall be appointed by the*
8 *President in consultation with, and based on the rec-*
9 *ommendations of, the Majority Leader of the Senate.*

10 “(E) *One member shall be appointed by the*
11 *President in consultation with, and based on the rec-*
12 *ommendations of, the Minority Leader of the Senate.*

13 “(3) *Not later than three months after the date that*
14 *the report on a quadrennial defense review is submitted to*
15 *Congress under subsection (d), the panel appointed under*
16 *paragraph (2) shall provide to the congressional defense*
17 *committees an assessment of the assumptions, planning*
18 *guidelines, recommendations, and realism of the review.”.*

19 **SEC. 1084. SENSE OF CONGRESS ON THE COMMENDABLE**
20 **ACTIONS OF THE ARMED FORCES.**

21 (a) *FINDINGS.*—*Congress finds that—*

22 (1) *on June 7, 2006, the United States Armed*
23 *Forces conducted an air raid near the City of*
24 *Baquba, northeast of Baghdad, Iraq, that resulted in*
25 *the death of Ahmad Fadeel al-Nazal al-Khalayleh,*

1 *better known as Abu Musab al-Zarqawi, the leader of*
2 *the al-Qaeda in Iraq terrorist organization and the*
3 *most wanted terrorist in Iraq;*

4 (2) *Zarqawi, as the operational commander of*
5 *al-Qaeda in Iraq, led a brutal campaign of suicide*
6 *bombings, car bombings, assassinations, and abduc-*
7 *tions that caused the deaths of many members of the*
8 *United States Armed Forces, civilian officials of the*
9 *United States Government, thousands of innocent*
10 *Iraqi civilians, and innocent civilians of other na-*
11 *tions;*

12 (3) *Zarqawi publicly swore his allegiance to*
13 *Osama bin Laden and al-Qaeda in 2004, and*
14 *changed the name of his terrorist organization from*
15 *the “Monotheism and Holy War Group” to “al-Qaeda*
16 *in Iraq”;*

17 (4) *in an audiotape broadcast in December 2004,*
18 *Osama bin Laden, the leader of al-Qaeda’s worldwide*
19 *terrorist organization, called Zarqawi “the prince of*
20 *al-Qaeda in Iraq”;*

21 (5) *3 perpetrators confessed to being paid by*
22 *Zarqawi to carry out the October 2002 assassination*
23 *of the United States diplomat, Lawrence Foley, in*
24 *Amman, Jordan;*

1 (6) *the Monotheism and Holy War Group*
2 *claimed responsibility for—*

3 (A) *the August 2003 suicide attack that de-*
4 *stroyed the United Nations headquarters in*
5 *Baghdad and killed the United Nations envoy to*
6 *Iraq Sergio Vieira de Mello along with 21 other*
7 *people; and*

8 (B) *the suicide attack on the Imam Ali*
9 *Mosque in Najaf that occurred less than 2 weeks*
10 *later, which killed at least 85 people, including*
11 *the Ayatollah Sayed Mohammed Baqr al-Hakim,*
12 *and wounded dozens more;*

13 (7) *Zarqawi is believed to have personally be-*
14 *headed American hostage Nicholas Berg in May 2004;*

15 (8) *in May 2004, Zarqawi was implicated in a*
16 *car bombing that killed Izzadine Salim, the rotating*
17 *president of the Iraqi Governing Council;*

18 (9) *in November 2005, al-Qaeda in Iraq attacked*
19 *3 hotels in Amman, Jordan, killing at least 67 inno-*
20 *cent civilians;*

21 (10) *Zarqawi and his terrorist organization were*
22 *directly responsible for numerous other brutal ter-*
23 *rorist attacks against the American and coalition*
24 *troops, Iraqi security forces and recruits, and inno-*
25 *cent Iraqi civilians;*

1 (11) *Zarqawi sought to turn Iraq into a safe*
2 *haven for al-Qaeda;*

3 (12) *to achieve that end, Zarqawi stated his op-*
4 *position to the democratically elected government of*
5 *Iraq and worked to divide the Iraqi people, foment*
6 *sectarian violence, and incite a civil war in Iraq; and*

7 (13) *the men and women of the United States*
8 *Armed Forces, the intelligence community, and other*
9 *agencies, along with coalition partners and the Iraqi*
10 *Security Forces, should be commended for their cour-*
11 *age and extraordinary efforts to track down the most*
12 *wanted terrorist in Iraq and to secure a free and*
13 *prosperous future for the people of Iraq.*

14 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
15 *that Congress—*

16 (1) *commends the United States Armed Forces,*
17 *the intelligence community, and other agencies, along*
18 *with coalition partners, for the actions taken through*
19 *June 7, 2006, that resulted in the death of Abu Musab*
20 *al-Zarqawi, the leader of the al-Qaeda in Iraq ter-*
21 *rorist organization and the most wanted terrorist in*
22 *Iraq;*

23 (2) *commends the United States Armed Forces,*
24 *the intelligence community, and other agencies for*
25 *this action and their exemplary performance in striv-*

1 *ing to bring freedom, democracy, and security to the*
2 *people of Iraq;*

3 *(3) commends the coalition partners of the*
4 *United States, the new government of Iraq, and mem-*
5 *bers of the Iraqi Security Forces for their invaluable*
6 *assistance in that operation and their extraordinary*
7 *efforts to secure a free and prosperous Iraq;*

8 *(4) commends our civilian and military leader-*
9 *ship for their continuing efforts to eliminate the lead-*
10 *ership of al-Qaeda in Iraq, and also commends the*
11 *new government of Iraq, led by Prime Minister*
12 *Jawad al-Maliki, for its contribution to that achieve-*
13 *ment;*

14 *(5) recognizes that the death of Abu Musab al-*
15 *Zarqawi is a victory for American and coalition*
16 *forces in the global war on terror and a blow to the*
17 *al-Qaeda terrorist organization;*

18 *(6) commends the Iraqi Prime Minister Jawad*
19 *al-Maliki on the finalization of the new Iraqi cabinet;*

20 *(7) urges the democratically elected government*
21 *in Iraq to use this opportunity to defeat the terrorist*
22 *enemy, to put an end to ethnic and sectarian violence,*
23 *and to achieve a free, prosperous, and secure future*
24 *for Iraq; and*

1 *the security requirements for the judicial branch of the*
2 *United States Government.”.*

3 (2) *CONFORMING AMENDMENT.*—*Section 331 of*
4 *title 28, United States Code, is amended by adding*
5 *at the end the following:*

6 *“The Judicial Conference shall consult and coordinate*
7 *with the Director of United States Marshals Service on a*
8 *continuing basis regarding the security requirements for the*
9 *judicial branch of the United States Government.”.*

10 (b) *PROTECTION OF FAMILY MEMBERS.*—*Section*
11 *105(b)(3) of the Ethics in Government Act of 1978 (5*
12 *U.S.C. App.) is amended—*

13 (1) *in subparagraph (A), by inserting “or a fam-*
14 *ily member of that individual” after “that indi-*
15 *vidual”; and*

16 (2) *in subparagraph (B)(i), by inserting “or a*
17 *family member of that individual” after “the report”.*

18 (c) *EXTENSION OF SUNSET PROVISION.*—*Section*
19 *105(b)(3) of the Ethics in Government Act of 1978 (5*
20 *U.S.C. App.) is amended by striking “2005” each place that*
21 *term appears and inserting “2009”.*

22 (d) *PROTECTIONS AGAINST MALICIOUS RECORDING OF*
23 *FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FED-*
24 *ERAL LAW ENFORCEMENT OFFICERS.*—

1 (1) *OFFENSE.*—Chapter 73 of title 18, United
2 States Code, is amended by adding at the end the fol-
3 lowing:

4 **“SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR**
5 **FEDERAL LAW ENFORCEMENT OFFICER BY**
6 **FALSE CLAIM OR SLANDER OF TITLE.**

7 “(a) *Whoever files or attempts to file, in any public*
8 *record or in any private record which is generally available*
9 *to the public, any false lien or encumbrance against the*
10 *real or personal property of a Federal judge or a Federal*
11 *law enforcement official, on account of the performance of*
12 *official duties by that Federal judge or Federal law enforce-*
13 *ment official, knowing or having reason to know that such*
14 *lien or encumbrance is false or contains any materially*
15 *false, fictitious, or fraudulent statement or representation,*
16 *shall be fined under this title or imprisoned for not more*
17 *than 10 years, or both.*

18 “(b) *As used in this section—*

19 “(1) *the term ‘Federal judge’ means a justice or*
20 *judge of the United States as defined in section 451*
21 *of title 28, United States Code, a judge of the United*
22 *States Court of Federal Claims, a United States*
23 *bankruptcy judge, a United States magistrate judge,*
24 *and a judge of the United States Court of Appeals for*
25 *the Armed Forces, United States Court of Appeals for*

1 *Veterans Claims, United States Tax Court, District*
 2 *Court of Guam, District Court of the Northern Mar-*
 3 *iana Islands, or District Court of the Virgin Islands;*
 4 *and*

5 “(2) the term ‘Federal law enforcement officer’
 6 has the meaning given that term in section 115 of
 7 this title and includes an attorney who is an officer
 8 or employee of the United States in the executive
 9 branch of the Government.”.

10 (2) *CLERICAL AMENDMENT.*—*The chapter anal-*
 11 *ysis for chapter 73 of title 18, United States Code, is*
 12 *amended by adding at the end the following new item:*

“1521. Retaliating against a Federal judge or Federal law enforcement officer
by false claim or slander of title.”.

13 (e) *PROTECTION OF INDIVIDUALS PERFORMING CER-*
 14 *TAIN OFFICIAL DUTIES.*—

15 (1) *OFFENSE.*—*Chapter 7 of title 18, United*
 16 *States Code, is amended by adding at the end the fol-*
 17 *lowing:*

18 **“SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING**
 19 **CERTAIN OFFICIAL DUTIES.**

20 “(a) Whoever knowingly makes restricted personal in-
 21 formation about a covered official, or a member of the im-
 22 mediate family of that covered official, publicly available,
 23 with the intent that such restricted personal information
 24 be used to kill, kidnap, or inflict bodily harm upon, or to

1 *threaten to kill, kidnap, or inflict bodily harm upon, that*
2 *covered official, or a member of the immediate family of*
3 *that covered official, shall be fined under this title and im-*
4 *prisoned not more than 5 years, or both.*

5 “(b) *As used in this section—*

6 “(1) *the term ‘restricted personal information’*
7 *means, with respect to an individual, the Social Secu-*
8 *rity number, the home address, home phone number,*
9 *mobile phone number, personal email, or home fax*
10 *number of, and identifiable to, that individual;*

11 “(2) *the term ‘covered official’ means—*

12 “(A) *an individual designated in section*
13 *1114;*

14 “(B) *a Federal judge or Federal law en-*
15 *forcement officer as those terms are defined in*
16 *section 1521; or*

17 “(C) *a grand or petit juror, witness, or*
18 *other officer in or of, any court of the United*
19 *States, or an officer who may be serving at any*
20 *examination or other proceeding before any*
21 *United States magistrate judge or other commit-*
22 *ting magistrate; and*

23 “(3) *the term ‘immediate family’ has the same*
24 *meaning given that term in section 115(c)(2).”.*

1 (2) *CLERICAL AMENDMENT.*—*The chapter anal-*
 2 *ysis for chapter 7 of title 18, United States Code, is*
 3 *amended by adding at the end the following:*

“*Sec. 117. Domestic assault by an habitual offender.*”

“*Sec. 118. Protection of individuals performing certain official duties.*”.

4 (f) *PROHIBITION OF POSSESSION OF DANGEROUS*
 5 *WEAPONS IN FEDERAL COURT FACILITIES.*—*Section*
 6 *930(e)(1) of title 18, United States Code, is amended by*
 7 *inserting “or other dangerous weapon” after “firearm”.*

8 (g) *CLARIFICATION OF VENUE FOR RETALIATION*
 9 *AGAINST A WITNESS.*—*Section 1513 of title 18, United*
 10 *States Code, is amended by adding at the end the following:*

11 “*(g) A prosecution under this section may be brought*
 12 *in the district in which the official proceeding (whether or*
 13 *not pending, about to be instituted or completed) was in-*
 14 *tended to be affected, or in which the conduct constituting*
 15 *the alleged offense occurred.*”.

16 (h) *WITNESS PROTECTION GRANT PROGRAM.*—*Title I*
 17 *of the Omnibus Crime Control and Safe Streets Act of 1968*
 18 *(42 U.S.C. 3711 et seq.) is amended by adding at the end*
 19 *the following new part:*

20 **“PART JJ—WITNESS PROTECTION GRANTS**

21 **“SEC. 3001. PROGRAM AUTHORIZED.**

22 “*(a) IN GENERAL.*—*From amounts made available to*
 23 *carry out this part, the Attorney General may make grants*
 24 *to States, units of local government, and Indian tribes to*

1 *create and expand witness protection programs in order to*
2 *prevent threats, intimidation, and retaliation against vic-*
3 *tims of, and witnesses to, crimes.*

4 “(b) *USES OF FUNDS.—Grants awarded under this*
5 *part shall be—*

6 “(1) *distributed directly to the State, unit of*
7 *local government, or Indian tribe; and*

8 “(2) *used for the creation and expansion of wit-*
9 *ness protection programs in the jurisdiction of the*
10 *grantee.*

11 “(c) *PREFERENTIAL CONSIDERATION.—In awarding*
12 *grants under this part, the Attorney General may give pref-*
13 *erential consideration, if feasible, to an application from*
14 *a jurisdiction that—*

15 “(1) *has the greatest need for witness and victim*
16 *protection programs;*

17 “(2) *has a serious violent crime problem in the*
18 *jurisdiction; and*

19 “(3) *has had, or is likely to have, instances of*
20 *threats, intimidation, and retaliation against victims*
21 *of, and witnesses to, crimes.*

22 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*
23 *are authorized to be appropriated to carry out this section*
24 *\$20,000,000 for each of fiscal years 2006 through 2010.”.*

1 (i) *GRANTS TO STATES TO PROTECT WITNESSES AND*
2 *VICTIMS OF CRIMES.*—

3 (1) *IN GENERAL.*—*Section 31702 of the Violent*
4 *Crime Control and Law Enforcement Act of 1994 (42*
5 *U.S.C. 13862) is amended—*

6 (A) *in paragraph (3), by striking “and” at*
7 *the end;*

8 (B) *in paragraph (4), by striking the period*
9 *and inserting “; and”; and*

10 (C) *by adding at the end the following:*

11 “*(5) to create and expand witness and victim*
12 *protection programs to prevent threats, intimidation,*
13 *and retaliation against victims of, and witnesses to,*
14 *violent crimes.”.*

15 (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*
16 *tion 31707 of the Violent Crime Control and Law En-*
17 *forcement Act of 1994 (42 U.S.C. 13867) is amended*
18 *to read as follows:*

19 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

20 “*There are authorized to be appropriated \$20,000,000*
21 *for each of the fiscal years 2006 through 2010 to carry out*
22 *this subtitle.”.*

23 (j) *ELIGIBILITY OF STATE COURTS FOR CERTAIN FED-*
24 *ERAL GRANTS.*—

1 (1) *CORRECTIONAL OPTIONS GRANTS.*—Section
2 515 of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3762a) is amended—

4 (A) in subsection (a)—

5 (i) in paragraph (2), by striking
6 “and” at the end;

7 (ii) in paragraph (3), by striking the
8 period and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(4) grants to State courts to improve security
12 for State and local court systems.”; and

13 (B) in subsection (b), by inserting after the
14 period the following:

15 “Priority shall be given to State court applicants under
16 subsection (a)(4) that have the greatest demonstrated need
17 to provide security in order to administer justice.”.

18 (2) *ALLOCATIONS.*—Section 516(a) of the Omni-
19 bus Crime Control and Safe Streets Act of 1968 (42
20 U.S.C. 3762b) is amended by—

21 (A) striking “80” and inserting “70”;

22 (B) striking “and 10” and inserting “10”;

23 and

24 (C) inserting before the period the following:

25 “, and 10 percent for section 515(a)(4)”.

1 (k) *BANKRUPTCY, MAGISTRATE, AND TERRITORIAL*
2 *JUDGES LIFE INSURANCE.*—

3 (1) *BANKRUPTCY JUDGES.*—Section 153 of title
4 28, *United States Code*, is amended by adding at the
5 end the following:

6 “(e) For purposes of construing and applying chapter
7 87 of title 5, *United States Code*, including any adjustment
8 of insurance rates by regulation or otherwise, a bankruptcy
9 judge of the *United States* in regular active service or who
10 is retired under section 377 of this title shall be deemed
11 to be a judge of the *United States* described under section
12 8701(a)(5) of title 5.”.

13 (2) *UNITED STATES MAGISTRATE JUDGES.*—Sec-
14 tion 634(c) of title 28, *United States Code*, is
15 amended—

16 (A) by inserting “(1)” after “(c)”; and

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

18 “(2) For purposes of construing and applying
19 chapter 87 of title 5, *United States Code*, including
20 any adjustment of insurance rates by regulation or
21 otherwise, a magistrate judge of the *United States* in
22 regular active service or who is retired under section
23 377 of this title shall be deemed to be a judge of the
24 *United States* described under section 8701(a)(5) of
25 title 5.”.

1 (3) *TERRITORIAL JUDGES.*—

2 (A) *GUAM.*—Section 24 of the Organic Act
3 of Guam (48 U.S.C. 1424b) is amended by add-
4 ing at the end the following:

5 “(c) For purposes of construing and applying chapter
6 87 of title 5, United States Code, including any adjustment
7 of insurance rates by regulation or otherwise, a judge ap-
8 pointed under this section who is in regular active service
9 or who is retired under section 373 of title 28, United States
10 Code, shall be deemed to be a judge of the United States
11 described under section 8701(a)(5) of title 5.”.

12 (B) *COMMONWEALTH OF THE NORTHERN*
13 *MARIANA ISLANDS.*—Section 1(b) of the Act of
14 November 8, 1977 (48 U.S.C. 1821) is amended
15 by adding at the end the following:

16 “(5) For purposes of construing and applying
17 chapter 87 of title 5, United States Code, including
18 any adjustment of insurance rates by regulation or
19 otherwise, a judge appointed under this section who
20 is in regular active service or who is retired under
21 section 373 of title 28, United States Code, shall be
22 deemed to be a judge of the United States described
23 under section 8701(a)(5) of title 5.”.

1 (C) *VIRGIN ISLANDS*.—Section 24(a) of the
2 *Revised Organic Act of the Virgin Islands* (48
3 U.S.C. 1614(a)) is amended—

4 (i) by inserting “(1)” after “(a)”; and

5 (ii) by adding at the end the following:

6 “(2) For purposes of construing and applying
7 chapter 87 of title 5, United States Code, including
8 any adjustment of insurance rates by regulation or
9 otherwise, a judge appointed under this section who
10 is in regular active service or who is retired under
11 section 373 of title 28, United States Code, shall be
12 deemed to be a judge of the United States described
13 under section 8701(a)(5) of title 5.”.

14 (m) *HEALTH INSURANCE FOR SURVIVING FAMILY AND*
15 *SPOUSES OF JUDGES*.—Section 8901(3) of title 5, United
16 States Code, is amended—

17 (1) in subparagraph (C), by striking “; and”
18 and inserting a semicolon;

19 (2) in subparagraph (D), by adding “and” after
20 the semicolon; and

21 (3) by adding at the end the following:

22 “(E) a member of a family who is a sur-
23 vivor of—

1 “(i) a Justice or judge of the United
2 States, as defined under section 451 of title
3 28, United States Code;

4 “(ii) a judge of the District Court of
5 Guam, the District Court of the Northern
6 Mariana Islands, or the District Court of
7 the Virgin Islands;

8 “(iii) a judge of the United States
9 Court of Federal Claims; or

10 “(iv) a United States bankruptcy judge
11 or a full-time United States magistrate
12 judge.”.

13 **SEC. 1087. SENSE OF THE SENATE ON DESTRUCTION OF**
14 **CHEMICAL WEAPONS.**

15 (a) *FINDINGS.*—The Senate makes the following find-
16 *ings:*

17 (1) *The Convention on the Prohibition of the De-*
18 *velopment, Production, Stockpiling and Use of Chem-*
19 *ical Weapons and on Their Destruction, done at*
20 *Paris on January 13, 1993 (commonly referred to as*
21 *the “Chemical Weapons Convention”), requires all*
22 *United States chemical weapons stockpiles be de-*
23 *stroyed by no later than the extended deadline of*
24 *April 29, 2012.*

1 (2) *On April 10, 2006, the Department of De-*
2 *fense notified Congress that the United States would*
3 *not meet even the extended deadline under the Chem-*
4 *ical Weapons Convention for destruction of United*
5 *States chemical weapons stockpiles.*

6 (3) *Destroying existing chemical weapons is a*
7 *homeland security imperative, an arms control pri-*
8 *ority, and required by United States law.*

9 (4) *The elimination and nonproliferation of*
10 *chemical weapons of mass destruction is of utmost*
11 *importance to the national security of the United*
12 *States.*

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

15 (1) *the United States is committed to making*
16 *every effort to safely dispose of its chemical weapons*
17 *stockpiles by the Chemical Weapons Convention dead-*
18 *line of April 29, 2012, or as soon thereafter as pos-*
19 *sible, and will carry out all of its other obligations*
20 *under the Convention;*

21 (2) *the Secretary of Defense should prepare a*
22 *comprehensive schedule for safely destroying the*
23 *United States chemical weapons stockpiles to prevent*
24 *further delays in the destruction of such stockpiles,*
25 *and the schedule should be submitted annually to the*

1 congressional defense committees separately or as part
2 of another required report; and

3 (3) the Secretary of Defense should make every
4 effort to ensure adequate funding to complete the
5 elimination of the United States chemical weapons
6 stockpile in the shortest time possible, consistent with
7 the requirement to protect public health, safety, and
8 the environment.

9 **SEC. 1088. IMPROVED ACCOUNTABILITY FOR COMPETITIVE**
10 **CONTRACTING IN HURRICANE RECOVERY.**

11 *The exceptions to full and open competition otherwise*
12 *available under paragraphs (2), (3), (4), and (5) of section*
13 *303(c) of the Federal Property and Administrative Services*
14 *Act of 1949 (41 U.S.C. 253(c)) and paragraphs (2), (3),*
15 *(4), and (5) of section 2304(c) of title 10, United States*
16 *Code, shall not apply to Federal contracts worth over*
17 *\$500,000 for the procurement of property or services in con-*
18 *nection with relief and recovery efforts related to Hurricane*
19 *Katrina and the other hurricanes of the 2005 season.*

20 **SEC. 1089. PROTECTION OF CERTAIN DISCLOSURES OF IN-**
21 **FORMATION BY FEDERAL EMPLOYEES.**

22 (a) *SHORT TITLE.*—*This Act may be cited as the*
23 *“Federal Employee Protection of Disclosures Act”.*

24 (b) *CLARIFICATION OF DISCLOSURES COVERED.*—*Sec-*
25 *tion 2302(b)(8) of title 5, United States Code, is amended—*

1 (1) *in subparagraph (A)—*

2 (A) *by striking “which the employee or ap-*
3 *plicant reasonably believes evidences” and insert-*
4 *ing “, without restriction to time, place, form,*
5 *motive, context, or prior disclosure made to any*
6 *person by an employee or applicant, including a*
7 *disclosure made in the ordinary course of an em-*
8 *ployee’s duties, that the employee or applicant*
9 *reasonably believes is evidence of”;* and

10 (B) *in clause (i), by striking “a violation”*
11 *and inserting “any violation”;*

12 (2) *in subparagraph (B)—*

13 (A) *by striking “which the employee or ap-*
14 *plicant reasonably believes evidences” and insert-*
15 *ing “, without restriction to time, place, form,*
16 *motive, context, or prior disclosure made to any*
17 *person by an employee or applicant, including a*
18 *disclosure made in the ordinary course of an em-*
19 *ployee’s duties, of information that the employee*
20 *or applicant reasonably believes is evidence of”;*
21 *and*

22 (B) *in clause (i), by striking “a violation”*
23 *and inserting “any violation (other than a viola-*
24 *tion of this section)”;* and

25 (3) *by adding at the end the following:*

1 “(C) any disclosure that—

2 “*(i) is made by an employee or appli-*
3 *cant of information required by law or Ex-*
4 *ecutive order to be kept secret in the interest*
5 *of national defense or the conduct of foreign*
6 *affairs that the employee or applicant rea-*
7 *sonably believes is direct and specific evi-*
8 *dence of—*

9 “*(I) any violation of any law,*
10 *rule, or regulation;*

11 “*(II) gross mismanagement, a*
12 *gross waste of funds, an abuse of au-*
13 *thority, or a substantial and specific*
14 *danger to public health or safety; or*

15 “*(III) a false statement to Con-*
16 *gress on an issue of material fact; and*

17 “*(ii) is made to—*

18 “*(I) a member of a committee of*
19 *Congress having a primary responsi-*
20 *bility for oversight of a department,*
21 *agency, or element of the Federal Gov-*
22 *ernment to which the disclosed infor-*
23 *mation relates and who is authorized*
24 *to receive information of the type dis-*
25 *closed;*

1 “(II) any other Member of Con-
2 gress who is authorized to receive infor-
3 mation of the type disclosed; or

4 “(III) an employee of Congress
5 who has the appropriate security clear-
6 ance and is authorized to receive infor-
7 mation of the type disclosed.”.

8 (c) *COVERED DISCLOSURES*.—Section 2302(a)(2) of
9 title 5, United States Code, is amended—

10 (1) in subparagraph (B)(ii), by striking “and”
11 at the end;

12 (2) in subparagraph (C)(iii), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (3) by adding at the end the following:

15 “(D) ‘disclosure’ means a formal or informal
16 communication or transmission, but does not include
17 a communication concerning policy decisions that
18 lawfully exercise discretionary authority unless the
19 employee providing the disclosure reasonably believes
20 that the disclosure evidences—

21 “(i) any violation of any law, rule, or regu-
22 lation; or

23 “(ii) gross mismanagement, a gross waste of
24 funds, an abuse of authority, or a substantial
25 and specific danger to public health or safety.”.

1 (d) *REBUTTABLE PRESUMPTION.*—Section 2302(b) of
2 title 5, United States Code, is amended by amending the
3 matter following paragraph (12) to read as follows:
4 “This subsection shall not be construed to authorize the
5 withholding of information from Congress or the taking of
6 any personnel action against an employee who discloses in-
7 formation to Congress, except that an employee or applicant
8 may be disciplined for the disclosure of information de-
9 scribed in paragraph (8)(C)(i) to a Member or employee
10 of Congress who is not authorized to receive such informa-
11 tion. For purposes of paragraph (8), any presumption re-
12 lating to the performance of a duty by an employee who
13 has authority to take, direct others to take, recommend, or
14 approve any personnel action may be rebutted by substan-
15 tial evidence. For purposes of paragraph (8), a determina-
16 tion as to whether an employee or applicant reasonably be-
17 lieves that they have disclosed information that evidences
18 any violation of law, rule, regulation, gross mismanage-
19 ment, a gross waste of funds, an abuse of authority, or a
20 substantial and specific danger to public health or safety
21 shall be made by determining whether a disinterested ob-
22 server with knowledge of the essential facts known to and
23 readily ascertainable by the employee could reasonably con-
24 clude that the actions of the Government evidence such vio-
25 lations, mismanagement, waste, abuse, or danger.”.

1 (e) *NONDISCLOSURE POLICIES, FORMS, AND AGREE-*
2 *MENTS; SECURITY CLEARANCES; AND RETALIATORY INVES-*
3 *TIGATIONS.*—

4 (1) *PERSONNEL ACTION.*—*Section 2302(a)(2)(A)*
5 *of title 5, United States Code, is amended—*

6 (A) *in clause (x), by striking “and” after*
7 *the semicolon; and*

8 (B) *by redesignating clause (xi) as clause*
9 *(xiv) and inserting after clause (x) the following:*

10 “*(xi) the implementation or enforce-*
11 *ment of any nondisclosure policy, form, or*
12 *agreement;*

13 “*(xii) a suspension, revocation, or*
14 *other determination relating to a security*
15 *clearance or any other access determination*
16 *by a covered agency;*

17 “*(xiii) an investigation, other than*
18 *any ministerial or nondiscretionary fact*
19 *finding activities necessary for the agency*
20 *to perform its mission, of an employee or*
21 *applicant for employment because of any*
22 *activity protected under this section; and”*

23 (2) *PROHIBITED PERSONNEL PRACTICE.*—*Sec-*
24 *tion 2302(b) of title 5, United States Code, is*
25 *amended—*

1 (A) in paragraph (11), by striking “or” at
2 the end;

3 (B) in paragraph (12), by striking the pe-
4 riod and inserting a semicolon; and

5 (C) by inserting after paragraph (12) the
6 following:

7 “(13) implement or enforce any nondisclosure
8 policy, form, or agreement, if such policy, form, or
9 agreement does not contain the following statement:
10 ‘These provisions are consistent with and do not su-
11 persede, conflict with, or otherwise alter the employee
12 obligations, rights, or liabilities created by Executive
13 Order No. 12958; section 7211 of title 5, United
14 States Code (governing disclosures to Congress); sec-
15 tion 1034 of title 10, United States Code (governing
16 disclosure to Congress by members of the military);
17 section 2302(b)(8) of title 5, United States Code (gov-
18 erning disclosures of illegality, waste, fraud, abuse, or
19 public health or safety threats); the Intelligence Iden-
20 tities Protection Act of 1982 (50 U.S.C. 421 et seq.)
21 (governing disclosures that could expose confidential
22 Government agents); and the statutes which protect
23 against disclosures that could compromise national
24 security, including sections 641, 793, 794, 798, and
25 952 of title 18, United States Code, and section 4(b)

1 of the Subversive Activities Control Act of 1950 (50
 2 U.S.C. 783(b)). The definitions, requirements, obliga-
 3 tions, rights, sanctions, and liabilities created by such
 4 Executive order and such statutory provisions are in-
 5 corporated into this agreement and are controlling’;
 6 or

7 “(14) conduct, or cause to be conducted, an in-
 8 vestigation, other than any ministerial or nondis-
 9 cretionary fact finding activities necessary for the
 10 agency to perform its mission, of an employee or ap-
 11 plicant for employment because of any activity pro-
 12 tected under this section.”.

13 (3) BOARD AND COURT REVIEW OF ACTIONS RE-
 14 LATING TO SECURITY CLEARANCES.—

15 (A) IN GENERAL.—Chapter 77 of title 5,
 16 United States Code, is amended by inserting
 17 after section 7702 the following:

18 **“§ 7702a. Actions relating to security clearances**

19 “(a) In any appeal relating to the suspension, revoca-
 20 tion, or other determination relating to a security clearance
 21 or access determination, the Merit Systems Protection
 22 Board or any reviewing court—

23 “(1) shall determine whether paragraph (8) or
 24 (9) of section 2302(b) was violated;

1 “(2) may not order the President or the designee
2 of the President to restore a security clearance or oth-
3 erwise reverse a determination of clearance status or
4 reverse an access determination; and

5 “(3) subject to paragraph (2), may issue declara-
6 tory relief and any other appropriate relief.

7 “(b)(1) If, in any final judgment, the Board or court
8 declares that any suspension, revocation, or other deter-
9 mination with regard to a security clearance or access de-
10 termination was made in violation of paragraph (8) or (9)
11 of section 2302(b), the affected agency shall conduct a re-
12 view of that suspension, revocation, access determination,
13 or other determination, giving great weight to the Board
14 or court judgment.

15 “(2) Not later than 30 days after any Board or court
16 judgment declaring that a security clearance suspension,
17 revocation, access determination, or other determination
18 was made in violation of paragraph (8) or (9) of section
19 2302(b), the affected agency shall issue an unclassified re-
20 port to the congressional committees of jurisdiction (with
21 a classified annex if necessary), detailing the circumstances
22 of the agency’s security clearance suspension, revocation,
23 other determination, or access determination. A report
24 under this paragraph shall include any proposed agency

1 *action with regard to the security clearance or access deter-*
2 *mination.*

3 “(c) *An allegation that a security clearance or access*
4 *determination was revoked or suspended in retaliation for*
5 *a protected disclosure shall receive expedited review by the*
6 *Office of Special Counsel, the Merit Systems Protection*
7 *Board, and any reviewing court.*

8 “(d) *For purposes of this section, corrective action may*
9 *not be ordered if the agency demonstrates by a preponder-*
10 *ance of the evidence that it would have taken the same per-*
11 *sonnel action in the absence of such disclosure.”.*

12 (B) *TECHNICAL AND CONFORMING AMEND-*
13 *MENT.—The table of sections for chapter 77 of*
14 *title 5, United States Code, is amended by in-*
15 *serting after the item relating to section 7702 the*
16 *following:*

 “7702a. *Actions relating to security clearances.*”.

17 (f) *EXCLUSION OF AGENCIES BY THE PRESIDENT.—*
18 *Section 2302(a)(2)(C) of title 5, United States Code, is*
19 *amended by striking clause (ii) and inserting the following:*

20 “(i)(I) *the Federal Bureau of Investigation,*
21 *the Central Intelligence Agency, the Defense In-*
22 *telligence Agency, the National Imagery and*
23 *Mapping Agency, the National Security Agency;*
24 *and*

1 “(II) as determined by the President, any
2 executive agency or unit thereof the principal
3 function of which is the conduct of foreign intel-
4 ligence or counterintelligence activities, if the de-
5 termination (as that determination relates to a
6 personnel action) is made before that personnel
7 action; or”.

8 (g) *ATTORNEY FEES*.—Section 1204(m)(1) of title 5,
9 United States Code, is amended by striking “agency in-
10 volved” and inserting “agency where the prevailing party
11 is employed or has applied for employment”.

12 (h) *DISCIPLINARY ACTION*.—Section 1215(a)(3) of title
13 5, United States Code, is amended to read as follows:

14 “(3)(A) A final order of the Board may
15 impose—

16 “(i) disciplinary action consisting of re-
17 moval, reduction in grade, debarment from Fed-
18 eral employment for a period not to exceed 5
19 years, suspension, or reprimand;

20 “(ii) an assessment of a civil penalty not to
21 exceed \$1,000; or

22 “(iii) any combination of disciplinary ac-
23 tions described under clause (i) and an assess-
24 ment described under clause (ii).

1 “(B) *In any case in which the Board finds that*
2 *an employee has committed a prohibited personnel*
3 *practice under paragraph (8) or (9) of section*
4 *2302(b), the Board shall impose disciplinary action if*
5 *the Board finds that the activity protected under*
6 *paragraph (8) or (9) of section 2302(b) was a signifi-*
7 *cant motivating factor, even if other factors also moti-*
8 *vated the decision, for the employee’s decision to take,*
9 *fail to take, or threaten to take or fail to take a per-*
10 *sonnel action, unless that employee demonstrates, by*
11 *preponderance of evidence, that the employee would*
12 *have taken, failed to take, or threatened to take or fail*
13 *to take the same personnel action, in the absence of*
14 *such protected activity.”.*

15 (i) *SPECIAL COUNSEL AMICUS CURIAE APPEAR-*
16 *ANCE.—Section 1212 of title 5, United States Code, is*
17 *amended by adding at the end the following:*

18 “(h)(1) *The Special Counsel is authorized to appear*
19 *as amicus curiae in any action brought in a court of the*
20 *United States related to any civil action brought in connec-*
21 *tion with section 2302(b) (8) or (9), or subchapter III of*
22 *chapter 73, or as otherwise authorized by law. In any such*
23 *action, the Special Counsel is authorized to present the*
24 *views of the Special Counsel with respect to compliance*
25 *with section 2302(b) (8) or (9) or subchapter III of chapter*

1 73 and the impact court decisions would have on the en-
2 forcement of such provisions of law.

3 “(2) A court of the United States shall grant the appli-
4 cation of the Special Counsel to appear in any such action
5 for the purposes described in subsection (a).”.

6 (j) JUDICIAL REVIEW.—

7 (1) IN GENERAL.—Section 7703(b)(1) of title 5,
8 United States Code, is amended to read as follows:

9 “(b)(1)(A) Except as provided in subparagraph (B)
10 and paragraph (2), a petition to review a final order or
11 final decision of the Board shall be filed in the United
12 States Court of Appeals for the Federal Circuit. Notwith-
13 standing any other provision of law, any petition for review
14 must be filed within 60 days after the date the petitioner
15 received notice of the final order or decision of the Board.

16 “(B) During the 5-year period beginning on the effec-
17 tive date of the Federal Employee Protection of Disclosures
18 Act, a petition to review a final order or final decision of
19 the Board in a case alleging a violation of paragraph (8)
20 or (9) of section 2302(b) shall be filed in the United States
21 Court of Appeals for the Federal Circuit or any court of
22 appeals of competent jurisdiction as provided under sub-
23 section (b)(2).”.

1 (2) *REVIEW OBTAINED BY OFFICE OF PER-*
2 *SONNEL MANAGEMENT.—Section 7703(d) of title 5,*
3 *United States Code, is amended to read as follows:*

4 “*(d)(1) Except as provided under paragraph (2), this*
5 *paragraph shall apply to any review obtained by the Direc-*
6 *tor of the Office of Personnel Management. The Director of*
7 *the Office of Personnel Management may obtain review of*
8 *any final order or decision of the Board by filing, within*
9 *60 days after the date the Director received notice of the*
10 *final order or decision of the Board, a petition for judicial*
11 *review in the United States Court of Appeals for the Federal*
12 *Circuit if the Director determines, in his discretion, that*
13 *the Board erred in interpreting a civil service law, rule,*
14 *or regulation affecting personnel management and that the*
15 *Board’s decision will have a substantial impact on a civil*
16 *service law, rule, regulation, or policy directive. If the Di-*
17 *rector did not intervene in a matter before the Board, the*
18 *Director may not petition for review of a Board decision*
19 *under this section unless the Director first petitions the*
20 *Board for a reconsideration of its decision, and such peti-*
21 *tion is denied. In addition to the named respondent, the*
22 *Board and all other parties to the proceedings before the*
23 *Board shall have the right to appear in the proceeding be-*
24 *fore the Court of Appeals. The granting of the petition for*

1 *judicial review shall be at the discretion of the Court of*
2 *Appeals.*

3 “(2) *During the 5-year period beginning on the effec-*
4 *tive date of the Federal Employee Protection of Disclosures*
5 *Act, this paragraph shall apply to any review relating to*
6 *paragraph (8) or (9) of section 2302(b) obtained by the Di-*
7 *rector of the Office of Personnel Management. The Director*
8 *of the Office of Personnel Management may obtain review*
9 *of any final order or decision of the Board by filing, within*
10 *60 days after the date the Director received notice of the*
11 *final order or decision of the Board, a petition for judicial*
12 *review in the United States Court of Appeals for the Federal*
13 *Circuit or any court of appeals of competent jurisdiction*
14 *as provided under subsection (b)(2) if the Director deter-*
15 *mines, in his discretion, that the Board erred in inter-*
16 *preting paragraph (8) or (9) of section 2302(b). If the Di-*
17 *rector did not intervene in a matter before the Board, the*
18 *Director may not petition for review of a Board decision*
19 *under this section unless the Director first petitions the*
20 *Board for a reconsideration of its decision, and such peti-*
21 *tion is denied. In addition to the named respondent, the*
22 *Board and all other parties to the proceedings before the*
23 *Board shall have the right to appear in the proceeding be-*
24 *fore the court of appeals. The granting of the petition for*

1 *judicial review shall be at the discretion of the Court of*
2 *Appeals.”.*

3 (k) *NONDISCLOSURE POLICIES, FORMS, AND AGREE-*
4 *MENTS.—*

5 (1) *IN GENERAL.—*

6 (A) *REQUIREMENT.—Each agreement in*
7 *Standard Forms 312 and 4414 of the Govern-*
8 *ment and any other nondisclosure policy, form,*
9 *or agreement of the Government shall contain the*
10 *following statement: “These restrictions are con-*
11 *sistent with and do not supersede, conflict with,*
12 *or otherwise alter the employee obligations,*
13 *rights, or liabilities created by Executive Order*
14 *No. 12958; section 7211 of title 5, United States*
15 *Code (governing disclosures to Congress); section*
16 *1034 of title 10, United States Code (governing*
17 *disclosure to Congress by members of the mili-*
18 *tary); section 2302(b)(8) of title 5, United States*
19 *Code (governing disclosures of illegality, waste,*
20 *fraud, abuse or public health or safety threats);*
21 *the Intelligence Identities Protection Act of 1982*
22 *(50 U.S.C. 421 et seq.) (governing disclosures*
23 *that could expose confidential Government*
24 *agents); and the statutes which protect against*
25 *disclosure that may compromise the national se-*

1 *curity, including sections 641, 793, 794, 798,*
2 *and 952 of title 18, United States Code, and sec-*
3 *tion 4(b) of the Subversive Activities Act of 1950*
4 *(50 U.S.C. 783(b)). The definitions, require-*
5 *ments, obligations, rights, sanctions, and liabil-*
6 *ities created by such Executive order and such*
7 *statutory provisions are incorporated into this*
8 *agreement and are controlling.”.*

9 *(B) ENFORCEABILITY.—Any nondisclosure*
10 *policy, form, or agreement described under sub-*
11 *paragraph (A) that does not contain the state-*
12 *ment required under subparagraph (A) may not*
13 *be implemented or enforced to the extent such*
14 *policy, form, or agreement is inconsistent with*
15 *that statement.*

16 *(2) PERSONS OTHER THAN GOVERNMENT EM-*
17 *PLOYEES.—Notwithstanding paragraph (1), a non-*
18 *disclosure policy, form, or agreement that is to be exe-*
19 *cuted by a person connected with the conduct of an*
20 *intelligence or intelligence-related activity, other than*
21 *an employee or officer of the United States Govern-*
22 *ment, may contain provisions appropriate to the par-*
23 *ticular activity for which such document is to be used.*
24 *Such form or agreement shall, at a minimum, require*
25 *that the person will not disclose any classified infor-*

1 *mation received in the course of such activity unless*
2 *specifically authorized to do so by the United States*
3 *Government. Such nondisclosure forms shall also*
4 *make it clear that such forms do not bar disclosures*
5 *to Congress or to an authorized official of an execu-*
6 *tive agency or the Department of Justice that are es-*
7 *sential to reporting a substantial violation of law.*

8 *(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR*
9 *CRITICAL INFRASTRUCTURE INFORMATION.—Section*
10 *214(c) of the Homeland Security Act of 2002 (6 U.S.C.*
11 *133(c)) is amended by adding at the end the following: “For*
12 *purposes of this section a permissible use of independently*
13 *obtained information includes the disclosure of such infor-*
14 *mation under section 2302(b)(8) of title 5, United States*
15 *Code.”.*

16 *(m) ADVISING EMPLOYEES OF RIGHTS.—Section*
17 *2302(c) of title 5, United States Code, is amended by insert-*
18 *ing “, including how to make a lawful disclosure of infor-*
19 *mation that is specifically required by law or Executive*
20 *order to be kept secret in the interest of national defense*
21 *or the conduct of foreign affairs to the Special Counsel, the*
22 *Inspector General of an agency, Congress, or other agency*
23 *employee designated to receive such disclosures” after*
24 *“chapter 12 of this title”.*

25 *(n) SCOPE OF DUE PROCESS.—*

1 (1) *SPECIAL COUNSEL.*—Section
2 1214(b)(4)(B)(ii) of title 5, United States Code, is
3 amended by inserting “; after a finding that a pro-
4 tected disclosure was a contributing factor,” after “or-
5 dered if”.

6 (2) *INDIVIDUAL ACTION.*—Section 1221(e)(2) of
7 title 5, United States Code, is amended by inserting
8 “; after a finding that a protected disclosure was a
9 contributing factor,” after “ordered if”.

10 (o) *EFFECTIVE DATE.*—This Act shall take effect 30
11 days after the date of enactment of this Act.

12 **SEC. 1090. SENSE OF CONGRESS REGARDING THE MEN AND**
13 **WOMEN OF THE ARMED FORCES OF THE**
14 **UNITED STATES IN IRAQ.**

15 (a) *FINDINGS.*—Congress makes the following findings:

16 (1) *In 2003, members of the Armed Forces of the*
17 *United States successfully liberated the people of Iraq*
18 *from the tyrannical regime of Saddam Hussein.*

19 (2) *Members of the Armed Forces of the United*
20 *States have bravely risked their lives everyday over*
21 *the last 3 years to protect the people of Iraq from ter-*
22 *ror attacks by Al Qaeda and other extremist organi-*
23 *zations.*

24 (3) *Members of the Armed Forces of the United*
25 *States have conducted dozens of operations with coali-*

1 *tion forces to track, apprehend, and eliminate terror-*
2 *ists in Iraq.*

3 *(4) Members of the Armed Forces of the United*
4 *States have helped sustain political progress in Iraq*
5 *by assisting the people of Iraq as they exercised their*
6 *right to choose their leaders and draft their own con-*
7 *stitution.*

8 *(5) Members of the Armed Forces of the United*
9 *States have taught over 150,000 soldiers of Iraq to re-*
10 *spect civilian authority, conduct counter-insurgency*
11 *operations, provide meaningful security, and protect*
12 *the people of Iraq from terror attacks.*

13 *(6) Members of the Armed Forces of the United*
14 *States have built new schools, hospitals, and public*
15 *works throughout Iraq.*

16 *(7) Members of the Armed Forces of the United*
17 *States have helped rebuild Iraq's dilapidated energy*
18 *sector.*

19 *(8) Members of the Armed Forces of the United*
20 *States have restored electrical power and sewage*
21 *waste treatment for the people of Iraq.*

22 *(9) Members of the Armed Forces of the United*
23 *States have established lasting and productive rela-*
24 *tionships with local leaders in Iraq and secured the*
25 *support of a majority of the populace of Iraq.*

1 (10) *Members of the Armed Forces of the United*
2 *States have courageously endured sophisticated terror*
3 *tactics, including deadly car-bombs, sniper attacks,*
4 *and improvised explosive devices.*

5 (11) *Members of the Armed Forces of the United*
6 *States have paid a high cost in order to defeat the ter-*
7 *rorists, defend innocent civilians, and protect democ-*
8 *racy from those who desire the return of oppression*
9 *and extremism to Iraq.*

10 (12) *Members of the Armed Forces of the United*
11 *States have performed their duty in Iraq with an un-*
12 *flagging commitment to the highest ideals and tradi-*
13 *tions of the United States and the Armed Forces.*

14 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
15 *that—*

16 (1) *the men and women in uniform of the Armed*
17 *Forces of the United States in Iraq should be com-*
18 *mended for their on-going service to the United*
19 *States, their commitment to the ideals of the United*
20 *States, and their determination to win the Global*
21 *War on Terrorism;*

22 (2) *gratitude should be expressed to the families*
23 *of the Armed Forces of the United States, especially*
24 *those families who have lost loved ones in Operational*
25 *Iraqi Freedom; and*

1 **SEC. 1093. TERMINATION OF PROGRAM.**

2 Section 711(c) of the Small Business Competitive
3 *Demonstration Program Act of 1988 (15 U.S.C. 644 note)*
4 *is amended by inserting after “January 1, 1989” the fol-*
5 *lowing: “, and shall terminate on the date of enactment of*
6 *the National Defense Authorization Act for Fiscal Year*
7 *2007”.*

8 **SEC. 1094. PATENT TERM EXTENSIONS FOR THE BADGES OF**

9 **THE AMERICAN LEGION, THE AMERICAN LE-**
10 **GION WOMEN’S AUXILIARY, AND THE SONS OF**
11 **THE AMERICAN LEGION.**

12 (a) *PATENT TERM EXTENSION FOR THE BADGE OF*
13 *THE AMERICAN LEGION.—The term of a certain design pat-*
14 *ent numbered 54,296 (for the badge of the American Legion)*
15 *is renewed and extended for a period of 14 years beginning*
16 *on the date of enactment of this Act, with all the rights*
17 *and privileges pertaining to such patent.*

18 (b) *PATENT TERM EXTENSION FOR THE BADGE OF*
19 *THE AMERICAN LEGION WOMEN’S AUXILIARY.—The term*
20 *of a certain design patent numbered 55,398 (for the badge*
21 *of the American Legion Women’s Auxiliary) is renewed and*
22 *extended for a period of 14 years beginning on the date of*
23 *enactment of this Act, with all the rights and privileges per-*
24 *taining to such patent.*

25 (c) *PATENT TERM EXTENSION FOR THE BADGE OF*
26 *THE SONS OF THE AMERICAN LEGION.—The term of a cer-*

1 *tain design patent numbered 92,187 (for the badge of the*
2 *Sons of the American Legion) is renewed and extended for*
3 *a period of 14 years beginning on the date of enactment*
4 *of this Act, with all the rights and privileges pertaining*
5 *to such patent.*

6 **SEC. 1095. AVAILABILITY OF FUNDS FOR SOUTH COUNTY**
7 **COMMUTER RAIL PROJECT, PROVIDENCE,**
8 **RHODE ISLAND.**

9 *Funds available for the South County Commuter Rail*
10 *project, Providence, Rhode Island, authorized by para-*
11 *graphs (34) and (35) of section 3034(d) of the Safe, Ac-*
12 *countable, Flexible, Efficient Transportation Equity Act: A*
13 *Legacy for Users (Public Law 109–59; 119 Stat. 1650) shall*
14 *be available for the purchase of commuter rail equipment*
15 *for the South County Commuter Rail project upon the re-*
16 *ceipt by the Rhode Island Department of Transportation*
17 *of an approved environmental assessment for the South*
18 *County Commuter Rail project.*

19 **SEC. 1096. SENSE OF CONGRESS ON IRAQ SUMMIT.**

20 *SENSE OF CONGRESS.—It is the sense of Congress that*
21 *the President should convene a summit as soon as possible*
22 *that includes the leaders of the Government of Iraq, leaders*
23 *of the governments of each country bordering Iraq, rep-*
24 *resentatives of the Arab League, the Secretary General of*
25 *the North Atlantic Treaty Organization, representatives of*

1 *the European Union, and leaders of the governments of each*
2 *permanent member of the United Nations Security Council,*
3 *for the purpose of reaching a comprehensive political agree-*
4 *ment for Iraq that addresses fundamental issues including*
5 *federalism, oil revenues, the militias, security guarantees,*
6 *reconstruction, economic assistance, and border security.*

7 ***TITLE XI—DEPARTMENT OF DE-***
8 ***FENSE CIVILIAN PERSONNEL***
9 ***POLICY***

10 ***SEC. 1101. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF***
11 ***THE UNIFORMED SERVICES ON TERMINAL***
12 ***LEAVE PERFORMING DUAL EMPLOYMENT.***

13 *Section 5534a of title 5, United States Code, is amend-*
14 *ed by adding at the end the following new sentence: “Such*
15 *a member is also entitled to accrue annual leave with pay*
16 *in the manner specified in section 6303(a) of this title for*
17 *a retired member of the uniformed services.”.*

18 ***SEC. 1102. STRATEGY FOR IMPROVING THE SENIOR MAN-***
19 ***AGEMENT, FUNCTIONAL, AND TECHNICAL***
20 ***WORKFORCE OF THE DEPARTMENT OF DE-***
21 ***FENSE.***

22 *(a) INCLUSION IN 2007 STRATEGIC HUMAN CAPITAL*
23 *PLAN.—The Secretary of Defense shall include in the March*
24 *1, 2007, Strategic Human Capital Plan required by section*
25 *1122(c) of the National Defense Authorization Act for Fis-*

1 *cal Year 2006 (Public Law 109–163; 119 Stat. 3453; 10*
2 *U.S.C. prec. 1580 note) a strategic plan to shape and im-*
3 *prove the senior management, functional, and technical*
4 *workforce (including scientists and engineers) of the De-*
5 *partment of Defense.*

6 (b) *SCOPE OF PLAN.—The strategic plan required by*
7 *subsection (a) shall cover, at a minimum, the following cat-*
8 *egories of Department of Defense civilian personnel:*

9 (1) *Appointees in the senior executive service*
10 *under section 3131 of title 5, United States Code.*

11 (2) *Persons serving in positions described in sec-*
12 *tion 5376(a) of title 5, United States Code.*

13 (3) *Highly qualified experts appointed pursuant*
14 *to section 9903 of title 5, United States Code.*

15 (4) *Scientists and engineers appointed pursuant*
16 *to section 342(b) of the National Defense Authoriza-*
17 *tion Act for Fiscal Year 1995 (Public Law 103–337;*
18 *108 Stat. 2721), as amended by section 1114 of the*
19 *Floyd D. Spence National Defense Authorization Act*
20 *for Fiscal Year 2001 (as enacted into law by Pub-*
21 *lic Law 106–398 (114 Stat. 1654A–315)).*

22 (5) *Scientists and engineers appointed pursuant*
23 *to section 1101 of the Strom Thurmond National De-*
24 *fense Authorization Act for Fiscal Year 1999 (5*
25 *U.S.C. 3104 note).*

1 (6) *Persons serving in the Defense Intelligence*
2 *Senior Executive Service under section 1606 of title*
3 *10, United States Code.*

4 (7) *Persons serving in Intelligence Senior Level*
5 *positions under section 1607 of title 10, United States*
6 *Code.*

7 (c) *CONTENTS OF PLAN.—The strategic plan required*
8 *by subsection (a) shall include—*

9 (1) *an assessment of—*

10 (A) *the needs of the Department of Defense*
11 *for senior management, functional, and technical*
12 *personnel (including scientists and engineers) in*
13 *light of recent trends and projected changes in*
14 *the mission and organization of the Department*
15 *and in light of staff support needed to accom-*
16 *plish that mission;*

17 (B) *the capability of the existing civilian*
18 *employee workforce of the Department to meet re-*
19 *quirements relating to the mission of the Depart-*
20 *ment, including the impact on that capability of*
21 *projected trends in the senior management, func-*
22 *tional, and technical personnel workforce of the*
23 *Department based on expected losses due to re-*
24 *tirement and other attrition; and*

1 (C) gaps in the existing or projected civil-
2 ian employee workforce of the Department that
3 should be addressed to ensure that the Depart-
4 ment has continued access to the senior manage-
5 ment, functional, and technical personnel (in-
6 cluding scientists and engineers) it needs; and

7 (2) a plan of action for developing and reshap-
8 ing the senior management, functional, and technical
9 workforce of the Department to address the gaps iden-
10 tified under paragraph (1)(C), including—

11 (A) any legislative or administrative action
12 that may be needed to adjust the requirements
13 applicable to any category of civilian personnel
14 identified in subsection (b) or to establish a new
15 category of senior management or technical per-
16 sonnel;

17 (B) any changes in the number of personnel
18 authorized in any category of personnel identi-
19 fied in subsection (b) that may be needed to ad-
20 dress such gaps and effectively meet the needs of
21 the Department;

22 (C) any changes in the rates or methods of
23 pay for any category of personnel identified in
24 subsection (b) that may be needed to address in-
25 equities and ensure that the Department has full

1 *access to appropriately qualified personnel to ad-*
2 *dress such gaps and meet the needs of the De-*
3 *partment;*

4 *(D) specific recruiting and retention goals,*
5 *including the program objectives of the Depart-*
6 *ment to be achieved through such goals;*

7 *(E) specific strategies for development,*
8 *training, deploying, compensating, motivating,*
9 *and designing career paths and career opportu-*
10 *nities for the senior management, functional,*
11 *and technical workforce of the Department, in-*
12 *cluding the program objectives of the Department*
13 *to be achieved through such strategies; and*

14 *(F) specific steps that the Department has*
15 *taken or plans to take to ensure that the senior*
16 *management, functional, and technical workforce*
17 *of the Department is managed in compliance*
18 *with the requirements of section 129 of title 10,*
19 *United States Code.*

20 **SEC. 1103. AUTHORITY TO EQUALIZE ALLOWANCES, BENE-**
21 **FITS, AND GRATUITIES OF PERSONNEL ON**
22 **OFFICIAL DUTY IN IRAQ AND AFGHANISTAN.**

23 *(a) FINDINGS.—Congress makes the following findings:*

24 *(1) As part of the United States effort to bring*
25 *democracy and freedom to Iraq and Afghanistan, em-*

1 *ployees of a broad range of Federal agencies are need-*
2 *ed to serve in those countries, furnishing expertise to*
3 *their counterpart agencies in the Government of Iraq*
4 *and the Government of Afghanistan.*

5 *(2) While the heads of a number of Federal agen-*
6 *cies already possess authority to provide to their per-*
7 *sonnel on official duty abroad allowances, benefits,*
8 *and death gratuities comparable to those provided by*
9 *the Secretary of State to similarly-situated Foreign*
10 *Service personnel on official duty abroad, other agen-*
11 *cy heads do not possess such authority.*

12 *(3) In order to assist the United States Govern-*
13 *ment in recruiting personnel to serve in Iraq and Af-*
14 *ghanistan, and to avoid inequities in allowances, ben-*
15 *efits, and death gratuities among similarly-situated*
16 *United States Government civilian personnel on offi-*
17 *cial duty in these countries, it is essential that the*
18 *heads of all agencies that have personnel on official*
19 *duty in Iraq and Afghanistan have the same basic*
20 *authority with respect to allowances, benefits, and*
21 *death gratuities for such personnel.*

22 *(b) IN GENERAL.—During any fiscal year, the head*
23 *of an agency may, in the agency head's discretion, provide*
24 *to an individual employed by, or assigned or detailed to,*
25 *such agency allowances, benefits, and gratuities comparable*

1 to those provided by the Secretary of State to members of
2 the Foreign Service under section 413 and chapter 9 of title
3 I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081
4 et seq.), if such individual is on official duty in Iraq or
5 Afghanistan.

6 (c) CONSTRUCTION.—Nothing in this section shall be
7 construed to impair or otherwise affect the authority of the
8 head of an agency under any other provision of law.

9 **SEC. 1104. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS**
10 **FOR FAMILY MEMBERS OF INDIVIDUALS PER-**
11 **FORMING CERTAIN MILITARY SERVICE.**

12 (a) FEDERAL EMPLOYEES PROGRAM.—

13 (1) DEFINITIONS.—In this subsection:

14 (A) CAREGIVER.—The term “caregiver”
15 means an individual who—

16 (i) is an employee;

17 (ii) is at least 21 years of age; and

18 (iii) is capable of self care and care of
19 children or other dependent family members
20 of a qualified member of the Armed Forces.

21 (B) COVERED PERIOD OF SERVICE.—The
22 term “covered period of service” means any pe-
23 riod of service performed by an employee as a
24 caregiver while the individual who designated

1 *the caregiver under paragraph (3) remains a*
2 *qualified member of the Armed Forces.*

3 (C) *EMPLOYEE.*—*The term “employee” has*
4 *the meaning given under section 6331 of title 5,*
5 *United States Code.*

6 (D) *FAMILY MEMBER.*—*The term “family*
7 *member” includes—*

8 (i) *individuals for whom the qualified*
9 *member of the Armed Forces provides med-*
10 *ical, financial, and logistical support (such*
11 *as housing, food, clothing, or transpor-*
12 *tation); and*

13 (ii) *children under the age of 19 years,*
14 *elderly adults, persons with disabilities, and*
15 *other persons who are unable to care for*
16 *themselves in the absence of the qualified*
17 *member of the Armed Forces.*

18 (E) *QUALIFIED MEMBER OF THE ARMED*
19 *FORCES.*—*The term “qualified member of the*
20 *Armed Forces” means—*

21 (i) *a member of a reserve component of*
22 *the Armed Forces as described under section*
23 *10101 of title 10, United States Code, who*
24 *has received notice to report to, or is serving*
25 *on, active duty in the Armed Forces in sup-*

1 *port of a contingency operation as defined*
2 *under section 101(a)(13) of title 10, United*
3 *States Code; or*

4 *(ii) a member of the Armed Forces on*
5 *active duty who is eligible for hostile fire or*
6 *imminent danger special pay under section*
7 *310 of title 37, United States Code.*

8 (2) *ESTABLISHMENT OF PROGRAM.—The Office*
9 *of Personnel Management shall establish a program to*
10 *authorize a caregiver to—*

11 *(A) use any sick leave of that caregiver dur-*
12 *ing a covered period of service in the same man-*
13 *ner and to the same extent as annual leave is*
14 *used; and*

15 *(B) use any leave available to that caregiver*
16 *under subchapter III or IV of chapter 63 of title*
17 *5, United States Code, during a covered period*
18 *of service as though that covered period of service*
19 *is a medical emergency.*

20 (3) *DESIGNATION OF CAREGIVER.—*

21 *(A) IN GENERAL.—A qualified member of*
22 *the Armed Forces shall submit a written des-*
23 *ignation of the individual who is the caregiver*
24 *for any family member of that member of the*
25 *Armed Forces during a covered period of service*

1 to the employing agency and the Office of Per-
2 sonnel Management.

3 (B) *DESIGNATION OF SPOUSE.*—Notwith-
4 standing paragraph (1)(A)(ii), an individual
5 less than 21 years of age may be designated as
6 a caregiver if that individual is the spouse of the
7 qualified member of the Armed Forces making
8 the designation.

9 (4) *USE OF CAREGIVER LEAVE.*—Leave may only
10 be used under this subsection for purposes directly re-
11 lating to, or resulting from, the designation of an em-
12 ployee as a caregiver.

13 (5) *REGULATIONS.*—Not later than 120 days
14 after the date of enactment of this Act, the Office of
15 Personnel Management shall prescribe regulations to
16 carry out this subsection.

17 (6) *TERMINATION.*—The program under this sub-
18 section shall terminate on December 31, 2007.

19 (b) *VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.*—

20 (1) *DEFINITIONS.*—

21 (A) *CAREGIVER.*—The term “caregiver”
22 means an individual who—

23 (i) is an employee;

24 (ii) is at least 21 years of age; and

1 (iii) is capable of self care and care of
2 children or other dependent family members
3 of a qualified member of the Armed Forces.

4 (B) *COVERED PERIOD OF SERVICE.*—The
5 term “covered period of service” means any pe-
6 riod of service performed by an employee as a
7 caregiver while the individual who designated
8 the caregiver under paragraph (4) remains a
9 qualified member of the Armed Forces.

10 (C) *EMPLOYEE.*—The term “employee”
11 means an employee of a business entity partici-
12 pating in the program under this subsection.

13 (D) *FAMILY MEMBER.*—The term “family
14 member” includes—

15 (i) individuals for whom the qualified
16 member of the Armed Forces provides med-
17 ical, financial, and logistical support (such
18 as housing, food, clothing, or transpor-
19 tation); and

20 (ii) children under the age of 19 years,
21 elderly adults, persons with disabilities, and
22 other persons who are unable to care for
23 themselves in the absence of the qualified
24 member of the Armed Forces.

1 (E) *QUALIFIED MEMBER OF THE ARMED*
2 *FORCES.*—*The term “qualified member of the*
3 *Armed Forces” means—*

4 (i) *a member of a reserve component of*
5 *the Armed Forces as described under section*
6 *10101 of title 10, United States Code, who*
7 *has received notice to report to, or is serving*
8 *on, active duty in the Armed Forces in sup-*
9 *port of a contingency operation as defined*
10 *under section 101(a)(13) of title 10, United*
11 *States Code; or*

12 (ii) *a member of the Armed Forces on*
13 *active duty who is eligible for hostile fire or*
14 *imminent danger special pay under section*
15 *310 of title 37, United States Code.*

16 (2) *ESTABLISHMENT OF PROGRAM.*—

17 (A) *IN GENERAL.*—*The Secretary of Labor*
18 *may establish a program to authorize employees*
19 *of business entities described under paragraph*
20 *(3) to use sick leave, or any other leave available*
21 *to an employee, during a covered period of serv-*
22 *ice in the same manner and to the same extent*
23 *as annual leave (or its equivalent) is used.*

24 (B) *EXCEPTION.*—*Subparagraph (A) shall*
25 *not apply to leave made available under the*

1 *Family and Medical Leave Act of 1993 (29*
2 *U.S.C. 2601 et seq.).*

3 (3) *VOLUNTARY BUSINESS PARTICIPATION.—The*
4 *Secretary of Labor may solicit business entities to*
5 *voluntarily participate in the program under this*
6 *subsection.*

7 (4) *DESIGNATION OF CAREGIVER.—*

8 (A) *IN GENERAL.—A qualified member of*
9 *the Armed Forces shall submit a written des-*
10 *ignation of the individual who is the caregiver*
11 *for any family member of that member of the*
12 *Armed Forces during a covered period of service*
13 *to the employing business entity.*

14 (B) *DESIGNATION OF SPOUSE.—Notwith-*
15 *standing paragraph (1)(A)(ii), an individual*
16 *less than 21 years of age may be designated as*
17 *a caregiver if that individual is the spouse of the*
18 *qualified member of the Armed Forces making*
19 *the designation.*

20 (5) *USE OF CAREGIVER LEAVE.—Leave may only*
21 *be used under this subsection for purposes directly re-*
22 *lating to, or resulting from, the designation of an em-*
23 *ployee as a caregiver.*

24 (6) *REGULATIONS.—Not later than 120 days*
25 *after the date of enactment of this Act, the Secretary*

1 of Labor may prescribe regulations to carry out this
2 subsection.

3 (7) *TERMINATION.*—The program under this sub-
4 section shall terminate on December 31, 2007.

5 (c) *GAO REPORT.*—Not later than June 30, 2007, the
6 Government Accountability Office shall submit a report to
7 Congress on the programs under subsections (a) and (b)
8 that includes—

9 (1) an evaluation of the success of each program;
10 and

11 (2) recommendations for the continuance or ter-
12 mination of each program.

13 **SEC. 1105. THREE-YEAR EXTENSION OF AUTHORITY FOR EX-**
14 **PERIMENTAL PERSONNEL MANAGEMENT**
15 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
16 **PERSONNEL.**

17 Section 1101(e)(1) of the Strom Thurmond National
18 Defense Authorization Act for Fiscal Year 1999 (5 U.S.C.
19 3104 note) is amended by striking “September 30, 2008”
20 and inserting “September 30, 2011”.

1 **TITLE XII—MATTERS RELATING**
2 **TO OTHER NATIONS**
3 **Subtitle A—General Matters**

4 **SEC. 1201. EXPANSION OF HUMANITARIAN AND CIVIC AS-**
5 **SISTANCE TO INCLUDE COMMUNICATIONS**
6 **AND INFORMATION CAPACITY.**

7 *Section 401 of title 10, United States Code, as*
8 *amended—*

9 *(1) in subsection (c)—*

10 *(A) by redesignating paragraphs (2), (3),*
11 *and (4) as paragraphs (3), (4), and (5), respec-*
12 *tively;*

13 *(B) by inserting after paragraph (1) end*
14 *the following new paragraph (2):*

15 *“(2) Expenses covered by paragraph (1) include com-*
16 *munications or information systems equipment or supplies*
17 *incurred in providing assistance described in subsection*
18 *(e)(4).”;* and

19 *(C) in paragraph (4), as redesignated by*
20 *subparagraph (A) of this paragraph, by striking*
21 *“paragraph (2)(B)” and inserting “paragraph*
22 *(3)(B)”;* and

23 *(2) in subsection (e)(4), by inserting before the*
24 *period the following: “, including information and*
25 *communications technology facilities”.*

1 **SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO**
2 **THE REGIONAL DEFENSE**
3 **COUNTERTERRORISM FELLOWSHIP PRO-**
4 **GRAM.**

5 (a) *REDESIGNATION OF PROGRAM AS REGIONAL DE-*
6 *FENSE COMBATTING TERRORISM FELLOWSHIP PRO-*
7 *GRAM.*—Section 2249c of title 10, United States Code, is
8 amended in subsections (a) and (c)(3), by striking
9 “Counterterrorism” and inserting “Combating Ter-
10 rorism”.

11 (b) *AVAILABILITY OF FUNDS.*—

12 (1) *IN GENERAL.*—Subsection (a) of such section
13 is further amended by striking “the attendance” and
14 all that follows through “military educational institu-
15 tions” and inserting “the education and training of
16 foreign military officers and other foreign officials at
17 military or civilian educational institutions”.

18 (2) *INCREASE IN AMOUNT AVAILABLE.*—Sub-
19 section (b) of such section is amended by striking
20 “\$20,000,000” and inserting “\$25,000,000”.

21 (3) *AVAILABILITY OF AMOUNTS ACROSS FISCAL*
22 *YEARS.*—Subsection (b) of such section is further
23 amended by adding at the end the following new sen-
24 tence: “Amounts available under the authority in sub-
25 section (a) for a fiscal year may be used for programs

1 *that begin in such fiscal year but end in the next fis-*
 2 *cal year.”.*

3 (c) *CONFORMING AND CLERICAL AMENDMENTS.*—

4 (1) *CONFORMING AMENDMENT.*—*The heading of*
 5 *such section is amended to read as follows:*

6 **“§ 2249c. Authority to use appropriated funds for edu-**
 7 **cation and training of foreign visitors**
 8 **under Regional Defense Combatting Ter-**
 9 **rorism Fellowship Program”.**

10 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 11 *tions at the beginning of subchapter I of chapter 134*
 12 *of such title is amended by striking the item relating*
 13 *to section 2249c and insert the following new item:*

*“2249c. Authority to use appropriated funds for education and training of foreign
 visitors under Regional Defense Combatting Terrorism Fellow-
 ship Program.”.*

14 **SEC. 1203. LOGISTIC SUPPORT OF ALLIED FORCES FOR**
 15 **COMBINED OPERATIONS.**

16 (a) *AUTHORITY TO USE FUNDS TO PROVIDE SUP-*
 17 *PORT.*—

18 (1) *IN GENERAL.*—*Subchapter I of chapter 134*
 19 *of title 10, United States Code, is amended by insert-*
 20 *ing after section 2249c the following new section:*

1 **“§2249d. Authority to use appropriated funds for lo-**
2 **gistic support of allied forces for com-**
3 **bined operations**

4 “(a) *AUTHORITY TO USE FUNDS.*—Subject to sub-
5 sections (b) and (c), funds appropriated to the Department
6 of Defense for operation and maintenance may be used by
7 the Secretary of Defense, with the concurrence of the Sec-
8 retary of State, to provide logistic support, supplies, and
9 services to allied forces participating in combined oper-
10 ations with the armed forces of the United States.

11 “(b) *LIMITATION RELATING TO COMBINED OPER-*
12 *ATIONS.*—The authority in subsection (a) to provide logistic
13 support, supplies, and services may be exercised only—

14 “(1) *with respect to combined operations during*
15 *a period of active hostilities, a contingency operation,*
16 *or a noncombat operation (including an operation in*
17 *support of the provision of humanitarian or foreign*
18 *disaster assistance, country stabilization operations,*
19 *or peacekeeping operations under chapter VI or VII*
20 *of the Charter of the United Nations); and*

21 “(2) *in circumstances in which the Secretary of*
22 *Defense determines that the allied forces to be pro-*
23 *vided such logistic support, supplies, and services—*

24 “(A) *are essential to the success of such*
25 *combined operations; and*

1 “(B) would not be able to participate in
2 such combined operations but for the provision of
3 such logistic support, supplies, and services.

4 “(c) *LIMITATIONS RELATING TO AMOUNT.*—(1) *Except*
5 *as provided in paragraph (2), the amount of logistic sup-*
6 *port, supplies, and services provided under subsection (a)*
7 *in any fiscal year may not exceed \$100,000,000.*

8 “(2) *In any fiscal year, in addition to any logistic*
9 *support, supplies, and services provided under subsection*
10 *(a) that are covered by paragraph (1), logistic support, sup-*
11 *plies, and services in the amount of \$5,000,000 may be pro-*
12 *vided under that subsection if such support, supplies, and*
13 *services are solely for purposes of enhancing the interoper-*
14 *ability of the logistical support systems of allied forces with*
15 *the logistical support systems of the armed forces of the*
16 *United States in order to facilitate combined operations.*

17 “(d) *ANNUAL REPORT.*—*Not later than December 31*
18 *each year, the Secretary of Defense, in coordination with*
19 *the Secretary of State, shall submit to the appropriate com-*
20 *mittees of Congress a report on the use of the authority in*
21 *subsection (a) during the preceding fiscal year. Each report*
22 *shall include, for the fiscal year covered by such report, the*
23 *following:*

24 “(1) *Each nation provided logistic support, sup-*
25 *plies, and services.*

1 “(2) *For each such nation, a description of the*
2 *type and value of logistic support, supplies, and serv-*
3 *ices so provided.*

4 “(e) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘appropriate committees of Con-*
6 *gress’ means—*

7 “(A) *the Committees on Armed Services and*
8 *Foreign Relations of the Senate; and*

9 “(B) *the Committees on Armed Services and*
10 *International Relations of the House of Rep-*
11 *resentatives.*

12 “(2) *The term ‘logistic support, supplies, and*
13 *services’ has the meaning given such term in section*
14 *2350(1) of this title and includes sealift.”.*

15 “(2) *CLERICAL AMENDMENT.—The table of sec-*
16 *tions at the beginning of subchapter I of such chapter*
17 *is amended by inserting after the item relating to sec-*
18 *tion 2249c the following new item:*

 “2249d. *Authority to use appropriated funds for logistic support of allied forces*
 for combined operations.”.

19 “(b) *EFFECTIVE DATE.—The amendments made by this*
20 *section shall take effect on October 1, 2006, and shall apply*
21 *with respect to fiscal years beginning on or after that date.*

1 **SEC. 1204. EXCLUSION OF PETROLEUM, OIL, AND LUBRI-**
2 **CANTS FROM LIMITATIONS ON AMOUNT OF**
3 **LIABILITIES THE UNITED STATES MAY AC-**
4 **CRUE UNDER ACQUISITION AND CROSS-SERV-**
5 **ICING AGREEMENTS.**

6 (a) *EXCLUSION.*—Section 2347 of title 10, United
7 States Code, is amended by adding at the end the following
8 new subsection:

9 “(d) The limitations in this section on the amount of
10 reimbursable liabilities or reimbursable credits that the
11 United States may accrue under this subchapter shall not
12 apply with respect to the sale, purchase, or exchange of pe-
13 troleum, oils, or lubricants.”

14 (b) *CONFORMING AMENDMENTS.*—Paragraphs (1) and
15 (2) of subsection (a) of such section are each amended by
16 striking “(other than petroleum, oils, and lubricants)”.

17 **SEC. 1205. TEMPORARY AUTHORITY TO USE ACQUISITION**
18 **AND CROSS-SERVICING AGREEMENTS TO**
19 **LOAN SIGNIFICANT MILITARY EQUIPMENT TO**
20 **FOREIGN FORCES IN IRAQ AND AFGHANI-**
21 **STAN FOR PERSONNEL PROTECTION AND**
22 **SURVIVABILITY.**

23 (a) *AUTHORITY.*—

24 (1) *IN GENERAL.*—Subject to paragraphs (2) and
25 (3), the Secretary of Defense may treat significant
26 military equipment as logistic support, supplies, and

1 *services under subchapter I of chapter 138 of title 10,*
2 *United States Code, for purposes of providing for the*
3 *use of such equipment by military forces of nations*
4 *participating in combined operations with United*
5 *States Forces in Iraq and Afghanistan if the Sec-*
6 *retary, with the concurrence of the Secretary of State,*
7 *determines in writing that it is in the national secu-*
8 *rity interests of the United States to provide for the*
9 *use of such equipment in such manner.*

10 (2) *LIMITATION ON DURATION OF PROVISION.—*
11 *Equipment may be used by foreign military forces*
12 *under this subsection for not longer than one year.*

13 (3) *LIMITATION ON USE.—Equipment may be*
14 *used by foreign military forces under this subsection*
15 *solely for personnel protection or to aid in the per-*
16 *sonnel survivability of such forces.*

17 (b) *SEMIANNUAL REPORTS.—*

18 (1) *REPORTS REQUIRED.—The Secretary of De-*
19 *fense shall, in coordination with the Secretary of*
20 *State, submit to the appropriate committees of Con-*
21 *gress a report on the exercise of the authority in sub-*
22 *section (a) as follows:*

23 (A) *If the authority is exercised during the*
24 *first six-month period of a fiscal year, not later*
25 *than 30 days after such period.*

1 (B) *If the authority is exercised during the*
2 *second six-month period of a fiscal year, not*
3 *later than 30 days after such period.*

4 (2) *ELEMENTS.—Each report under paragraph*
5 *(1) shall include, for each exercise of authority under*
6 *subsection (a) during the period covered by such re-*
7 *port, the following:*

8 (A) *A copy of the written determination*
9 *under subsection (a) with respect to the exercise*
10 *of such authority.*

11 (B) *A statement of each recipient of equip-*
12 *ment under the exercise of such authority.*

13 (C) *A description of the type, quantity, and*
14 *value of the equipment supplied to each such re-*
15 *recipient, and a description of the terms and dura-*
16 *tion of the supply of the equipment to such re-*
17 *ipient.*

18 (c) *CONSTRUCTION WITH LIMITATIONS ON TRANSFER*
19 *OF MILITARY EQUIPMENT.—The provision of significant*
20 *military equipment for use under this section shall be sub-*
21 *ject to the provisions of the Arms Export Control Act (22*
22 *U.S.C. 2751 et seq.) and of any other export control regime*
23 *under law relating to the transfer of military technology*
24 *to foreign nations.*

25 (d) *DEFINITIONS.—In this section:*

1 (1) *The term “appropriate committees of Con-*
2 *gress” means—*

3 (A) *the Committees on Armed Services and*
4 *Foreign Relations of the Senate; and*

5 (B) *the Committees on Armed Services and*
6 *International Relations of the House of Rep-*
7 *resentatives.*

8 (2) *The term “significant military equipment”*
9 *means items designated as significant military equip-*
10 *ment on the United States Munitions List under sec-*
11 *tion 38(a)(1) of the Arms Export Control Act (22*
12 *U.S.C. 2778(a)(1)).*

13 (e) *EXPIRATION.—The authority in subsection (a)*
14 *shall expire on September 30, 2008.*

15 **SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO**
16 **THE BUILDING OF THE CAPACITY OF FOR-**
17 **EIGN MILITARY FORCES.**

18 (a) *FUNDS AVAILABLE FOR PRESIDENTIAL PRO-*
19 *GRAM.—Subsection (c) of section 1206 of the National De-*
20 *fense Authorization Act for Fiscal Year 2006 (Public Law*
21 *109–163; 119 Stat. 3456) is amended by striking “defense-*
22 *wide”.*

23 (b) *LIMITED AUTHORITY TO RESPOND TO UNANTICI-*
24 *PATED CHANGES IN SECURITY ENVIRONMENT.—Such sec-*
25 *tion is further amended—*

1 (1) *by redesignating subsections (f) and (g) as*
2 *subsections (h) and (i), respectively; and*

3 (2) *by inserting after subsection (e) the following*
4 *new subsection (f):*

5 “(f) *COMBATANT COMMANDER AUTHORITY TO RE-*
6 *SPOND TO UNANTICIPATED CHANGES IN SECURITY ENVI-*
7 *RONMENT.—*

8 “(1) *IN GENERAL.—During fiscal years 2007*
9 *and 2008, the Secretary of Defense may, with the con-*
10 *currence of the Secretary of State, authorize any com-*
11 *mander of a geographic combatant command to re-*
12 *spond to unanticipated changes in a security environ-*
13 *ment within the area of responsibility of such com-*
14 *mander by conducting a program to build the capac-*
15 *ity of the national military forces of a country within*
16 *such area of responsibility in order for such country*
17 *to—*

18 “(A) *conduct counterterrorist operations; or*

19 “(B) *participate in or support military and*
20 *stability operations.*

21 “(2) *REQUIRED ELEMENTS.—Any program*
22 *under paragraph (1) shall include elements that*
23 *promote—*

24 “(A) *observance of and respect for human*
25 *rights and fundamental freedoms; and*

1 “(B) respect for legitimate civilian author-
2 ity within the country concerned.

3 “(3) *AUTHORIZED ELEMENTS.*—Any program
4 under paragraph (1) may include the provision of
5 equipment, supplies, and training.

6 “(4) *ANNUAL FUNDING LIMITATION.*—The Sec-
7 retary of Defense may make available, from funds
8 available for operation and maintenance for fiscal
9 year 2007 or 2008, not to exceed \$200,000,000 to con-
10 duct activities under paragraph (1) in such fiscal
11 year. Of the amount so made available for a fiscal
12 year, not more than \$50,000,000 may be available for
13 any commander of a particular geographic combatant
14 command in such fiscal year. Amounts available
15 under this paragraph are in addition to any other
16 amounts available to the commanders of the geo-
17 graphic combatant commands, including amounts in
18 the Combatant Commanders Initiative Fund.

19 “(5) *ASSISTANCE OTHERWISE PROHIBITED BY*
20 *LAW.*—The commander of a geographic combatant
21 command may not use the authority in paragraph
22 (1) to provide any type of assistance described in
23 paragraphs (2) and (3) that is otherwise prohibited
24 by any provision of law.

1 “(6) *LIMITATION ON ELIGIBLE COUNTRIES.*—The
2 *commander of a geographic combatant command may*
3 *not use the authority in paragraph (1) to provide any*
4 *type of assistance described in paragraphs (2) and (3)*
5 *to any foreign country that is otherwise prohibited*
6 *from receiving such type of assistance under any*
7 *other provision of law.*

8 “(7) *FORMULATION AND EXECUTION OF PRO-*
9 *GRAMS.*—The Secretary of Defense shall prescribe
10 *guidance for programs authorized by paragraph (1).*
11 *Such guidance shall include requirements for the com-*
12 *manders of the geographic combatant commands to—*

13 “(A) *formulate any program under para-*
14 *graph (1) for a country jointly with the United*
15 *States ambassador or chief of mission to such*
16 *country; and*

17 “(B) *coordinate with the United States am-*
18 *bassador or chief of mission to a country in im-*
19 *plementing any program under paragraph (1)*
20 *for such country.*

21 “(8) *CONGRESSIONAL NOTIFICATION.*—Not less
22 *than 15 days after the initiation of activities in a*
23 *country under a program under paragraph (1), the*
24 *Secretary of Defense, in coordination with the Sec-*
25 *retary of State, shall submit to the congressional com-*

1 *mittees specified in subsection (e)(3) a notice of the*
2 *following:*

3 *“(A) The country being assisted in the*
4 *building of the capacity of its military forces*
5 *under the program.*

6 *“(B) The budget, implementation timeline*
7 *with milestones, and completion date for the pro-*
8 *gram.*

9 *“(C) The source and planned expenditure of*
10 *funds to complete the program.”.*

11 *(c) LIMITED AUTHORITY TO MEET UNANTICIPATED*
12 *HUMANITARIAN RELIEF OR RECONSTRUCTION REQUIRE-*
13 *MENTS.—Such section is further amended by inserting after*
14 *subsection (f), as added by subsection (b)(2) of this section,*
15 *the following new subsection (g):*

16 *“(g) COMBATANT COMMANDER AUTHORITY TO MEET*
17 *UNANTICIPATED HUMANITARIAN RELIEF OR RECONSTRUC-*
18 *TION REQUIREMENTS.—*

19 *“(1) IN GENERAL.—During fiscal years 2007*
20 *and 2008, the Secretary of Defense may authorize any*
21 *commander of a geographic combatant command to*
22 *provide the assistance described in paragraph (2) to*
23 *respond to urgent and unanticipated humanitarian*
24 *relief or reconstruction requirements in a foreign*
25 *country within the area of responsibility of the com-*

1 *mander of the geographic combatant command if the*
2 *commander of the geographic combatant command de-*
3 *termines that the provision of such assistance will*
4 *promote the security interests of the United States*
5 *and the country to which such assistance will be pro-*
6 *vided. Such assistance may be provided without re-*
7 *gard to any provision of chapter 137, 140, or 141 of*
8 *title 10, United States Code, or any other provision*
9 *of law that would prohibit, restrict, or limit the pro-*
10 *vision of such assistance.*

11 *“(2) TYPES OF ASSISTANCE.—The assistance*
12 *that may be provided under paragraph (1) includes*
13 *the following:*

14 *“(A) Construction, reconstruction, or repair*
15 *of municipal, educational, cultural, or other*
16 *local facilities.*

17 *“(B) Reconstitution or improvement of util-*
18 *ities or other local infrastructure.*

19 *“(C) Provision of any other goods or serv-*
20 *ices necessary to respond to urgent and unantici-*
21 *pated humanitarian relief or reconstruction re-*
22 *quirements.*

23 *“(3) PROHIBITION ON ASSISTANCE IN CERTAIN*
24 *COUNTRIES.—Assistance may not be provided under*
25 *paragraph (1) in Iraq or Afghanistan.*

1 “(4) *ANNUAL FUNDING LIMITATION.*—*From*
2 *funds available for operation and maintenance for*
3 *fiscal year 2007 or 2008, not more than \$200,000*
4 *may be available to the commander of a geographic*
5 *combatant command to conduct activities under*
6 *paragraph (1) in any particular country in such fis-*
7 *cal year. Amounts available under this paragraph are*
8 *in addition to any other amounts available to the*
9 *commanders of the geographic combatant commands,*
10 *including amounts in the Combatant Commanders*
11 *Initiative Fund.*

12 “(5) *CONSTRUCTION OF AUTHORITY.*—*The au-*
13 *thority and funds available to the commanders of the*
14 *geographic combatant commands under this sub-*
15 *section are in addition to any other authorities and*
16 *funds available to the commanders of the geographic*
17 *combatant commands.*

18 “(6) *GUIDANCE ON PROVISION OF ASSISTANCE.*—
19 *(A) No funds may be obligated or expended for the*
20 *provision of assistance under paragraph (1) until the*
21 *Secretary of Defense prescribes guidance on the provi-*
22 *sion of assistance under that paragraph.*

23 “(B) *The guidance under this paragraph shall*
24 *include a requirement that any assistance provided*
25 *under paragraph (1) in a particular country be pro-*

1 *vided only with the concurrence of the United States*
2 *ambassador or chief of mission to that country.*

3 *“(C) Not later than 30 days after the issuance of*
4 *the guidance under this paragraph, the Secretary*
5 *shall submit to the congressional defense committees a*
6 *report setting forth such guidance.*

7 *“(D) Not later than 30 days after issuing any*
8 *modification to the guidance under this paragraph,*
9 *the Secretary shall submit to the congressional defense*
10 *committees a report on such modification.*

11 *“(7) REPORT.—Not later than November 1 of*
12 *2007 and 2008, the Secretary of Defense shall submit*
13 *to the congressional defense committees a report on*
14 *the provision of assistance under paragraph (1) dur-*
15 *ing the preceding fiscal year. Each report shall in-*
16 *clude, for the fiscal year covered by such report, the*
17 *following:*

18 *“(A) The source of funds utilized to provide*
19 *assistance under paragraph (1) during such fis-*
20 *cal year.*

21 *“(B) Each country in which assistance was*
22 *so provided.*

23 *“(C) For each country so provided assist-*
24 *ance, the type and amount of assistance pro-*
25 *vided.”.*

1 (d) *TERMINATION OF AUTHORITY.*—Subsection (i) of
 2 such section, as redesignated by subsection (b)(1) of this sec-
 3 tion, is further amended to read as follows:

4 “(i) *TERMINATION.*—

5 “(1) *TERMINATION OF PRESIDENTIAL PRO-*
 6 *GRAM.*—The authority of the President under sub-
 7 section (a) to direct the Secretary of Defense to con-
 8 duct a program terminates at the close of September
 9 30, 2008. Any program directed before that date may
 10 be completed, but only using funds available for fiscal
 11 year 2006, 2007, or 2008.

12 “(2) *TERMINATION OF COMBATANT COMMANDER*
 13 *AUTHORITIES.*—The authority of the commanders of
 14 the geographic combatant commands to carry out pro-
 15 grams under subsection (f), and to provide assistance
 16 under subsection (g), terminates at the close of Sep-
 17 tember 30, 2008. Any program or assistance com-
 18 menced before that date may be completed, but only
 19 using funds available for fiscal year 2007 or 2008.”.

20 **SEC. 1207. PARTICIPATION OF THE DEPARTMENT OF DE-**
 21 **FENSE IN MULTINATIONAL MILITARY CEN-**
 22 **TERS OF EXCELLENCE.**

23 (a) *PARTICIPATION AUTHORIZED.*—During fiscal year
 24 2007, the Secretary of Defense may, with the concurrence
 25 of the Secretary of State, authorize the participation of the

1 *Department of Defense, and of members of the armed forces*
2 *and civilian personnel of the Department, in multinational*
3 *military centers of excellence hosted by any nation or com-*
4 *ination of nations referred to in subsection (b) for purposes*
5 *of—*

6 (1) *enhancing the ability of military forces and*
7 *civilian personnel of the nations participating in*
8 *such centers to engage in joint exercises or coalition*
9 *or international military operations; or*

10 (2) *improving interoperability between the*
11 *Armed Forces of the United States and the military*
12 *forces of friendly foreign nations.*

13 (b) *COVERED NATIONS.—The nations referred to in*
14 *this section are as follows:*

15 (1) *The United States.*

16 (2) *Any member nation of the North Atlantic*
17 *Treaty Organization (NATO).*

18 (3) *Any major non-NATO ally.*

19 (4) *Any other friendly foreign nation identified*
20 *by the Secretary of Defense, with the concurrence of*
21 *the Secretary of State, for purposes of this section.*

22 (c) *MEMORANDUM OF UNDERSTANDING.—The partici-*
23 *pation of the Department of Defense, or of members of the*
24 *armed forces or civilian personnel of the Department, in*
25 *a multinational military center of excellence under sub-*

1 *section (a) shall be governed by the terms of one or more*
2 *memoranda of understanding entered into by the Secretary*
3 *of Defense, with the concurrence of the Secretary of State,*
4 *and the foreign nation or nations concerned.*

5 *(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1)*
6 *Funds appropriated to the Department of Defense for oper-*
7 *ation and maintenance are available as follows:*

8 *(A) To pay the United States share of the ex-*
9 *penses of any multinational military center of excel-*
10 *lence in which the United States participates under*
11 *this section.*

12 *(B) To pay the costs of the participation of the*
13 *Department of Defense, and of members of the armed*
14 *forces and civilian personnel of the Department, in*
15 *multinational military centers of excellence under this*
16 *section, including the costs of pay, salaries, and ex-*
17 *penses of such members and personnel in partici-*
18 *pating in such centers.*

19 *(2) The amount available under paragraph (1)(A) in*
20 *fiscal year 2007 for the expenses referred to in that para-*
21 *graph may not exceed \$3,000,000.*

22 *(e) USE OF DEPARTMENT OF DEFENSE FACILITIES*
23 *AND EQUIPMENT.—(1) Facilities and equipment of the De-*
24 *partment of Defense may be used for purposes of the support*

1 *of multinational military centers of excellence under this*
2 *section that are hosted by the Department.*

3 (2) *The use of facilities and equipment for support of*
4 *a multinational military center of excellence under para-*
5 *graph (1) may, at the election of the Secretary of Defense,*
6 *be with or without reimbursement by other nations partici-*
7 *pating in the center.*

8 (f) *REPORT ON USE OF AUTHORITY.—*

9 (1) *REPORT REQUIRED.—Not later than October*
10 *31, 2007, the Secretary of Defense shall submit to the*
11 *congressional defense committees a report on the use*
12 *of the authority in this section during fiscal year*
13 *2007.*

14 (2) *ELEMENTS.—The report required by para-*
15 *graph (1) shall include the following:*

16 (A) *A detailed description of the participa-*
17 *tion of the Department of Defense, and of mem-*
18 *bers of the Armed Forces and civilian personnel*
19 *of the Department, in multinational military*
20 *centers of excellence under the authority of this*
21 *section during fiscal year 2007.*

22 (B) *For each multinational military center*
23 *of excellence in which the Department of Defense,*
24 *or members of the Armed Forces or civilian per-*
25 *sonnel of the Department, so participated—*

1 (i) a description of such multinational
2 military center of excellence;

3 (ii) a description of the activities par-
4 ticipated in by the Department, or by mem-
5 bers of the Armed Forces or civilian per-
6 sonnel of the Department; and

7 (iii) a statement of the costs of the De-
8 partment for such participation,
9 including—

10 (I) a statement of the United
11 States share of the expenses of such
12 center, and a statement of the percent-
13 age of the United States share of the
14 expenses of such center to the total ex-
15 penses of such center; and

16 (II) a statement of the amount of
17 such costs (including a separate state-
18 ment of the amount of costs paid for
19 under the authority of this section by
20 category of costs).

21 (g) *DEFINITIONS.*—*In this section:*

22 (1) The term “multinational military center of
23 excellence” means an entity sponsored by one or more
24 nations that is accredited and approved by the North
25 Atlantic Treaty Organization military committee as

1 offering recognized expertise and experience to per-
2 sonnel participating in the activities of such entity
3 for the benefit of the North Atlantic Treaty Organiza-
4 tion by providing such personnel opportunities to—

5 (A) enhance education and training;

6 (B) improve interoperability and capabili-
7 ties;

8 (C) assist in the development of doctrine;

9 and

10 (D) validate concepts through experimen-
11 tation.

12 (2) The term “major non-NATO ally” means a
13 country (other than a member nation of the North At-
14 lantic Treaty Organization) that is designated as a
15 major non-NATO ally for purposes of this section by
16 the Secretary of Defense with the concurrence of the
17 Secretary of State.

18 **SEC. 1208. DISTRIBUTION OF EDUCATION AND TRAINING**
19 **MATERIALS AND INFORMATION TECHNOLOGY**
20 **TO ENHANCE INTEROPERABILITY.**

21 (a) *DISTRIBUTION AUTHORIZED.*—In furtherance of
22 the national security objectives of the United States and to
23 improve interoperability between the Armed Forces of the
24 United States and military forces of friendly foreign coun-
25 tries, the Secretary of Defense may—

1 (1) provide to the personnel referred to in sub-
2 section (b) electronically-distributed learning content
3 for the education and training of such personnel for
4 the development and enhancement of allied and
5 friendly military capabilities for multinational oper-
6 ations, including joint exercises and coalition oper-
7 ations; and

8 (2) provide information technology, including
9 computer software developed for such purpose, to sup-
10 port the use of such learning content for the education
11 and training of such personnel.

12 (b) *PERSONNEL*.—The personnel to which learning
13 content and information technology may be provided under
14 subsection (a) are as follows:

15 (1) Military and civilian personnel of friendly
16 foreign governments.

17 (2) Personnel of internationally-recognized non-
18 governmental organizations.

19 (c) *EDUCATION AND TRAINING*.—The education and
20 training provided under subsection (a) shall include the fol-
21 lowing:

22 (1) Internet based education and training.

23 (2) Advanced distributed learning and similar
24 Internet learning tools, as well as distributed training
25 and computer assisted exercises.

1 (d) *INFORMATION TECHNOLOGY.*—*In providing infor-*
2 *mation technology under subsection (a)(2), the Secretary of*
3 *Defense may only expend funds for the development and*
4 *provision of information technology and learning content*
5 *necessary to support the provision of education and train-*
6 *ing authorized by this section.*

7 (e) *SECRETARY OF STATE CONCURRENCE IN CERTAIN*
8 *ACTIVITIES.*—*In the case of any activity proposed to be un-*
9 *dertaken under the authority in this section that is not au-*
10 *thorized by another provision of law, the Secretary of De-*
11 *fense may not undertake such activity without the concur-*
12 *rence of the Secretary of State.*

13 (f) *CONSTRUCTION WITH OTHER AUTHORITY.*—

14 (1) *SUPPLEMENTAL AUTHORITY.*—*The authority*
15 *in this section is in addition to any other authority*
16 *available to the Secretary of Defense to provide assist-*
17 *ance to foreign nations or military forces.*

18 (2) *LIMITATION.*—*The provision of learning con-*
19 *tent and information technology under the authority*
20 *in this section shall be subject to the provisions of the*
21 *Arms Export Control Act (22 U.S.C. 2751 et seq.)*
22 *and any other export control regime under law relat-*
23 *ing to the transfer of military technology to foreign*
24 *nations.*

25 (g) *GUIDANCE.*—

1 (1) *GUIDANCE REQUIRED.*—*The Secretary of De-*
2 *fense shall develop and issue guidance on the proce-*
3 *dures for the use of the authority in this section.*

4 (2) *SUBMITTAL TO CONGRESS.*—*Not later than*
5 *30 days after issuing the guidance required by para-*
6 *graph (1), the Secretary shall submit to the congres-*
7 *sional defense committees a report setting forth such*
8 *guidance.*

9 (3) *MODIFICATION.*—*In the event the Secretary*
10 *modifies the guidance required by paragraph (1), the*
11 *Secretary shall submit to the congressional defense*
12 *committees a report setting forth the modified guid-*
13 *ance not later than 30 days after the date of such*
14 *modification.*

15 (h) *ANNUAL REPORT.*—

16 (1) *REPORT REQUIRED.*—*Not later than October*
17 *31 of 2007 and 2008, the Secretary of Defense shall*
18 *submit to the congressional defense committees a re-*
19 *port on the exercise of the authority in this section*
20 *during the preceding fiscal year.*

21 (2) *ELEMENTS.*—*The report under paragraph*
22 *(1) shall include, for the fiscal year covered by such*
23 *report, the following:*

1 (A) *A statement of the recipients of learning*
2 *content and information technology provided*
3 *under this section.*

4 (B) *A description of the type, quantity, and*
5 *value of the learning content and information*
6 *technology provided under this section.*

7 (i) *TERMINATION.*—*The authority in this section shall*
8 *expire on September 30, 2008.*

9 **SEC. 1209. UNITED STATES' POLICY ON THE NUCLEAR PRO-**
10 **GRAMS OF IRAN.**

11 (a) *FINDINGS.*—*Congress finds that:*

12 (1) *The pursuit by the Iranian regime of a capa-*
13 *bility to produce nuclear weapons represents a threat*
14 *to the United States, the middle east region, and*
15 *international peace and security.*

16 (2) *On May 31, 2006, Secretary of State Rice*
17 *announced that the United States would join negotia-*
18 *tions with Iran, along with the United Kingdom,*
19 *France, and Germany, provided that Iran fully and*
20 *verifiably suspends its enrichment and reprocessing*
21 *activities.*

22 (3) *On June 1, 2006, President George W. Bush*
23 *stated that “Secretary Rice, at my instructions, said*
24 *to the world that we want to solve the problem of the*
25 *Iranian nuclear issue diplomatically. And we made it*

1 *very clear publicly that we're willing to come to the*
2 *table, so long as the Iranians verifiably suspend their*
3 *program. In other words, we said to the Iranians*
4 *[that] the United States of America wants to work*
5 *with our partners to solve the problem”.*

6 *(4) On June 1, 2006, the United States, the*
7 *United Kingdom, France, Germany, the People's Re-*
8 *public of China, and the Russian Federation agreed*
9 *upon a package of incentives and disincentives, which*
10 *was subsequently presented to Iran by the High Rep-*
11 *resentative of the European Union, Javier Solana.*

12 *(b) SENSE OF CONGRESS.—Congress—*

13 *(1) endorses the policy of the United States, an-*
14 *nounced May 31, 2006, to achieve a successful diplo-*
15 *matic outcome, in coordination with leading members*
16 *of the international community, with respect to the*
17 *threat posed by the efforts of the Iranian regime to ac-*
18 *quire a capability to produce nuclear weapons;*

19 *(2) calls on Iran to suspend fully and verifiably*
20 *its enrichment and reprocessing activities, cooperate*
21 *fully with the International Atomic Energy Agency,*
22 *and enter into negotiations, including with the*
23 *United States, pursuant to the package presented to*
24 *Iran by the High Representative of the European*
25 *Union; and*

1 (3) *urges the President and the Secretary of*
2 *State to keep Congress fully and currently informed*
3 *about the progress of this vital diplomatic initiative.*

4 **SEC. 1210. MODIFICATION OF LIMITATIONS ON ASSISTANCE**
5 **UNDER THE AMERICAN SERVICEMEMBERS'**
6 **PROTECTION ACT OF 2002.**

7 *Section 2013(13)(A) of the American Servicemembers'*
8 *Protection Act of 2002 (title II of Public Law 107–206; 116*
9 *Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking*
10 *“or 5”.*

11 **SEC. 1211. SENSE OF THE CONGRESS COMMENDING THE**
12 **GOVERNMENT OF IRAQ FOR AFFIRMING ITS**
13 **POSITION OF NO AMNESTY FOR TERRORISTS**
14 **WHO ATTACK UNITED STATES ARMED**
15 **FORCES.**

16 (a) *FINDINGS.—Congress makes the following findings:*

17 (1) *The Armed Forces of the United States and*
18 *coalition military forces are serving heroically in*
19 *Iraq to provide all the people of Iraq a better future.*

20 (2) *The Armed Forces of the United States and*
21 *coalition military forces have served bravely in Iraq*
22 *since the beginning of military operations in March*
23 *2003.*

24 (3) *More than 2,500 of the Armed Forces of the*
25 *United States and members of coalition military*

1 *forces have been killed and more than 18,000 injured*
2 *in operations to bring peace and stability to all the*
3 *people of Iraq.*

4 (4) *The National Security Advisor of Iraq af-*
5 *firmed that the Government of Iraq will “never give*
6 *amnesty to those who have killed American soldiers or*
7 *Iraqi soldiers or civilians.”*

8 (5) *The National Security Advisor of Iraq*
9 *thanked “the American wives and American women*
10 *and American mothers for the treasure and blood they*
11 *have invested in this country . . . of liberating 30*
12 *million people in this country . . . and we are ever*
13 *so grateful.”*

14 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
15 *that—*

16 (1) *the goal of the United States and our coali-*
17 *tion partners has been to empower the Iraqi nation*
18 *with full sovereignty thereby recognizing their freedom*
19 *to exercise that sovereignty. Through successive elec-*
20 *tions and difficult political agreements the unity gov-*
21 *ernment is now in place exercising that sovereignty.*
22 *We must respect that exercise of that sovereignty in*
23 *accordance with their own wisdom;*

1 (2) *history records that governments derived of*
2 *free elections should not grant amnesty to those who*
3 *have committed war crimes or terrorists acts; and*

4 (3) *the United States should continue with the*
5 *historic tradition of diplomatically, economically, and*
6 *in a humanitarian manner assisting nations and the*
7 *people who have fought once a conflict is concluded.*

8 **SEC. 1212. SENSE OF CONGRESS ON THE GRANTING OF AM-**
9 **NESTY TO PERSONS KNOWN TO HAVE KILLED**
10 **MEMBERS OF THE ARMED FORCES IN IRAQ.**

11 (a) *FINDINGS.—Congress makes the following findings:*

12 (1) *The Armed Forces of the United States and*
13 *coalition military forces are serving heroically in*
14 *Iraq to provide all the people of Iraq a better future.*

15 (2) *The Armed Forces of the United States and*
16 *coalition military forces have served bravely in Iraq*
17 *since the beginning of military operations in March*
18 *of 2003.*

19 (3) *More than 2,500 members of the Armed*
20 *Forces of the United States and members of coalition*
21 *military forces have been killed and more than 18,000*
22 *injured in operations to bring peace and stability to*
23 *all the people of Iraq.*

24 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
25 *that—*

1 (1) *the Government of Iraq should not grant am-*
2 *nesty to persons known to have attacked, killed, or*
3 *wounded members of the Armed Forces of the United*
4 *States; and*

5 (2) *the President should immediately notify the*
6 *Government of Iraq that the Government of the*
7 *United States strongly opposes granting amnesty to*
8 *persons who have attacked members of the Armed*
9 *Forces of the United States.*

10 **SEC. 1213. ANNUAL REPORTS ON UNITED STATES CON-**
11 **TRIBUTIONS TO THE UNITED NATIONS.**

12 (a) *ANNUAL REPORT REQUIRED.*—*Not later than 90*
13 *days after the date of the enactment of this Act, and annu-*
14 *ally thereafter, the President shall submit to Congress a re-*
15 *port listing all assessed and voluntary contributions of the*
16 *United States Government for the preceding fiscal year to*
17 *the United Nations and United Nations affiliated agencies*
18 *and related bodies.*

19 (b) *ELEMENTS.*—*Each report under subsection (a)*
20 *shall set forth, for the fiscal year covered by such report,*
21 *the following:*

22 (1) *The total amount of all assessed and vol-*
23 *untary contributions of the United States Government*
24 *to the United Nations and United Nations affiliated*
25 *agencies and related bodies.*

1 (2) *The approximate percentage of United States*
2 *Government contributions to each United Nations af-*
3 *iliated agency or body in such fiscal year when com-*
4 *pared with all contributions to such agency or body*
5 *from any source in such fiscal year.*

6 (3) *For each such contribution—*

7 (A) *the amount of such contribution;*

8 (B) *a description of such contribution (in-*
9 *cluding whether assessed or voluntary);*

10 (C) *the department or agency of the United*
11 *States Government responsible for such contribu-*
12 *tion;*

13 (D) *the purpose of such contribution; and*

14 (E) *the United Nations or United Nations*
15 *affiliated agency or related body receiving such*
16 *contribution.*

17 **SEC. 1214. NORTH KOREA.**

18 (a) *COORDINATOR OF POLICY ON NORTH KOREA.—*

19 (1) *APPOINTMENT REQUIRED.—Not later than*
20 *60 days after the date of the enactment of this Act,*
21 *the President shall appoint a senior presidential*
22 *envoy to act as coordinator of United States policy on*
23 *North Korea.*

24 (2) *DESIGNATION.—The individual appointed*
25 *under paragraph (1) may be known as the “North*

1 *Korea Policy Coordinator*” (in this subsection referred
2 to as the “Coordinator”).

3 (3) *DUTIES.*—*The Coordinator shall—*

4 (A) *conduct a full and complete interagency*
5 *review of United States policy toward North*
6 *Korea including matters related to security and*
7 *human rights;*

8 (B) *provide policy direction for negotiations*
9 *with North Korea relating to nuclear weapons,*
10 *ballistic missiles, and other security matters; and*

11 (C) *provide leadership for United States*
12 *participation in Six Party Talks on the*
13 *denuclearization of the Korean peninsula.*

14 (4) *REPORT.*—*Not later than 90 days after the*
15 *date of the appointment of an individual as Coordi-*
16 *nator under paragraph (1), the Coordinator shall sub-*
17 *mit to the President and Congress an unclassified re-*
18 *port, with a classified annex if necessary, on the ac-*
19 *tions undertaken under paragraph (3). The report*
20 *shall set forth—*

21 (A) *the results of the review under para-*
22 *graph (3)(A); and*

23 (B) *any other matters on North Korea that*
24 *the individual considers appropriate.*

1 **(b) REPORT ON NUCLEAR AND MISSILE PROGRAMS OF**
2 **NORTH KOREA.—**

3 **(1) REPORT REQUIRED.—***Not later than 90 days*
4 *after the date of the enactment of this Act, and every*
5 *180 days thereafter, the President shall submit to*
6 *Congress an unclassified report, with a classified*
7 *annex as appropriate, on the nuclear program and*
8 *the missile program of North Korea.*

9 **(2) ELEMENTS.—***Each report submitted under*
10 *paragraph (1) shall include the following:*

11 **(A)** *The most current national intelligence*
12 *estimate on the nuclear program and the missile*
13 *program of North Korea, and, consistent with*
14 *the protection of intelligence sources and meth-*
15 *ods, an unclassified summary of the key judg-*
16 *ments in the estimate.*

17 **(B)** *The most current unclassified United*
18 *States Government assessment, stated as a range*
19 *if necessary, of (i) the number of nuclear weap-*
20 *ons possessed by North Korea and (ii) the*
21 *amount of nuclear material suitable for weapons*
22 *use produced by North Korea by plutonium re-*
23 *processing and uranium enrichment for each pe-*
24 *riod as follows:*

25 **(I)** *Before October 1994.*

1 (ii) *Between October 1994 and October*
2 2002.

3 (iii) *Between October 2002 and the*
4 *date of the submittal of the initial report*
5 *under paragraph (1).*

6 (iv) *Each 12-month period after the*
7 *submittal of the initial report under para-*
8 *graph (1).*

9 (c) *Any other matter relating to the nuclear*
10 *program or missile program of North Korea that*
11 *the President considers appropriate.*

12 **SEC. 1215. COMPREHENSIVE STRATEGY FOR SOMALIA.**

13 (a) *SENSE OF SENATE.—It is the sense of the Senate*
14 *that the United States should—*

15 (1) *support the development of the Transitional*
16 *Federal Institutions in Somalia into a unified na-*
17 *tional government, support humanitarian assistance*
18 *to the people of Somalia, support efforts to prevent*
19 *Somalia from becoming a safe haven for terrorists*
20 *and terrorist activities, and support regional sta-*
21 *bility;*

22 (2) *broaden and integrate its strategic approach*
23 *toward Somalia within the context of United States*
24 *activities in countries of the Horn of Africa, includ-*

1 *ing Djibouti, Ethiopia, Kenya, Eritrea, and in*
2 *Yemen on the Arabian Peninsula; and*

3 *(3) carry out all diplomatic, humanitarian,*
4 *counter-terrorism, and security-related activities in*
5 *Somalia within the context of a comprehensive strat-*
6 *egy developed through an interagency process.*

7 *(b) DEVELOPMENT OF A COMPREHENSIVE STRATEGY*
8 *FOR SOMALIA.—*

9 *(1) REQUIREMENT FOR STRATEGY.—Not later*
10 *than 90 days after the date of the enactment of this*
11 *Act, the President shall develop and submit to the ap-*
12 *propriate committees of Congress a comprehensive*
13 *strategy toward Somalia within the context of United*
14 *States activities in the countries of the Horn of Afri-*
15 *ca.*

16 *(2) CONTENT OF STRATEGY.—The strategy*
17 *should include the following:*

18 *(A) A clearly stated policy towards Somalia*
19 *that will help establish a functional, legitimate,*
20 *unified national government in Somalia that is*
21 *capable of maintaining the rule of law and pre-*
22 *venting Somalia from becoming a safe haven for*
23 *terrorists.*

24 *(B) An integrated political, humanitarian,*
25 *intelligence, and military approach to counter*

1 *transnational security threats in Somalia within*
2 *the context of United States activities in the*
3 *countries of the Horn of Africa.*

4 *(C) An interagency framework to plan, co-*
5 *ordinate, and execute United States activities in*
6 *Somalia within the context of other activities in*
7 *the countries of the Horn of Africa among the*
8 *agencies and departments of the United States to*
9 *oversee policy and program implementation.*

10 *(D) A description of the type and form of*
11 *diplomatic engagement to coordinate the imple-*
12 *mentation of the United States policy in Soma-*
13 *lia.*

14 *(E) A description of bilateral, regional, and*
15 *multilateral efforts to strengthen and promote*
16 *diplomatic engagement in Somalia.*

17 *(F) A description of appropriate metrics to*
18 *measure the progress and effectiveness of the*
19 *United States policy towards Somalia and*
20 *throughout the countries of the Horn of Africa.*

21 *(G) Guidance on the manner in which the*
22 *strategy will be implemented.*

23 *(c) ANNUAL REPORTS.—Not later than April 1, 2007,*
24 *and annually thereafter, the President shall prepare and*

1 *submit to the appropriate committees of Congress a report*
2 *on the status of the implementation of the strategy.*

3 (d) *FORM.*—*Each report under this section shall be*
4 *submitted in unclassified form, but may include a classified*
5 *annex.*

6 (e) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
7 *FINED.*—*In this section, the term “appropriate committees*
8 *of Congress” means—*

9 (1) *the Committee on Appropriations, the Com-*
10 *mittee on Armed Services, the Committee on Foreign*
11 *Relations, and the Select Committee Intelligence of*
12 *the Senate; and*

13 (2) *the Committee on Appropriations, the Com-*
14 *mittee on Armed Services, the Committees on Inter-*
15 *national Relations, and the Permanent Select Com-*
16 *mittee on Intelligence of the House of Representatives.*

17 **SEC. 1216. INTELLIGENCE ON IRAN.**

18 (a) *SUBMITTAL TO CONGRESS OF UPDATED NATIONAL*
19 *INTELLIGENCE ESTIMATE ON IRAN.—*

20 (1) *SUBMITTAL REQUIRED.*—*As soon as is prac-*
21 *ticable, but not later than 90 days after the date of*
22 *the enactment of this Act, the Director of National In-*
23 *telligence shall submit to Congress an updated Na-*
24 *tional Intelligence Estimate on Iran.*

1 (2) *NOTICE REGARDING SUBMITTAL.*—*If the Di-*
2 *rector determines that the National Intelligence Esti-*
3 *mate required by paragraph (1) cannot be submitted*
4 *by the date specified in that paragraph, the Director*
5 *shall submit to Congress a report setting forth—*

6 (A) *the reasons why the National Intel-*
7 *ligence Estimate cannot be submitted by such*
8 *date; and*

9 (B) *an estimated date for the submittal of*
10 *the National Intelligence Estimate.*

11 (3) *FORM.*—*The National Intelligence Estimate*
12 *under paragraph (1) shall be submitted in classified*
13 *form. Consistent with the protection of intelligence*
14 *sources and methods, an unclassified summary of the*
15 *key judgments of the National Intelligence Estimate*
16 *should be submitted.*

17 (4) *ELEMENTS.*—*The National Intelligence Esti-*
18 *mate submitted under paragraph (1) shall address the*
19 *following:*

20 (A) *The foreign policy and regime objectives*
21 *of Iran.*

22 (B) *The current status of the nuclear pro-*
23 *grams of Iran, including—*

24 (i) *an assessment of the current and*
25 *projected capabilities of Iran to design a*

1 *nuclear weapon, to produce plutonium, en-*
2 *riched uranium, and other weapons mate-*
3 *rials, to build a nuclear weapon, and to de-*
4 *ploy a nuclear weapon; and*

5 *(ii) an assessment of the intentions of*
6 *Iran regarding possible development of nu-*
7 *clear weapons, the motivations underlying*
8 *such intentions, and the factors that might*
9 *influence changes in such intentions.*

10 *(C) The military and defense capabilities of*
11 *Iran, including any non-nuclear weapons of*
12 *mass destruction programs and related delivery*
13 *systems.*

14 *(D) The relationship of Iran with terrorist*
15 *organizations, the use by Iran of terrorist orga-*
16 *nizations in furtherance of its foreign policy ob-*
17 *jectives, and the factors that might cause Iran to*
18 *reduce or end such relationships.*

19 *(E) The prospects for support from the*
20 *international community for various potential*
21 *courses of action with respect to Iran, including*
22 *diplomacy, sanctions, and military action.*

23 *(F) The anticipated reaction of Iran to the*
24 *courses of action set forth under subparagraph*
25 *(E), including an identification of the course or*

1 *courses of action most likely to successfully influ-*
2 *ence Iran in terminating or moderating its poli-*
3 *cies of concern.*

4 *(G) The level of popular and elite support*
5 *within Iran for the Iran regime, and for its civil*
6 *nuclear program, nuclear weapons ambitions,*
7 *and other policies, and the prospects for reform*
8 *and political change within Iran.*

9 *(H) The views among the populace and*
10 *elites of Iran with respect to the United States,*
11 *including views on direct discussions with or*
12 *normalization of relations with the United*
13 *States.*

14 *(I) The views among the populace and elites*
15 *of Iran with respect to other key countries in-*
16 *olved in nuclear diplomacy with Iran.*

17 *(J) The likely effects and consequences of*
18 *any military action against the nuclear pro-*
19 *grams or other regime interests of Iran.*

20 *(K) The confidence level of key judgments in*
21 *the National Intelligence Estimate, the quality of*
22 *the sources of intelligence on Iran, the nature*
23 *and scope of any gaps in intelligence on Iran,*
24 *and any significant alternative views on the*

1 *matters contained in the National Intelligence*
2 *Estimate.*

3 ***(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES***
4 ***AND UNITED STATES STRATEGY REGARDING IRAN.—***

5 ***(1) REPORT REQUIRED.—As soon as is prac-***
6 ***ticable, but not later than 90 days after the date of***
7 ***the enactment of this Act, the President shall submit***
8 ***to Congress a report on the following:***

9 ***(A) The objectives of United States policy***
10 ***on Iran.***

11 ***(B) The strategy for achieving such objec-***
12 ***tives.***

13 ***(2) FORM.—The report under paragraph (1)***
14 ***shall be submitted in unclassified form with a classi-***
15 ***fied annex, as appropriate.***

16 ***(3) ELEMENTS.—The report submitted under***
17 ***paragraph (1) shall—***

18 ***(A) address the role of diplomacy, incen-***
19 ***tives, sanctions, other punitive measures and in-***
20 ***centives, and other programs and activities relat-***
21 ***ing to Iran for which funds are provided by***
22 ***Congress; and***

23 ***(B) summarize United States contingency***
24 ***planning regarding the range of possible United***

1 *States military actions in support of United*
2 *States policy objectives with respect to Iran.*

3 (c) *DIRECTOR OF NATIONAL INTELLIGENCE REPORT*
4 *ON PROCESS FOR VETTING AND CLEARING ADMINISTRA-*
5 *TION OFFICIALS' STATEMENTS DRAWN FROM INTEL-*
6 *LIGENCE.—*

7 (1) *REPORT REQUIRED.—As soon as is prac-*
8 *ticable, but not later than 90 days after the date of*
9 *the enactment of this Act, the Director of National In-*
10 *telligence shall submit to Congress a report on the*
11 *process for vetting and clearing statements of Admin-*
12 *istration officials that are drawn from or rely upon*
13 *intelligence.*

14 (2) *ELEMENTS.—The report shall—*

15 (A) *describe current policies and practices*
16 *of the Office of the Director of National Intel-*
17 *ligence and the intelligence community for—*

18 (i) *vetting and clearing statements of*
19 *senior Administration officials that are*
20 *drawn from or rely upon intelligence; and*

21 (ii) *how significant misstatements of*
22 *intelligence that may occur in public state-*
23 *ments of senior public officials are identi-*
24 *fied, brought to the attention of any such of-*
25 *ficials, and corrected;*

1 (B) assess the sufficiency and adequacy of
2 such policies and practices; and

3 (C) include any recommendations that the
4 Director considers appropriate to improve such
5 policies and practices.

6 **SEC. 1217. REPORTS ON IMPLEMENTATION OF THE DARFUR**
7 **PEACE AGREEMENT.**

8 (a) *REQUIREMENT FOR REPORTS.*—Not later than 30
9 days after the date of the enactment of this Act, and every
10 60 days thereafter until the date that the President submits
11 the certification described in subsection (b), the President
12 shall submit to Congress a report on the implementation
13 of the Darfur Peace Agreement of May 5, 2006, and the
14 situation in Darfur, Sudan. Each such report shall
15 include—

16 (1) a description of the steps being taken by the
17 Government of Sudan, the Sudan Liberation Move-
18 ment/Army (SLM/A), and other parties to the Agree-
19 ment to uphold their commitments to—

20 (A) demobilize and disarm the Janjaweed,
21 as stated in paragraphs 214(F), 338, 339, 340,
22 366, 387, and 368 of the Agreement;

23 (B) provide secure, unfettered access for hu-
24 manitarian personnel and supplies, as stated in
25 paragraph 214(E) of the Agreement;

1 (C) ensure that foreign combatants respect
2 the provisions of the Agreement, as stated in
3 paragraphs 341 through 344 of the Agreement;
4 and

5 (D) expedite the safe and voluntary return
6 of internally-displaced persons and refugees to
7 their places of origin, as stated in paragraphs
8 182 through 187 of the Agreement; and

9 (2) a description of any violation of the Agree-
10 ment and any delay in implementing the Agreement,
11 including any such violation or delay that com-
12 promises the safety of civilians, and the names of the
13 individuals or entities responsible for such violation
14 or delay;

15 (3) a description of any attacks against civilians
16 and any activities that disrupt implementation of the
17 Agreement by armed persons who are not a party to
18 the Agreement; and

19 (4) a description of the ability of the Ceasefire
20 Commission, the African Union Mission in Sudan,
21 and the other organizations identified in the Agree-
22 ment to monitor the implementation of the Agree-
23 ment, and a description of any obstruction to such
24 monitoring.

1 (b) *CERTIFICATION.*—*The certification described in*
2 *this subsection is a certification made by the President and*
3 *submitted to Congress that the Government of Sudan has*
4 *fulfilled its obligations under the Darfur Peace Agreement*
5 *of May 5, 2006, to demobilize and disarm the Janjaweed*
6 *and to protect civilians.*

7 (c) *FORM AND AVAILABILITY OF REPORTS.*—

8 (1) *FORM.*—*A report submitted under this sec-*
9 *tion shall be in an unclassified form and may include*
10 *a classified annex.*

11 (2) *AVAILABILITY.*—*The President shall make the*
12 *unclassified portion of a reported submitted under*
13 *this section available to the public.*

14 ***Subtitle B—Report Matters***

15 ***SEC. 1221. REPORT ON INCREASED ROLE AND PARTICIPA-***
16 ***TION OF MULTINATIONAL PARTNERS IN THE***
17 ***UNITED NATIONS COMMAND IN THE REPUB-***
18 ***LIC OF KOREA.***

19 (a) *REPORT REQUIRED.*—*Not later than 180 days*
20 *after the date of the enactment of this Act, the Secretary*
21 *of Defense, in coordination with the Secretary of State, shall*
22 *submit to the appropriate committees of Congress a report*
23 *on an increased role and participation of multinational*
24 *partners in the United Nations Command in the Republic*
25 *of Korea.*

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

3 (1) *A list of the nations that are current mem-*
4 *bers of the United Nations Command in the Republic*
5 *of Korea, and a detailed description of the role and*
6 *participation of each such member nation in the re-*
7 *sponsibilities and activities of the United Nations*
8 *Command.*

9 (2) *A detailed description of efforts being under-*
10 *taken by the United States to encourage enhanced*
11 *participation in the responsibilities and activities of*
12 *the United Nations Command in the Republic of*
13 *Korea by such member nations.*

14 (3) *A discussion of whether and how members of*
15 *the United Nations Command in the Republic of*
16 *Korea might be persuaded to deploy military forces in*
17 *peacetime to the Republic of Korea to bolster the de-*
18 *terrence mission of the United Nations Command.*

19 (4) *An assessment of how the military and polit-*
20 *ical requirements for United States military forces in*
21 *the Republic of Korea might be affected were multi-*
22 *national partners in the United Nations Command in*
23 *the Republic of Korea to increase their contribution*
24 *of military forces stationed in the Republic of Korea.*

1 (5) *An assessment of whether and how the con-*
2 *tribution of additional military forces to the United*
3 *Nations Command in the Republic of Korea by a*
4 *multinational partner might affect that partner's ap-*
5 *proach to facilitating a diplomatic resolution of the*
6 *nuclear challenge posed by the Democratic Peoples*
7 *Republic of Korea.*

8 (c) *FORM.*—*The report required by subsection (a) shall*
9 *be submitted in unclassified form, but may include a classi-*
10 *fied annex.*

11 (d) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
12 *FINED.*—*In this section, the term “appropriate committees*
13 *of Congress” means—*

14 (1) *the Committees on Armed Services and For-*
15 *oreign Relations of the Senate; and*

16 (2) *the Committees on Armed Services and Inter-*
17 *national Relations of the House of Representatives.*

18 **SEC. 1222. REPORT ON INTERAGENCY OPERATING PROCE-**
19 **DURES FOR STABILIZATION AND RECON-**
20 **STRUCTION OPERATIONS.**

21 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
22 *that—*

23 (1) *the United States Government should bring*
24 *to bear all elements of national power to achieve its*

1 *national security objectives, including stabilization*
2 *and reconstruction operations;*

3 *(2) civilian agencies of the United States Gov-*
4 *ernment lack the capacity to deploy rapidly, and for*
5 *sustained periods of time, trained personnel to sup-*
6 *port stabilization and reconstruction operations in*
7 *the field;*

8 *(3) civilian agencies of the United States Gov-*
9 *ernment should expand their capacity to plan, coordi-*
10 *nate, and conduct stabilization and reconstruction op-*
11 *erations, including their capacity to deploy civilians*
12 *with relevant expertise to participate in sustained*
13 *stability and reconstruction operations;*

14 *(4) National Security Presidential Directive 44,*
15 *entitled “Management of Interagency Efforts Con-*
16 *cerning Reconstruction and Stabilization”, is a posi-*
17 *tive step toward improving coordination, planning,*
18 *and implementation by the United States Government*
19 *of reconstruction and stabilization assistance for for-*
20 *oreign states and regions at risk of, in, or in transition*
21 *from conflict or civil strife;*

22 *(5) all the relevant United States Government*
23 *agencies should include in their budget requests for*
24 *future fiscal years adequate funding for planning and*
25 *preparing to support contingency operations and, as*

1 *necessary, request emergency supplemental funds for*
2 *unanticipated contingency operations; and*

3 *(6) the President should provide clear guidance*
4 *to United States Government agencies to manage*
5 *complex operations and establish a standard, inte-*
6 *grated approach to the planning and conduct of inter-*
7 *agency operations to ensure a coherent and unified*
8 *United States Government approach to contingency*
9 *operations.*

10 *(b) REPORT.—Not later than six months after the date*
11 *of the enactment of this Act, the President shall submit to*
12 *Congress a report setting forth a plan to establish inter-*
13 *agency operating procedures for the departments and agen-*
14 *cies of the United States Government for the planning and*
15 *conduct of stabilization and reconstruction operations.*

16 *(c) PLAN ELEMENTS.—The plan required under the re-*
17 *port under subsection (b) shall include the following:*

18 *(1) A delineation of the roles, responsibilities,*
19 *and authorities of the departments and agencies of the*
20 *United States Government for stabilization and re-*
21 *construction operations.*

22 *(2) A description of operational processes for set-*
23 *ting policy direction for stabilization and reconstruc-*
24 *tion operations in order to guide—*

1 (A) operational planning and funding deci-
2 sions of such departments and agencies;

3 (B) oversight of policy implementation;

4 (C) integration of programs and activities
5 into an implementation plan;

6 (D) integration of civilian and military
7 planning efforts;

8 (E) provision of guidance to field-level per-
9 sonnel on program direction and priorities; and

10 (F) monitoring of field implementation of
11 assistance programs.

12 (3) A description of available capabilities and
13 resources of each department and agency of the
14 United States Government that could be used in sup-
15 port of stabilization and reconstruction operations,
16 and an identification of additional resources needed
17 to support the conduct of stabilization and reconstruc-
18 tion activities.

19 (4) A description of how the capabilities and re-
20 sources of the departments and agencies of the United
21 States Government under stabilization and recon-
22 struction operations will be coordinated.

23 (5) A description of existing, or planned, proto-
24 cols between departments and agencies of the United
25 States Government on the utilization and allocation

1 *of assets in field operations under stabilization and*
2 *reconstruction operations.*

3 (6) *Recommendations for improving interagency*
4 *training, education, and simulation exercises in order*
5 *to adequately prepare civilian and military personnel*
6 *in the departments and agencies of the United States*
7 *Government to perform stabilization and reconstruc-*
8 *tion operations.*

9 (7) *A discussion of the statutory and budgetary*
10 *impediments, if any, that prevent civilian agencies of*
11 *the United States Government from fully and effec-*
12 *tively participating in stabilization and reconstruc-*
13 *tion operations, and recommendations for legislative*
14 *or administration actions to enhance the ability of*
15 *the United States Government to conduct stabilization*
16 *and reconstruction operations.*

17 (8) *Guidance for the implementation of the plan.*

18 **SEC. 1223. REPEAL OF CERTAIN REPORT REQUIREMENTS.**

19 (a) *REPORTS ON ALLIED CONTRIBUTIONS TO THE*
20 *COMMON DEFENSE.*—*Section 1003 of the Department of*
21 *Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is*
22 *amended by striking subsections (c) and (d).*

23 (b) *COST-SHARING REPORT.*—*Section 1313 of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 1995 (Pub-*

1 *lic Law 103–337; 108 Stat. 2894; 22 U.S.C. 1928 note) is*
2 *amended—*

3 *(1) by striking subsection (c); and*

4 *(2) by redesignating subsection (d) as subsection*
5 *(c).*

6 **SEC. 1224. REPORTS ON THE DARFUR PEACE AGREEMENT.**

7 *Not later than 60 days after the date of the enactment*
8 *of this Act, annually thereafter, the Secretary of Defense*
9 *shall submit to the Committee on Armed Services of the*
10 *Senate and the Committee on Armed Services of the House*
11 *of Representatives a detailed report on the Department of*
12 *Defense’s role in assisting the parties to the Darfur Peace*
13 *Agreement of May 5, 2006 with implementing that Agree-*
14 *ment. Each such report shall include a description of—*

15 *(1) the assets that the United States military, in*
16 *concert with the United States North Atlantic Treaty*
17 *Organisation (NATO) allies, are able to offer the Afri-*
18 *can Union Mission in Sudan (AMIS) and any*
19 *United Nations peacekeeping mission authorized for*
20 *Darfur;*

21 *(2) any plans of the Secretary of Defense to sup-*
22 *port the AMIS by providing information regarding*
23 *the location of belligerents and potential violations of*
24 *the Darfur Peace Agreement and assistance to im-*

1 *prove the AMIS use of intelligence and tactical mobil-*
2 *ity;*

3 *(3) the resources that will be used during the*
4 *current fiscal year to provide the support described in*
5 *paragraph (2) and the resources that will be needed*
6 *during the next fiscal year to provide such support;*

7 *(4) the efforts of the Secretary of Defense and*
8 *Secretary of State to leverage troop contributions*
9 *from other countries to serve in the proposed United*
10 *Nation peacekeeping mission for Darfur;*

11 *(5) any plans of the Secretary of Defense to par-*
12 *ticipate in the deployment of any NATO mentoring*
13 *or technical assistance teams to Darfur to assist the*
14 *AMIS; and*

15 *(6) any actions carried out by the Secretary of*
16 *Defense to address deficiencies in the AMIS commu-*
17 *nications systems, particularly the interoperability of*
18 *communications equipment.*

1 **TITLE** **XIII—COOPERATIVE**
2 **THREAT REDUCTION WITH**
3 **STATES OF THE FORMER SO-**
4 **VIET UNION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) *SPECIFICATION OF CTR PROGRAMS.*—For pur-
8 poses of section 301 and other provisions of this Act, Coop-
9 erative Threat Reduction programs are the programs speci-
10 fied in section 1501(b) of the National Defense Authoriza-
11 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
12 Stat. 2731; 50 U.S.C. 2362 note).

13 (b) *FISCAL YEAR 2007 COOPERATIVE THREAT REDUC-*
14 *TION FUNDS DEFINED.*—As used in this title, the term “fis-
15 cal year 2007 Cooperative Threat Reduction funds” means
16 the funds appropriated pursuant to the authorization of ap-
17 propriations in section 301 for Cooperative Threat Reduc-
18 tion programs.

19 (c) *AVAILABILITY OF FUNDS.*—Funds appropriated
20 pursuant to the authorization of appropriations in section
21 301 for Cooperative Threat Reduction programs shall be
22 available for obligation for three fiscal years.

23 **SEC. 1302. FUNDING ALLOCATIONS.**

24 (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the
25 \$372,128,000 authorized to be appropriated to the Depart-

1 *ment of Defense for fiscal year 2007 in section 301(19) for*
2 *Cooperative Threat Reduction programs, the following*
3 *amounts may be obligated for the purposes specified:*

4 (1) *For strategic offensive arms elimination in*
5 *Russia, \$77,000,000.*

6 (2) *For nuclear weapons storage security in Rus-*
7 *sia, \$87,100,000.*

8 (3) *For nuclear weapons transportation security*
9 *in Russia, \$33,000,000.*

10 (4) *For weapons of mass destruction prolifera-*
11 *tion prevention in the states of the former Soviet*
12 *Union, \$37,500,000.*

13 (5) *For biological weapons proliferation preven-*
14 *tion in the former Soviet Union, \$68,400,000.*

15 (6) *For chemical weapons destruction in Russia,*
16 *\$42,700,000.*

17 (7) *For defense and military contacts,*
18 *\$8,000,000.*

19 (8) *For activities designated as Other Assess-*
20 *ments/Administrative Support, \$18,500,000.*

21 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
22 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2007 Coop-*
23 *erative Threat Reduction funds may be obligated or ex-*
24 *pended for a purpose other than a purpose listed in para-*
25 *graphs (1) through (8) of subsection (a) until 30 days after*

1 *the date that the Secretary of Defense submits to Congress*
2 *a report on the purpose for which the funds will be obligated*
3 *or expended and the amount of funds to be obligated or ex-*
4 *pended. Nothing in the preceding sentence shall be construed*
5 *as authorizing the obligation or expenditure of fiscal year*
6 *2007 Cooperative Threat Reduction funds for a purpose for*
7 *which the obligation or expenditure of such funds is specifi-*
8 *cally prohibited under this title or any other provision of*
9 *law.*

10 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
11 *AMOUNTS.—*

12 (1) *AUTHORITY.—Subject to paragraphs (2) and*
13 *(3), in any case in which the Secretary of Defense de-*
14 *termines that it is necessary to do so in the national*
15 *interest, the Secretary may obligate amounts appro-*
16 *priated for fiscal year 2007 for a purpose listed in*
17 *any of the paragraphs in subsection (a) in excess of*
18 *the specific amount authorized for that purpose.*

19 (2) *NOTICE AND WAIT.—An obligation of funds*
20 *for a purpose stated in any of the paragraphs in sub-*
21 *section (a) in excess of the specific amount authorized*
22 *for such purpose may be made using the authority*
23 *provided in paragraph (1) only after—*

24 (A) *the Secretary submits to Congress noti-*
25 *fication of the intent to do so together with a*

1 complete discussion of the justification for doing
2 so; and

3 (B) 15 days have elapsed following the date
4 of the notification.

5 (3) *LIMITATION.*—*The Secretary may not, under*
6 *the authority provided in paragraph (1), obligate*
7 *amounts for a purpose stated in any of paragraphs*
8 *(6) through (8) of subsection (a) in excess of 125 per-*
9 *cent of the specific amount authorized for such pur-*
10 *pose.*

11 **SEC. 1303. EXTENSION OF TEMPORARY AUTHORITY TO**
12 **WAIVE LIMITATION ON FUNDING FOR CHEM-**
13 **ICAL WEAPONS DESTRUCTION FACILITY IN**
14 **RUSSIA.**

15 *Section 1303(b) of the Ronald W. Reagan National De-*
16 *fense Authorization Act for Fiscal Year 2005 (Public Law*
17 *108–375; 118 Stat. 2094; 22 U.S.C. 5952 note) is amended*
18 *by striking “December 31, 2006, and no waiver shall re-*
19 *main in effect after that date” and inserting “December 31,*
20 *2011”.*

21 **SEC. 1304. REMOVAL OF CERTAIN RESTRICTIONS ON PROVI-**
22 **SION OF COOPERATIVE THREAT REDUCTION**
23 **ASSISTANCE.**

24 (a) *REPEAL OF RESTRICTIONS.*—

1 (1) *SOVIET NUCLEAR THREAT REDUCTION ACT*
2 *OF 1991*.—Section 211(b) of the Soviet Nuclear Threat
3 *Reduction Act of 1991 (title II of Public Law 102–*
4 *228; 22 U.S.C. 2551 note) is repealed.*

5 (2) *COOPERATIVE THREAT REDUCTION ACT OF*
6 *1993*.—Section 1203(d) of the Cooperative Threat Re-
7 *duction Act of 1993 (title XII of Public Law 103–160;*
8 *22 U.S.C. 5952(d)) is repealed.*

9 (3) *RUSSIAN CHEMICAL WEAPONS DESTRUCTION*
10 *FACILITIES*.—Section 1305 of the National Defense
11 *Authorization Act for Fiscal Year 2000 (Public Law*
12 *106–65; 22 U.S.C. 5952 note) is repealed.*

13 (b) *INAPPLICABILITY OF OTHER RESTRICTIONS*.—
14 Section 502 of the *Freedom for Russia and Emerging*
15 *Eurasian Democracies and Open Markets Support Act of*
16 *1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.*
17 *5852) shall not apply to any Cooperative Threat Reduction*
18 *program.*

1 **TITLE XIV—AUTHORIZATION**
2 **FOR INCREASED COSTS DUE**
3 **TO OPERATION IRAQI FREE-**
4 **DOM AND OPERATION EN-**
5 **DURING FREEDOM**

6 **SEC. 1401. PURPOSE.**

7 *The purpose of this title is to authorize anticipated*
8 *future emergency supplemental appropriations for the De-*
9 *partment of Defense for fiscal year 2007 to provide funds*
10 *for additional costs due to Operation Iraqi Freedom and*
11 *Operation Enduring Freedom.*

12 **SEC. 1402. ARMY PROCUREMENT.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 2007 for procurement accounts of the Army in*
15 *amounts as follows:*

16 (1) *For aircraft, \$404,100,000.*

17 (2) *For missile procurement, \$450,000,000.*

18 (3) *For weapons and tracked combat vehicles,*
19 *\$214,400,000.*

20 (4) *For other procurement, \$686,600,000.*

21 **SEC. 1403. MARINE CORPS PROCUREMENT.**

22 *Funds are hereby authorized to be appropriated for fis-*
23 *cal year 2007 for the procurement account for the Marine*
24 *Corps in the amount of \$319,800,000.*

1 **SEC. 1404. AIR FORCE PROCUREMENT.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 2007 for the aircraft procurement account for the*
4 *Air Force in the amount of \$51,800,000.*

5 **SEC. 1405. OPERATION AND MAINTENANCE.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 2007 for the use of the Armed Forces for expenses,*
8 *not otherwise provided for, for operation and maintenance,*
9 *in amounts as follows:*

10 (1) *For the Army, \$22,124,466,000.*

11 (2) *For the Navy, \$2,349,560,000.*

12 (3) *For the Marine Corps, \$1,544,920,000.*

13 (4) *For the Air Force, \$2,779,898,000.*

14 (5) *For Defense-wide activities, \$3,388,402,000.*

15 (6) *For the Army National Guard, \$59,000,000.*

16 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

17 *Funds are hereby authorized to be appropriated for the*
18 *Department of Defense for fiscal year 2007 for expenses, not*
19 *otherwise provided for, for the Defense Health Program in*
20 *the amount of \$960,200,000 for operation and maintenance.*

21 **SEC. 1407. MILITARY PERSONNEL.**

22 *There is hereby authorized to be appropriated to the*
23 *Department of Defense for fiscal year 2007 for military per-*
24 *sonnel accounts a total of \$7,335,872,000.*

1 **SEC. 1408. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
2 **FUND.**

3 *There is hereby authorized to be appropriated to the*
4 *Department of Defense for fiscal year for the Joint Impro-*
5 *vised Explosive Device Defeat Fund a total of*
6 *\$2,100,000,000.*

7 **SEC. 1409. CLASSIFIED PROGRAMS.**

8 *There is hereby authorized to be appropriated to the*
9 *Department of Defense for fiscal year 2007 for classified*
10 *programs a total of \$3,000,000,000.*

11 **SEC. 1410. IRAQ FREEDOM FUND.**

12 *(a) IN GENERAL.—Funds are hereby authorized to be*
13 *appropriated for fiscal year 2007 for the Iraq Freedom*
14 *Fund in the amount of \$2,230,982,000.*

15 *(b) TRANSFER.—*

16 *(1) TRANSFER AUTHORIZED.—Subject to para-*
17 *graph (2), amounts authorized to be appropriated by*
18 *subsection (a) may be transferred from the Iraq Free-*
19 *dom Fund to any accounts as follows:*

20 *(A) Operation and maintenance accounts of*
21 *the Armed Forces.*

22 *(B) Military personnel accounts.*

23 *(C) Research, development, test, and evalua-*
24 *tion accounts of the Department of Defense.*

25 *(D) Procurement accounts of the Depart-*
26 *ment of Defense.*

1 (E) *Accounts providing funding for classi-*
2 *fied programs.*

3 (F) *The operating expenses account of the*
4 *Coast Guard.*

5 (2) *NOTICE TO CONGRESS.—A transfer may not*
6 *be made under the authority in paragraph (1) until*
7 *five days after the date on which the Secretary of De-*
8 *fense notifies the congressional defense committees in*
9 *writing of the transfer.*

10 (3) *TREATMENT OF TRANSFERRED FUNDS.—*
11 *Amounts transferred to an account under the author-*
12 *ity in paragraph (1) shall be merged with amounts*
13 *in such account and shall be made available for the*
14 *same purposes, and subject to the same conditions*
15 *and limitations, as amounts in such account.*

16 (4) *EFFECT ON AUTHORIZATION AMOUNTS.—A*
17 *transfer of an amount to an account under the au-*
18 *thority in paragraph (1) shall be deemed to increase*
19 *the amount authorized for such account by an*
20 *amount equal to the amount transferred.*

21 **SEC. 1411. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

22 *The amounts authorized to be appropriated by this*
23 *title are in addition to amounts otherwise authorized to be*
24 *appropriated by this Act.*

1 **SEC. 1412. TRANSFER AUTHORITY.**

2 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

3 (1) *AUTHORITY.*—Upon determination by the
4 Secretary of Defense that such action is necessary in
5 the national interest, the Secretary may transfer
6 amounts of authorizations made available to the De-
7 partment of Defense in this title for fiscal year 2007
8 between any such authorizations for that fiscal year
9 (or any subdivisions thereof). Amounts of authoriza-
10 tions so transferred shall be merged with and be
11 available for the same purposes as the authorization
12 to which transferred.

13 (2) *LIMITATION.*—The total amount of author-
14 izations that the Secretary may transfer under the
15 authority of this section may not exceed
16 \$2,500,000,000. The transfer authority provided in
17 this section is in addition to any other transfer au-
18 thority available to the Secretary of Defense.

19 (b) *LIMITATIONS.*—The authority provided by this sec-
20 tion to transfer authorizations—

21 (1) may only be used to provide authority for
22 items that have a higher priority than the items from
23 which authority is transferred;

24 (2) may not be used to provide authority for an
25 item that has been denied authorization by Congress;
26 and

1 *bat zone should carry life saving resources on them, includ-*
2 *ing hemostatic agents.*

3 (b) *AVAILABILITY OF FUNDS.—(1) Of the amount au-*
4 *thorized under section 1405(1) for operation and mainte-*
5 *nance for the Army, \$15,000,000 may be made available*
6 *for the procurement of a sufficient quantity of hemostatic*
7 *agents, including blood-clotting bandages, for use by mem-*
8 *bers of the Armed Forces in the field so that each soldier*
9 *serving in Iraq and Afghanistan is issued at least one hemo-*
10 *static agent and accompanying medical personnel have a*
11 *sufficient inventory of hemostatic agents.*

12 (2) *Of the amount authorized under section 1405(3)*
13 *for operation and maintenance for the Marine Corps,*
14 *\$5,000,000 may be made available for the procurement of*
15 *a sufficient quantity of hemostatic agents, including blood-*
16 *clotting bandages, for use by members of the Armed Forces*
17 *in the field so that each Marine serving in Iraq and Afghan-*
18 *istan is issued at least one hemostatic agent and accom-*
19 *panying medical personnel have a sufficient inventory of*
20 *hemostatic agents.*

21 (c) *REPORT.—Not later than 60 days after the date*
22 *of the enactment of this Act, the Secretary of Defense shall*
23 *submit to the congressional defense committees a report on*
24 *the distribution of hemostatic agents to members of the*
25 *Armed Forces serving in Iraq and Afghanistan, including*

1 *a description of any distribution problems and attempts to*
2 *resolve such problems.*

3 **SEC. 1415. OUR MILITARY KIDS YOUTH SUPPORT PROGRAM.**

4 *(a) ARMY FUNDING FOR EXPANSION OF PROGRAM.—*
5 *Of the amount authorized to be appropriated by section*
6 *1405(1) for operation and maintenance for the Army,*
7 *\$1,500,000 may be available for the expansion nationwide*
8 *of the Our Military Kids youth support program for de-*
9 *pendents of elementary and secondary school age of mem-*
10 *bers of the National Guard and Reserve who are severely*
11 *wounded or injured during deployment.*

12 *(b) ARMY NATIONAL GUARD FUNDING FOR EXPANSION*
13 *OF PROGRAM.—Of the amount authorized to be appro-*
14 *priated by section 1405(6) for operation and maintenance*
15 *for the Army National Guard, \$500,000 may be available*
16 *for the expansion nationwide of the Our Military Kids*
17 *youth support program.*

18 **SEC. 1416. JOINT ADVERTISING, MARKET RESEARCH AND**
19 **STUDIES PROGRAM.**

20 *(a) INCREASE IN AMOUNT FOR OPERATION AND MAIN-*
21 *TENANCE, DEFENSE-WIDE.—The amount authorized to be*
22 *appropriated by section 301(5) for operation and mainte-*
23 *nance for Defense-wide activities, is hereby increased by*
24 *\$10,000,000.*

1 (b) *AVAILABILITY OF AMOUNT.*—Of the amount au-
2 thORIZED to be appropriated by section 1405(5) for operation
3 and maintenance for Defense-wide activities, as increased
4 by subsection (a), \$10,000,000 may be available for the
5 *Joint Advertising, Market Research and Studies (JAMRS)*
6 *program.*

7 (c) *OFFSET.*—The amount authorized to be appro-
8 priated by section 421 for military personnel is hereby de-
9 creased by \$10,000,000, due to unexpended obligations, if
10 *available.*

11 **SEC. 1417. REPORT.**

12 *Not later than 120 days after the date of enactment*
13 *of this Act, the Secretary of Defense shall submit to the*
14 *Committees on Armed Services of the Senate and House of*
15 *Representatives a report on how the data, including social*
16 *security numbers, contained in the Joint Advertising, Mar-*
17 *ket Research and Studies (JAMRS) program is maintained*
18 *and protected, including the security measures in place to*
19 *prevent unauthorized access or inadvertent disclosure of the*
20 *data that could lead to identity theft.*

1 **SEC. 1418. SUBMITTAL TO CONGRESS OF DEPARTMENT OF**
 2 **DEFENSE SUPPLEMENTAL AND COST OF WAR**
 3 **EXECUTION REPORTS.**

4 *Section 1221(c) of the National Defense Authorization*
 5 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
 6 *3462; 10 U.S.C. 113 note) is amended—*

7 *(1) in the subsection caption by inserting “CON-*
 8 *GRESS AND” after “SUBMISSION TO”; and*

9 *(2) by inserting “the congressional defense com-*
 10 *mittees and” before “the Comptroller General”.*

11 **SEC. 1419. LIMITATION ON AVAILABILITY OF FUNDS FOR**
 12 **CERTAIN PURPOSES RELATING TO IRAQ.**

13 *No funds authorized to be appropriated by this Act*
 14 *may be obligated or expended for a purpose as follows:*

15 *(1) To establish a permanent United States mili-*
 16 *tary installation or base in Iraq.*

17 *(2) To exercise United States control over the oil*
 18 *resources of Iraq.*

19 **DIVISION B—MILITARY CON-**
 20 **STRUCTION AUTHORIZA-**
 21 **TIONS**

22 **SEC. 2001. SHORT TITLE.**

23 *This division may be cited as the “Military Construc-*
 24 *tion Authorization Act for Fiscal Year 2007”.*

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Redstone Arsenal</i>	\$20,000,000
<i>Alaska</i>	<i>Fort Richardson</i>	\$72,300,000
	<i>Fort Wainwright</i>	\$8,800,000
<i>California</i>	<i>Fort Irwin</i>	\$10,000,000
<i>Colorado</i>	<i>Fort Carson</i>	\$24,000,000
<i>Georgia</i>	<i>Fort Gillem</i>	\$15,000,000
	<i>Fort Stewart/Hunter Army Air Field.</i>	\$95,300,000
<i>Hawaii</i>	<i>Schaffield Barracks</i>	\$54,500,000
<i>Kansas</i>	<i>Fort Leavenworth</i>	\$15,000,000
	<i>Fort Riley</i>	\$47,400,000
<i>Kentucky</i>	<i>Blue Grass Army Depot</i>	\$3,500,000
	<i>Fort Campbell</i>	\$127,200,000
<i>Louisiana</i>	<i>Fort Polk</i>	\$9,800,000
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	\$8,800,000
<i>Michigan</i>	<i>Detroit Arsenal</i>	\$18,500,000
<i>Missouri</i>	<i>Fort Leonard Wood</i>	\$23,900,000
<i>New York</i>	<i>Fort Drum</i>	\$209,200,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$96,900,000
	<i>Sunny Point (Military Ocean Terminal).</i>	\$46,000,000
<i>Oklahoma</i>	<i>McAlester Army Ammunition Plant</i>	\$3,050,000
<i>Pennsylvania</i>	<i>Letterkenny Depot</i>	\$7,500,000
<i>Texas</i>	<i>Fort Hood</i>	\$75,000,000
	<i>Red River Depot</i>	\$6,000,000
<i>Utah</i>	<i>Dugway Proving Ground</i>	\$14,400,000
<i>Virginia</i>	<i>Fort Belvoir</i>	\$58,000,000
<i>Washington</i>	<i>Fort Lewis</i>	\$502,600,000

(b) *OUTSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may

1 *acquire real property and carry out military construction*
 2 *projects for the installations or locations outside the United*
 3 *States, and in the amounts, set forth in the following table:*

Army: Outside the United States

Country	Installation or Location	Amount
<i>Germany</i>	<i>Grafenwoehr</i>	\$157,632,000
	<i>Vilseck</i>	\$19,000,000
<i>Italy</i>	<i>Vicenza</i>	\$223,000,000
<i>Japan</i>	<i>Camp Hansen</i>	\$7,150,000
<i>Korea</i>	<i>Camp Humphreys</i>	\$77,000,000
	<i>Yongpyong</i>	\$7,400,000
<i>Romania</i>	<i>Babadag Range</i>	\$34,800,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2104(a)(5)(A), the Secretary of the
 8 Army may construct or acquire family housing units (in-
 9 cluding land acquisition and supporting facilities) at the
 10 installations or locations, for the purposes, and in the
 11 amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
<i>Alaska</i>	<i>Fort Richardson</i>	162 Units	\$70,000,000
	<i>Fort Wainwright</i>	234 Units	\$132,000,000
<i>Arizona</i>	<i>Fort Huachuca</i>	119 Units	\$32,000,000
<i>Arkansas</i>	<i>Pine Bluff Arsenal</i>	10 Units	\$2,900,000
<i>Wisconsin</i>	<i>Fort McCoy</i>	13 Units	\$4,900,000

12 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 13 priated pursuant to the authorization of appropriations in
 14 section 2104(a)(5)(A), the Secretary of the Army may carry
 15 out architectural and engineering services and construction
 16 design activities with respect to the construction or im-

1 *provement of family housing units in an amount not to*
2 *exceed \$16,332,000.*

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 *Subject to section 2825 of title 10, United States Code,*
6 *and using amounts appropriated pursuant to the author-*
7 *ization of appropriations in section 2104(a)(5)(A), the Sec-*
8 *retary of the Army may improve existing military family*
9 *housing units in an amount not to exceed \$336,859,000.*

10 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

11 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
12 *hereby authorized to be appropriated for fiscal years begin-*
13 *ning after September 30, 2006, for military construction,*
14 *land acquisition, and military family housing functions of*
15 *the Department of the Army in the total amount of*
16 *\$3,452,581,000 as follows:*

17 *(1) For military construction projects inside the*
18 *United States authorized by section 2101(a),*
19 *\$1,266,650,000.*

20 *(2) For military construction projects outside the*
21 *United States authorized by section 2101(b),*
22 *\$525,982,000.*

23 *(3) For unspecified minor military construction*
24 *projects authorized by section 2805 of title 10, United*
25 *States Code, \$23,000,000.*

1 (4) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$217,629,000.*

4 (5) *For military family housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design, and improvement of military*
7 *family housing and facilities, \$594,991,000.*

8 (B) *For support of military family housing*
9 *(including the functions described in section*
10 *2833 of title 10, United States Code),*
11 *\$676,829,000.*

12 (6) *For the construction of increment 2 of a bar-*
13 *racks complex at Fort Drum, New York, authorized*
14 *by section 2101(a) of the Military Construction Au-*
15 *thorization Act for fiscal year 2006 (division B of*
16 *Public Law 109–163; 119 Stat. 3485), \$16,500,000.*

17 (7) *For the construction of increment 2 of a bar-*
18 *racks complex for divisional artillery at Fort Bragg,*
19 *North Carolina, authorized by section 2101(a) of the*
20 *Military Construction Authorization Act for fiscal*
21 *year 2006 (division B of Public Law 109–163; 119*
22 *Stat. 3485), \$37,000,000.*

23 (8) *For the construction of increment 2 of a bar-*
24 *racks complex for the 3rd Brigade at Fort Bragg,*
25 *North Carolina, authorized by section 2101(a) of the*

1 *Military Construction Authorization Act for Fiscal*
2 *Year 2006 (division B of Public Law 109–163; 119*
3 *Stat. 3485), \$50,000,000.*

4 (9) *For the construction of increment 2 of a bar-*
5 *racks complex for the 2nd Brigade at Fort Bragg,*
6 *North Carolina, authorized by section 2101(a) of the*
7 *Military Construction Authorization Act for Fiscal*
8 *Year 2006 (division B of Public Law 109–163; 119*
9 *Stat. 3485), \$31,000,000.*

10 (10) *For the construction of phase 2 of the De-*
11 *fense Access Road at Fort Belvoir, Virginia, author-*
12 *ized by section 2101(a) of the Military Construction*
13 *Authorization Act for Fiscal Year 2006 (division B of*
14 *Public Law 109–163; 119 Stat. 3486), \$13,000,000.*

15 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
16 *PROJECTS.—Notwithstanding the cost variations author-*
17 *ized by section 2853 of title 10, United States Code, and*
18 *any other cost variation authorized by law, the total cost*
19 *of all projects carried out under section 2101 of this Act*
20 *may not exceed the sum of the following:*

21 (1) *The total amount authorized to be appro-*
22 *priated under paragraphs (1) and (2) of subsection*
23 *(a).*

(2) \$306,000,000 (the balance of the amount authorized under section 2101(a) for construction of a brigade complex for Fort Lewis, Washington).

(3) \$40,400,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101) for construction of a barracks complex for divisional artillery for Fort Bragg, North Carolina).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$5,966,000
California	Marine Corps Air Station, Camp Pendleton.	\$6,412,000
	Marine Corps Base, Camp Pendleton	\$106,142,000
	Marine Corps Air Station, Miramar	\$2,968,000
	Naval Air Station, North Island	\$21,535,000
	Marine Corps Base, Twentynine Palms ...	\$8,217,000
Connecticut	Naval Submarine Base, New London	\$9,580,000
Florida	Cape Canaveral	\$9,900,000
	Naval Station, Pensacola	\$13,486,000
Georgia	Marine Corps Logistics Base, Albany	\$62,000,000
	Navy Submarine Base, Kings Bay	\$20,282,000
Hawaii	Naval Base, Pearl Harbor	\$48,338,000
	Naval Shipyard, Pearl Harbor	\$22,000,000
Indiana	Naval Support Activity, Crane	\$6,730,000
Maine	Portsmouth Naval Shipyard	\$9,650,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Maryland	Naval Air Station, Patuxent River	\$16,316,000
	Naval Support Activity, Suitland	\$67,939,000
Mississippi	Naval Air Station, Meridian	\$5,870,000
Nevada	Naval Air Station, Fallon	\$7,730,000
North Carolina	Marine Corps Air Station, New River	\$27,300,000
	Marine Corps Base, Camp Lejeune	\$160,904,000
Rhode Island	Naval Station, Newport	\$3,410,000
South Carolina	Marine Corps Air Station, Beaufort	\$14,970,000
Virginia	Marine Corps Base, Quantico	\$30,628,000
	Naval Special Weapons Center, Dahlgren	\$9,850,000
	Naval Shipyard, Norfolk	\$34,952,000
	Naval Station, Norfolk	\$12,062,000
	Naval Support Activity, Norfolk	\$38,962,000
Washington	Naval Air Station, Whidbey Island	\$67,303,000
	Naval Submarine Base, Bangor	\$13,507,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	\$37,473,000
Italy	Naval Air Station, Sigonella	\$13,051,000

7 **(c) UNSPECIFIED WORLDWIDE.**—Using the amounts
8 appropriated pursuant to the authorization of appropri-
9 ations in section 2204(a)(3), the Secretary of the Navy may
10 acquire real property and carry out military construction
11 projects for unspecified installations or locations in the
12 amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
<i>Various Locations</i>	<i>Helicopter Support Facility</i>	<i>\$12,185,000</i>

1 **SEC. 2202. FAMILY HOUSING.**

2 (a) **CONSTRUCTION AND ACQUISITION.**—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2204(a)(6)(A), the Secretary of the
5 Navy may construct or acquire family housing units (in-
6 cluding land acquisition and supporting facilities) at the
7 installations or locations, for the purposes, and in the
8 amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
<i>California</i>	<i>Marine Corps Logistics Base, Barstow</i>	<i>74 Units</i>	<i>\$27,851,000</i>
<i>Guam</i>	<i>Naval Base, Guam</i>	<i>176 Units</i>	<i>\$98,174,000</i>

9 (b) **PLANNING AND DESIGN.**—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 section 2204(a)(6)(A), the Secretary of the Navy may carry
12 out architectural and engineering services and construction
13 design activities with respect to the construction or im-
14 provement of family housing units in an amount not to
15 exceed \$2,600,000.

16 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
17 **UNITS.**

18 Subject to section 2825 of title 10, United States Code,
19 and using amounts appropriated pursuant to the author-

1 ization of appropriations in section 2204(a)(6)(A), the Sec-
2 retary of the Navy may improve existing military family
3 housing units in an amount not to exceed \$176,446,000.

4 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
6 hereby authorized to be appropriated for fiscal years begin-
7 ning after September 30, 2006, for military construction,
8 land acquisition, and military family housing functions of
9 the Department of the Navy in the total amount of
10 \$2,072,435,000, as follows:

11 (1) *For military construction projects inside the*
12 *United States authorized by section 2201(a),*
13 *\$808,750,000.*

14 (2) *For military construction projects outside the*
15 *United States authorized by section 2201(b),*
16 *\$50,524,000.*

17 (3) *For military construction projects at unspec-*
18 *ified worldwide locations authorized by section*
19 *2201(c), \$12,185,000.*

20 (4) *For unspecified minor military construction*
21 *projects authorized by section 2805 of title 10, United*
22 *States Code, \$8,939,000.*

23 (5) *For architectural and engineering services*
24 *and construction design under section 2807 of title*
25 *10, United States Code, \$71,247,000.*

1 (6) *For military family housing functions:*

2 (A) *For construction and acquisition, plan-*
3 *ning and design, and improvement of military*
4 *family housing and facilities, \$305,071,000.*

5 (B) *For support of military family housing*
6 *(including functions described in section 2833 of*
7 *title 10, United States Code), \$498,525,000.*

8 (7) *For the construction of increment 2 of a heli-*
9 *copter hangar replacement at Naval Air Station,*
10 *Jacksonville, Florida, authorized by section 2201(a) of*
11 *the Military Construction Authorization Act for Fis-*
12 *cal Year 2006 (division B of Public Law 109–163;*
13 *119 Stat. 3489), \$43,250,000.*

14 (8) *For the construction of increment 2 of Alpha*
15 *and Bravo wharf improvements at Naval Base,*
16 *Guam, Marianas Islands, authorized by section*
17 *2201(b) of the Military Construction Authorization*
18 *Act for Fiscal Year 2006 (division B of Public Law*
19 *109–163; 119 Stat. 3490), \$29,772,000.*

20 (9) *For the construction of increment 2 of recruit*
21 *training barracks infrastructure upgrade at Recruit*
22 *Training Command, Great Lakes, Illinois, authorized*
23 *by section 2201(a) of the Military Construction Au-*
24 *thorization Act for Fiscal Year 2006 (division B of*
25 *Public Law 109–163; 119 Stat. 3490), \$23,589,000.*

1 (10) *For the construction of increment 2 of the*
2 *Wesley Brown Field House at the United States*
3 *Naval Academy, Annapolis, Maryland, authorized by*
4 *section 2201(a) of the Military Construction Author-*
5 *ization Act for Fiscal Year 2006 (division B of Public*
6 *Law 109–163; 119 Stat. 3490), \$26,685,000.*

7 (11) *For the construction of increment 2 of*
8 *wharf upgrades at Naval Station, Yokosuka, Japan,*
9 *authorized by section 2201(b) of the Military Con-*
10 *struction Authorization Act for Fiscal Year 2006 (di-*
11 *vision B of Public Law 109–163; 119 Stat. 3490),*
12 *\$44,360,000.*

13 (12) *For the construction of increment 2 of the*
14 *ship repair pier 3 replacement at Naval Station, Nor-*
15 *folk, Virginia, authorized by section 2201(a) of the*
16 *Military Construction Authorization Act for Fiscal*
17 *Year 2006 (division B of Public Law 109–163; 119*
18 *Stat. 3490), \$30,939,000.*

19 (13) *For the construction of increment 2 of the*
20 *Bachelor Enlisted Quarters Homeport Ashore Pro-*
21 *gram at Naval Station, Everett, Washington, author-*
22 *ized by section 2201(a) of the Military Construction*
23 *Authorization Act for Fiscal Year 2006 (division B of*
24 *Public Law 109–163; 119 Stat.3490), \$20,917,000.*

1 (14) *For the construction of phase 2 of the rec-*
2 *lamation and conveyance project at Marine Corps*
3 *Base, Camp Pendleton, California, authorized by sec-*
4 *tion 2201(a) of the Military Construction Authoriza-*
5 *tion Act for Fiscal Year 2006 (division B of Public*
6 *Law 109–163; 119 Stat. 3489), \$33,290,000.*

7 (15) *For the construction of increment 3 of the*
8 *Navy Outlying Landing Field facilities at Wash-*
9 *ington County, North Carolina, authorized for var-*
10 *ious locations, continental United States, by section*
11 *2201(a) of the Military Construction Authorization*
12 *Act for Fiscal Year 2004 (division B of Public Law*
13 *108–136; 117 Stat. 1704), \$7,926,000.*

14 (16) *For the construction of increment 3 of the*
15 *limited area production and storage complex at Stra-*
16 *tegic Weapons Facility Pacific, Bangor, Washington,*
17 *authorized by section 2201(a) of the Military Con-*
18 *struction Authorization Act for Fiscal Year 2005 (di-*
19 *vision B of Public Law 108–375; 118 Stat. 2106),*
20 *\$14,274,000.*

21 (17) *For the construction of increment 4 of pier*
22 *11 replacement at Naval Station, Norfolk, Virginia,*
23 *authorized by section 2201(a) of the Military Con-*
24 *struction Authorization Act for Fiscal Year 2004 (di-*

1 *vision B of Public Law 108–136; 117 Stat. 1704),*
2 *\$30,633,000.*

3 *(18) For the construction of increment 2 of an*
4 *addition to Hockmuth Hall at Marine Corps Base,*
5 *Quantico, Virginia, authorized by section 2201(a) of*
6 *the Military Construction Authorization Act for Fis-*
7 *cal Year 2006 (division B of Public Law 109–163;*
8 *119 Stat. 3490), \$11,559,000.*

9 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
10 *PROJECTS.—Notwithstanding the cost variations author-*
11 *ized by section 2853 of title 10, United States Code, and*
12 *any other cost variation authorized by law, the total cost*
13 *of all projects carried out under section 2201 of this Act*
14 *may not exceed the sum of the following:*

15 *(1) The total amount authorized to be appro-*
16 *propriated under paragraphs (1), (2), and (3) of sub-*
17 *section (a).*

18 *(2) \$39,874,000 (the balance of the amount au-*
19 *thorized under section 2201(a) of the Military Con-*
20 *struction Authorization Act for Fiscal Year 2004 (di-*
21 *vision B of Public Law 108–136; 117 Stat. 1704) for*
22 *various locations, continental United States).*

23 *(3) \$33,951,000 (the balance of the amount au-*
24 *thorized under section 2201(a) of the Military Con-*
25 *struction Authorization Act for Fiscal Year 2005 (di-*

1 *vision B of Public Law 108–375; 118 Stat. 2106) for*
2 *construction of a limited area production and storage*
3 *complex at Strategic Weapons Facility Pacific, Bang-*
4 *gor, Washington).*

5 (4) \$22,661,000 (the balance of the amount au-
6 thorized under section 2201(a) of the Military Con-
7 struction Authorization Act for Fiscal Year 2006 (di-
8 vision B of Public Law 109–163; 119 Stat. 3490) for
9 infrastructure upgrades at Recruit Training Com-
10 mand, Great Lakes, Illinois).

11 (5) \$24,740,000 (the balance of the amount au-
12 thorized under section 2201(b) of the Military Con-
13 struction Authorization Act for Fiscal Year 2006 (di-
14 vision B of Public Law 109–163; 119 Stat. 3490) for
15 wharf upgrades at Naval Station, Yokosuka, Japan.

16 (6) \$56,159,000 (the balance of the amount au-
17 thorized under section 2201(a) for construction of a
18 National Maritime Intelligence Center addition at
19 Suitland, Maryland).

20 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

22 (a) **MODIFICATION OF INSIDE THE UNITED STATES**
23 **PROJECTS.**—The table in section 2201(a) of the Military
24 Construction Authorization Act for Fiscal Year 2006 (divi-

1 sion B of Public Law 109–163; 119 Stat. 3489) is
2 amended—

3 (1) in the item related to Marine Corps Base,
4 Camp Pendleton, California, by striking
5 “\$90,437,000” in the amount column and inserting
6 “\$86,006,000”; and

7 (2) in the item relating to Marine Corps Base,
8 Quantico, Virginia, by striking “\$18,429,000” in the
9 amount column and inserting “\$19,829,000”.

10 (b) *CONFORMING AMENDMENTS.*—Section 2204(b) of
11 that Act (119 Stat. 3492) is amended—

12 (1) in paragraph (2), by striking “\$37,721,000”
13 and inserting “\$33,290,000”; and

14 (2) in paragraph (7), by striking “\$10,159,000”
15 and inserting “\$11,559,000”.

16 **TITLE XXIII—AIR FORCE**

17 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 18 **LAND ACQUISITION PROJECTS.**

19 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
20 propriated pursuant to the authorization of appropriations
21 in section 2304(a)(1), the Secretary of the Air Force may
22 acquire real property and carry out military construction
23 projects for the installations or locations inside the United
24 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
<i>Alaska</i>	<i>Eielson Air Force Base</i>	\$38,300,000
	<i>Elmendorf Air Force Base</i>	\$68,100,000
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$4,600,000
<i>California</i>	<i>Beale Air Force Base</i>	\$28,000,000
	<i>Travis Air Force Base</i>	\$85,800,000
<i>Colorado</i>	<i>Buckley Air Force Base</i>	\$10,700,000
	<i>Schriever Air Force Base</i>	\$21,000,000
<i>Delaware</i>	<i>Dover Air Force Base</i>	\$30,400,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	\$19,350,000
	<i>Hurlburt Field</i>	\$32,950,000
	<i>MacDill Air Force Base</i>	\$71,000,000
	<i>Tyndall Air Force Base</i>	\$1,800,000
<i>Georgia</i>	<i>Robins Air Force Base</i>	\$52,600,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$28,538,000
<i>Illinois</i>	<i>Scott Air Force Base</i>	\$28,200,000
<i>Kentucky</i>	<i>Fort Knox</i>	\$3,500,000
<i>Maryland</i>	<i>Andrews Air Force Base</i>	\$29,000,000
<i>Massachusetts</i>	<i>Hanscom Air Force Base</i>	\$12,400,000
<i>Nevada</i>	<i>Indian Springs Air Force Auxiliary Field.</i>	\$49,923,000
	<i>Nellis Air Force Base</i>	\$4,800,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$15,500,000
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	\$11,400,000
<i>North Dakota</i>	<i>Minot Air Force Base</i>	\$9,000,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	\$9,500,000
	<i>Tinker Air Force Base</i>	\$8,100,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$10,200,000
	<i>Shaw Air Force Base</i>	\$22,200,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$3,000,000
<i>Texas</i>	<i>Fort Bliss</i>	\$8,500,000
	<i>Lackland Air Force Base</i>	\$13,200,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$63,400,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$57,700,000
<i>Wyoming</i>	<i>Francis E. Warren Air Force Base</i>	\$11,000,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 *appropriated pursuant to the authorization of appropri-*
3 *ations in section 2304(a)(2), the Secretary of the Air Force*
4 *may acquire real property and carry out military construc-*
5 *tion projects for the installations or locations outside the*
6 *United States, and in the amounts, set forth in the following*
7 *table:*

Air Force: Outside the United States

Country	Installation or Location	Amount
<i>Germany</i>	<i>Ramstein Air Base</i>	\$53,150,000
<i>Guam</i>	<i>Andersen Air Force Base</i>	\$52,800,000
<i>Italy</i>	<i>Naval Air Station, Sigonella</i>	\$26,000,000
<i>Korea</i>	<i>Kunsan Air Base</i>	\$46,700,000

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
	Osan Air Base	\$2,156,000

1 (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2304(a)(3), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for unspecified installations or locations in the
6 amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Common Battlefield Airman Training Complex.	\$14,200,000
Worldwide Classified	Classified Project	\$3,377,000
	Classified—Special Evaluation Program.	\$4,600,000
	Classified	\$1,700,000

7 **SEC. 2302. FAMILY HOUSING.**

8 (a) *CONSTRUCTION AND ACQUISITION.*—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2304(a)(6)(A), the Secretary of the
11 Air Force may construct or acquire family housing units
12 (including land acquisition and supporting facilities) at
13 the installations or locations, for the purposes, and in the
14 amounts, set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Eielson Air Force Base	129 Units	\$87,414,000
Idaho	Mountain Home Air Force Base	457 Units	\$107,800,000
Missouri	Whiteman Air Force Base ...	116 Units	\$39,270,000
Montana	Malmstrom Air Force Base	493 Units	\$140,252,000

1 *the Department of the Air Force in the total amount of*
2 *\$3,195,485,000, as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2301(a),*
5 *\$863,661,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2301(b),*
8 *\$180,806,000.*

9 *(3) For military construction projects at unspec-*
10 *ified worldwide locations authorized by section*
11 *2301(c), \$23,877,000.*

12 *(4) For unspecified minor military construction*
13 *projects authorized by section 2805 of title 10, United*
14 *States Code, \$15,000,000.*

15 *(5) For architectural and engineering services*
16 *and construction design under section 2807 of title*
17 *10, United States Code, \$90,632,000.*

18 *(6) For military family housing functions:*

19 *(A) For construction and acquisition, plan-*
20 *ning and design, and improvement of military*
21 *family housing and facilities, \$1,182,138,000.*

22 *(B) For support of military family housing*
23 *(including the functions described in section*
24 *2833 of title 10, United States Code),*
25 *\$755,071,000.*

1 (7) *For the construction of increment 2 of the C-*
2 *17 maintenance complex at Elmendorf Air Force*
3 *Base, Alaska, authorized by section 2301(a) of the*
4 *Military Construction Authorization Act for Fiscal*
5 *Year 2006 (division B of Public Law 109–163; 119*
6 *Stat. 3494), \$30,000,000.*

7 (8) *For the construction of increment 2 of the*
8 *main base runway at Edwards Air Force Base, Cali-*
9 *fornia, authorized by section 2301(a) of the Military*
10 *Construction Authorization Act for Fiscal Year 2006*
11 *(division B of Public Law 109–163; 119 Stat. 3494),*
12 *\$31,000,000.*

13 (9) *For the construction of increment 2 of the*
14 *CENTCOM Joint Intelligence Center at MacDill Air*
15 *Force Base, Florida, authorized by section 2301(a) of*
16 *the Military Construction Authorization Act for Fis-*
17 *cal Year 2006 (division B of Public Law 109–163;*
18 *119 Stat. 3494), \$23,300,000.*

19 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
20 *PROJECTS.—Notwithstanding the cost variations author-*
21 *ized by section 2853 of title 10, United States Code, and*
22 *any other cost variation authorized by law, the total cost*
23 *of all projects carried out under section 2301 of this Act*
24 *may not exceed the sum of the following:*

1 (1) *The total amount authorized to be appro-*
2 *priated under paragraphs (1) (2) and (3) of sub-*
3 *section (a).*

4 (2) *\$35,000,000 (the balance of the amount au-*
5 *thorized under section 2301(a) of the Military Con-*
6 *struction Authorization Act for Fiscal Year 2006 (di-*
7 *vision B of Public Law 109–163; 119 Stat. 3494) for*
8 *construction of a main base runway at Edwards Air*
9 *Force Base, California).*

10 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
11 **CERTAIN FISCAL YEAR 2006 PROJECT.**

12 (a) *MODIFICATION OF INSIDE THE UNITED STATES*
13 *PROJECT.—The table in section 2301(a) of the Military*
14 *Construction Authorization Act for Fiscal Year 2006 (divi-*
15 *sion B of Public Law 109–163; Stat. 119 Stat. 3494) is*
16 *amended in the item relating to MacDill Air Force Base,*
17 *Florida, by striking “\$107,200,000” in the amount column*
18 *and inserting “\$101,500,000”.*

19 (b) *CONFORMING AMENDMENT.—Section 2304(b)(4) of*
20 *that Act (119 Stat. 3496) is amended by striking*
21 *“\$29,000,000” and inserting “\$23,300,000”.*

**TITLE XXIV—DEFENSE
AGENCIES**

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Kentucky</i>	<i>Fort Knox</i>	\$18,108,000

Defense Logistics Agency

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Arizona</i>	<i>Marine Corps Air Station, Yuma</i>	\$8,715,000
<i>California</i>	<i>Beale Air Force Base</i>	\$9,000,000
<i>Pennsylvania</i>	<i>Defense Distribution Depot, New Cumberland</i>	\$8,900,000
<i>Virginia</i>	<i>Fort Belvoir</i>	\$5,500,000
<i>Washington</i>	<i>Naval Air Station, Whidbey Island</i>	\$26,000,000

Special Operations Command

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>California</i>	<i>Marine Corps Base, Camp Pendleton</i>	\$24,400,000
<i>Colorado</i>	<i>Fort Carson</i>	\$26,100,000
<i>Florida</i>	<i>Hurlburt Field</i>	\$14,482,000
	<i>MacDill Air Force Base</i>	\$27,300,000
<i>Kentucky</i>	<i>Fort Campbell</i>	\$24,500,000
<i>North Carolina</i>	<i>Fort Bragg</i>	\$44,868,000
	<i>Marine Corps Base, Camp Lejune</i>	\$51,600,000
	<i>Pope Air Force Base</i>	\$15,276,000
<i>Virginia</i>	<i>Naval Air Base, Little Creek</i>	\$22,000,000

TRICARE Management Activity

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alaska</i>	<i>Fort Richardson</i>	\$37,200,000
<i>California</i>	<i>Fort Irwin</i>	\$6,050,000
<i>Florida</i>	<i>Naval Hospital, Jacksonville</i>	\$16,000,000
	<i>MacDill Air Force Base</i>	\$87,000,000
<i>Hawaii</i>	<i>Naval Base, Pearl Harbor</i>	\$7,700,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
<i>Illinois</i>	<i>Naval Hospital, Great Lakes</i>	\$20,000,000
<i>Maryland</i>	<i>Fort Detrick</i>	\$550,000,000
<i>New York</i>	<i>Fort Drum</i>	\$9,700,000
<i>Texas</i>	<i>Fort Hood</i>	\$18,000,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the United
6 States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
<i>Italy</i>	<i>Camp Ederle</i>	\$31,460,000
	<i>Vicenza</i>	\$15,750,000
<i>Korea</i>	<i>Osan Air Base</i>	\$4,589,000
<i>Spain</i>	<i>Naval Station, Rota</i>	\$23,048,000

Defense Logistics Agency

Country	Installation or Location	Amount
<i>Japan</i>	<i>Okinawa</i>	\$5,000,000
<i>Wake Island</i>	<i>Wake Island</i>	\$2,600,000

Missile Defense Agency

Country	Installation or Location	Amount
<i>Kwajalein</i>	<i>Kwajalein Atoll</i>	\$7,592,000

Special Operations Command

Country	Installation or Location	Amount
<i>Qatar</i>	<i>Al Udeid Air Base</i>	\$44,500,000

TRICARE Management Activity

Country	Installation or Location	Amount
<i>Italy</i>	<i>Vicenza</i>	\$52,000,000

1 **SEC. 2402. FAMILY HOUSING.**

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2404(a)(9)(A), the Secretary of the
 5 Defense may construct or acquire family housing units (in-
 6 cluding land acquisition and supporting facilities) at the
 7 installations or locations, for the purposes, and in the
 8 amounts set forth in the following table:

Defense Logistics Agency: Family Housing

<i>State</i>	<i>Installation or Location</i>	<i>Purpose</i>	<i>Amount</i>
Virginia	Defense Supply Center, Richmond	25 Units	\$7,840,000

9 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2404(a)(9)(A), the Secretary of the Defense may
 12 carry out architectural and engineering services and con-
 13 struction design activities with respect to the construction
 14 or improvement of family housing units in an amount not
 15 to exceed \$484,000.

16 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

17 Using amounts appropriated pursuant to the author-
 18 ization of appropriations in section 2404(a)(6), the Sec-
 19 retary of Defense may carry out energy conservation
 20 projects under section 2865 of title 10, United States Code,
 21 in the amount of \$60,000,000.

1 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
2 **AGENCIES.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
4 *hereby authorized to be appropriated for fiscal years begin-*
5 *ning after September 30, 2006, for military construction,*
6 *land acquisition, and military family housing functions of*
7 *the Department of Defense (other than the military depart-*
8 *ments) in the total amount of \$7,122,602,000, as follows:*

9 (1) *For military construction projects inside the*
10 *United States authorized by section 2401(a),*
11 *\$557,399,000.*

12 (2) *For military construction projects outside the*
13 *United States authorized by section 2401(b),*
14 *\$170,789,000.*

15 (3) *For unspecified minor military construction*
16 *projects under section 2805 of title 10, United States*
17 *Code, \$21,672,000.*

18 (4) *For contingency construction projects of the*
19 *Secretary of Defense under section 2804 of title 10,*
20 *United States Code, \$10,000,000.*

21 (5) *For architectural and engineering services*
22 *and construction design under section 2807 of title*
23 *10, United States Code, \$172,150,000.*

24 (6) *For energy conservation projects authorized*
25 *by section 2403, \$60,000,000.*

1 (7) *For base closure and realignment activities*
2 *as authorized by the Defense Base Closure and Re-*
3 *alignment Act of 1990 (part A of title XXIX of Public*
4 *Law 101–510; 10 U.S.C. 2687 note) and funded*
5 *through the Department of Defense Base Closure Ac-*
6 *count 1990 established by section 2906 of such Act,*
7 *\$191,220,000.*

8 (8) *For base closure and realignment activities*
9 *as authorized by the Defense Base Closure and Re-*
10 *alignment Act of 1990 (part A of title XXIX of Public*
11 *Law 101–510; 10 U.S.C. 2687 note) and funded*
12 *through the Department of Defense Base Closure Ac-*
13 *count 2005 established by section 2906A of such Act,*
14 *\$5,526,894,000.*

15 (9) *For military family housing functions:*

16 (A) *For construction and acquisition, plan-*
17 *ning and design, and improvement of military*
18 *family housing and facilities, \$8,808,000.*

19 (B) *For support of military family housing*
20 *(including functions described in section 2833 of*
21 *title 10, United States Code), \$48,506,000.*

22 (C) *For credit to the Department of Defense*
23 *Family Housing Improvement Fund established*
24 *by section 2883(a)(1) of title 10, United States*
25 *Code, \$2,500,000.*

1 (10) *For the construction of increment 8 of a*
2 *munitions demilitarization facility at Pueblo Chem-*
3 *ical Activity, Colorado, authorized by section 2401(a)*
4 *of the Military Construction Authorization Act for*
5 *Fiscal Year 1997 (division B of Public Law 104–201;*
6 *110 Stat. 2775), as amended by section 2406 of the*
7 *Military Construction Authorization Act for Fiscal*
8 *Year 2000 (division B of Public Law 106–65; 113*
9 *Stat. 839), and section 2407 of the Military Construc-*
10 *tion Authorization Act for Fiscal Year 2003 (division*
11 *B of Public Law 107–314; 116 Stat. 2698),*
12 *\$41,836,000.*

13 (11) *For the construction of increment 7 of a*
14 *munitions demilitarization facility at Blue Grass*
15 *Army Depot, Kentucky, authorized by section 2401(a)*
16 *of the Military Construction Authorization Act for*
17 *Fiscal Year 2000 (division B of Public Law 106–65;*
18 *113 Stat. 835), as amended by section 2405 of the*
19 *Military Construction Authorization Act of 2002 (di-*
20 *vision B of Public Law 107–107; 115 Stat. 1298),*
21 *and section 2405 of the Military Construction Author-*
22 *ization Act for Fiscal Year 2003 (division B of Public*
23 *Law 107–314; 116 Stat. 2698), \$99,157,000.*

24 (12) *For the construction of increment 2 of a re-*
25 *placement of a regional security operations center,*

1 *Kunia, Hawaii, authorized by section 2401(a) of the*
2 *Military Construction Authorization Act for Fiscal*
3 *Year 2006 (division B of Public Law 109–163; 119*
4 *Stat. 3497), as amended by section 2405(a)(2) of this*
5 *Act, \$47,016,000.*

6 *(13) For the construction of increment 2 of the*
7 *classified material conversion facility at Fort Meade,*
8 *Maryland, authorized by section 2401(a) of the Mili-*
9 *tary Construction Authorization Act for Fiscal Year*
10 *2006 (division B of Public Law 109–163; 119 Stat.*
11 *3497), \$11,151,000.*

12 *(14) For the construction of increment 2 of a re-*
13 *placement of a regional security operations center,*
14 *Augusta, Georgia, authorized by section 2401(a) of*
15 *the Military Construction Act for Fiscal Year 2006*
16 *(division B of Public Law 109–163; 119 Stat. 3497),*
17 *as amended by section 2405(a)(1) of this Act,*
18 *\$107,118,000.*

19 *(15) For the construction of increment 2 of con-*
20 *struction of an operations building, Menwith Hall*
21 *Station, United Kingdom, authorized by section*
22 *2401(b) of the Military Construction Act for Fiscal*
23 *Year 2006 (division B of Public Law 109–163; 119*
24 *Stat. 3498), as amended by section 2405(b)(1) of this*
25 *Act, \$46,386,000.*

1 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
2 *PROJECTS.*—*Notwithstanding the cost variations author-*
3 *ized by section 2853 of title 10, United States Code, and*
4 *any other cost variation authorized by law, the total cost*
5 *of all projects carried out under section 2401 of this Act*
6 *may not exceed the sum of the following:*

7 (1) *The total amount authorized to be appro-*
8 *priated under paragraphs (1), (2), and (3) of sub-*
9 *section (a).*

10 (2) *\$184,752,000 (the balance of the amount au-*
11 *thorized under section 2401(a) of the Military Con-*
12 *struction Authorization Act for Fiscal Year 2006 (di-*
13 *vision B of Public Law 109–163; 119 Stat. 3497) for*
14 *construction of a regional security operations center,*
15 *Augusta, Georgia).*

16 (3) *\$254,508,000 (the balance of the amount au-*
17 *thorized under section 2401(a) of the Military Con-*
18 *struction Authorization Act for Fiscal Year 2006 (di-*
19 *vision B of Public Law 109–163; 119 Stat. 3497) for*
20 *construction of a regional security operations center,*
21 *Kunia, Hawaii).*

22 (4) *\$521,000,000 (the balance of the amount au-*
23 *thorized under section 2401(a) for construction of a*
24 *replacement facility, Fort Detrick, Maryland).*

1 (5) \$187,120,000 (the balance of the amount au-
2 thorized under section 2401(a) of the Military Con-
3 struction Authorization Act for Fiscal Year 1997 (di-
4 vision B of Public Law 104–201; 110 Stat. 2775), as
5 amended by section 2406 of the Military Construction
6 Authorization Act for Fiscal Year 2000 (division B of
7 Public Law 106–65; 113 Stat. 839) and section 2407
8 of the Military Construction Authorization Act for
9 Fiscal Year 2003 (division B of Public Law 107–314;
10 116 Stat. 2698), for construction of a munitions de-
11 militarization facility at Pueblo Chemical Activity,
12 Colorado).

13 (6) \$134,554,000 (the balance of the amount au-
14 thorized under section 2401(a) of the Military Con-
15 struction Authorization Act for Fiscal Year 2000 (di-
16 vision B of Public Law 106–65; 113 Stat. 835), as
17 amended by section 2405 of the Military Construction
18 Authorization Act for Fiscal Year 2002 (division B of
19 Public Law 107–107; 115 Stat. 1298) and section
20 2405 of the Military Construction Authorization Act
21 for Fiscal Year 2003 (division B of Public Law 107–
22 314; 116 Stat. 2698), for construction of a munitions
23 demilitarization facility at Blue Grass Army Depot,
24 Kentucky).

1 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2006 PROJECTS.**

3 (a) *MODIFICATION OF INSIDE THE UNITED STATES*
4 *PROJECT.*—*The table relating to the National Security*
5 *Agency in section 2401(a) of the Military Construction Au-*
6 *thorization Act for Fiscal Year 2006 (division B of Public*
7 *Law 109–163; 119 Stat. 3497) is amended—*

8 (1) *in the item relating to Augusta, Georgia, by*
9 *striking “\$61,466,000” in the amount column and in-*
10 *serting “\$340,836,000”; and*

11 (2) *in the item relating to Kunia, Hawaii, by*
12 *striking “\$305,000,000” in the amount column and*
13 *inserting “\$350,490,000”.*

14 (b) *MODIFICATION OF OUTSIDE THE UNITED STATES*
15 *PROJECT.*—*The table relating to the National Security*
16 *Agency in section 2401(b) of the Military Construction Au-*
17 *thorization Act for Fiscal Year 2006 (division B of Public*
18 *Law 109–163; 119 Stat. 3498) is amended in the item relat-*
19 *ing to Menwith Hill, United Kingdom, by striking*
20 *“\$86,354,000” in the amount column and inserting*
21 *“\$88,083,000”.*

22 (c) *CONFORMING AMENDMENT.*—*Section 2403(b) of*
23 *that Act (119 Stat. 3500) is amended—*

24 (1) *in paragraph (2), by striking “\$12,500,000”*
25 *and inserting “\$291,870,000”;*

1 (2) in paragraph (3), by striking
2 “\$256,034,000” and inserting “\$301,524,000”; and
3 (3) in paragraph (5), by striking “\$44,657,000”
4 and inserting “\$46,386,000”.

5 **TITLE XXV—NORTH ATLANTIC**
6 **TREATY ORGANIZATION SE-**
7 **CURITY INVESTMENT PRO-**
8 **GRAM**

9 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
10 **ACQUISITION PROJECTS.**

11 *The Secretary of Defense may make contributions for*
12 *the North Atlantic Treaty Organization Security Invest-*
13 *ment Program as provided in section 2806 of title 10,*
14 *United States Code, in an amount not to exceed the sum*
15 *of the amount authorized to be appropriated for this pur-*
16 *pose in section 2502 and the amount collected from the*
17 *North Atlantic Treaty Organization as a result of construc-*
18 *tion previously financed by the United States.*

19 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal years beginning after September 30, 2006, for contribu-*
22 *tions by the Secretary of Defense under section 2806 of title*
23 *10, United States Code, for the share of the United States*
24 *of the cost of projects for the North Atlantic Treaty Organi-*

1 zation Security Investment Program authorized by section
2 2501, in the amount of \$205,985,000.

3 **TITLE XXVI—GUARD AND**
4 **RESERVE FORCES FACILITIES**

5 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
6 **TION AND LAND ACQUISITION PROJECTS.**

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal years beginning after September 30, 2006, for the costs*
9 *of acquisition, architectural and engineering services, and*
10 *construction of facilities for the Guard and Reserve Forces,*
11 *and for contributions therefor, under chapter 1803 of title*
12 *10, United States Code (including the cost of acquisition*
13 *of land for those facilities), in the following amounts:*

14 (1) *For the Department of the Army—*

15 (A) *for the Army National Guard of the*
16 *United States, \$524,031,000; and*

17 (B) *for the Army Reserve, \$189,817,000.*

18 (2) *For the Department of the Navy, for the*
19 *Navy and Marine Corps Reserve, \$48,408,000.*

20 (3) *For the Department of the Air Force—*

21 (A) *for the Air National Guard of the*
22 *United States, \$245,743,000; and*

23 (B) *for the Air Force Reserve, \$44,936,000.*

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
8 *YEARS.*—*Except as provided in subsection (b), all author-*
9 *izations contained in titles XXI through XXVI for military*
10 *construction projects, land acquisition, family housing*
11 *projects and facilities, and contributions to the North At-*
12 *lantic Treaty Organization Security Investment Program*
13 *(and authorizations of appropriations therefor) shall expire*
14 *on the later of—*

15 (1) *October 1, 2009; or*

16 (2) *the date of the enactment of an Act author-*
17 *izing funds for military construction for fiscal year*
18 *2010.*

19 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
20 *thorizations for military construction projects, land acqui-*
21 *sition, family housing projects and facilities, and contribu-*
22 *tions to the North Atlantic Treaty Organization Security*
23 *Investment Program (and authorizations of appropriations*
24 *therefor), for which appropriated funds have been obligated*
25 *before the later of—*

1 (1) *October 1, 2009; or*

2 (2) *the date of the enactment of an Act author-*
 3 *izing funds for fiscal year 2010 for military construc-*
 4 *tion projects, land acquisition, family housing*
 5 *projects and facilities, or contributions to the North*
 6 *Atlantic Treaty Organization Security Investment*
 7 *Program.*

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 2004 PROJECTS.**

10 (a) *EXTENSION.*—*Notwithstanding section 2701 of the*
 11 *Military Construction Authorization Act for Fiscal Year*
 12 *2004 (division B of Public Law 108–136; 117 Stat. 1716),*
 13 *authorizations set forth in the tables in subsection (b), as*
 14 *provided in sections 2101, 2301, 2302, 2401, and 2601 of*
 15 *that Act, shall remain in effect until October 1, 2007, or*
 16 *the date of the enactment of an Act authorizing funds for*
 17 *military construction for fiscal year 2008, whichever is*
 18 *later.*

19 (b) *TABLES.*—*The tables referred to in subsection (a)*
 20 *are as follows:*

Army: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
<i>Alaska</i>	<i>Fort Wainwright</i>	<i>Multi-Purpose Training Range Complex</i>	<i>\$47,000,000</i>
<i>Hawaii</i>	<i>Helemano Military Reservation</i>	<i>Land Easement</i>	<i>\$1,400,000</i>
<i>Virginia</i>	<i>Fort Belvoir</i>	<i>NGIC Land Acquisition</i>	<i>\$7,000,000</i>

Army: Extension of 2004 Project Authorizations—Continued

State	Installation or Location	Project	Amount
	<i>Fort Lee</i>	<i>Fire & Emergency Services Center (Ph 2)</i>	\$3,850,000
<i>Italy</i>	<i>Aviano Air Base</i>	<i>Joint Deployment Facility (Ph 1)</i>	\$15,500,000

Air Force: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
<i>California</i>	<i>Travis Air Force Base</i> ...	<i>Replace Family Housing (56 Units)</i>	\$12,723,000
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>Replace Family Housing (279 Units)</i>	\$32,166,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	<i>Expand Strategic Airlift Parking Ramp</i>	\$10,102,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	<i>Replace Family Housing (116 Units)</i>	\$19,973,000

Defense Wide: Extension of 2004 Project Authorizations

Agency	Installation or Location	Project	Amount
<i>Defense Logistics Agency</i>	<i>Hickam Air Force Base, Hawaii</i>	<i>Replace Hydrant Fuel System</i>	\$14,100,000

Army National Guard: Extension of 2004 Authorization of Appropriations

State	Installation or Location	Project	Amount
<i>Indiana</i>	<i>Gary</i>	<i>Army Aviation Support Facility</i>	\$15,581,000
<i>New Mexico</i>	<i>Albuquerque</i>	<i>Readiness Center, Add/Alt (ADRS)</i>	\$2,533,000
<i>Pennsylvania</i>	<i>Fort Indiantown Gap</i>	<i>Multi-Purpose Training Range</i>	\$15,338,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2003 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2003 (division B of Public Law 107–314; 116 Stat. 2700),*
 6 *authorizations set forth in the tables in subsection (b), as*
 7 *provided in section 2302 of that Act, shall remain in effect*
 8 *until October 1, 2007, or the date of the enactment of an*
 9 *Act authorizing funds for military construction for fiscal*
 10 *year 2008, whichever is later.*

11 (b) *TABLES.*—The tables referred to in subsection (a)
 12 are as follows:

Air Force: Extension of 2003 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>Replace Family Housing (134 Units)</i>	\$15,906,000
	<i>Eglin Air Force Base</i>	<i>Replace Housing Office</i>	\$597,000
<i>Texas</i>	<i>Randolph Air Force Base</i>	<i>Replace Family Housing Maintenance Facility</i>	\$447,000

13 **SEC. 2704. EFFECTIVE DATE.**

14 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 15 *take effect on the later of—*

16 (1) *October 1, 2006; or*

17 (2) *the date of the enactment of this Act.*

1 **TITLE XXVIII—GENERAL**
2 **PROVISIONS**
3 **Subtitle A—Military Construction**
4 **Program and Military Family**
5 **Housing Changes**

6 **SEC. 2801. THREE-YEAR EXTENSION OF TEMPORARY, LIM-**
7 **ITED AUTHORITY TO USE OPERATION AND**
8 **MAINTENANCE FUNDS FOR CONSTRUCTION**
9 **PROJECTS OUTSIDE THE UNITED STATES.**

10 *Section 2808 of the Military Construction Authoriza-*
11 *tion Act for Fiscal Year 2004 (division B of Public Law*
12 *108–136; 117 Stat. 1723), as amended by section 2810 of*
13 *the Military Construction Authorization Act for Fiscal Year*
14 *2005 (division B of Public Law 108–375; 118 Stat. 2128)*
15 *and section 2809 of the Military Construction Authoriza-*
16 *tion Act for Fiscal Year 2006 (division B of Public Law*
17 *109–163; 119 Stat. 3508), is further amended—*

18 (1) *in subsection (a), by striking “fiscal years*
19 *2005 and 2006” and inserting “fiscal years 2005,*
20 *2006, 2007, 2008, and 2009”; and*

21 (2) *in subsection (f)—*

22 (A) *in paragraph (1), by striking “the Sub-*
23 *committees on Defense and Military Construc-*
24 *tion of” and inserting “the Subcommittees on*

1 *Defense and on Military Construction and Vet-*
 2 *erans Affairs, and Related Agencies of*”; and

3 *(B) in paragraph (2), by striking “the Sub-*
 4 *committees on Defense and Military Construc-*
 5 *tion of” and inserting “the Subcommittees on*
 6 *Defense and on Military Quality of Life and*
 7 *Veterans Affairs, and Related Agencies of”.*

8 **SEC. 2802. AUTHORITY TO CARRY OUT MILITARY CON-**
 9 **STRUCTION PROJECTS IN CONNECTION WITH**
 10 **INDUSTRIAL FACILITY INVESTMENT PRO-**
 11 **GRAM.**

12 *(a) AUTHORITY.—Subchapter III of chapter 169 of*
 13 *title 10, United States Code, is amended by adding at the*
 14 *end the following new section:*

15 **“§2870. Authority to carry out military construction**
 16 **projects in connection with industrial fa-**
 17 **cility investment program**

18 *“(a) AUTHORITY.—The Secretary of Defense may*
 19 *carry out a military construction project, not previously*
 20 *authorized, for the purpose of carrying out activities under*
 21 *section 2474(a)(2) of this title, using funds appropriated*
 22 *or otherwise made available for that purpose.*

23 *“(b) CREDITING OF FUNDS.—Funds appropriated or*
 24 *otherwise made available in a fiscal year for the purpose*
 25 *of carrying out a military construction project with respect*

1 to a public depot under subsection (a) may be credited to
2 the amount required under section 2208(s) of this title to
3 be invested in such fiscal year in the capital budget for such
4 public depot.

5 “(c) NOTICE AND WAIT REQUIREMENT.—The Sec-
6 retary may not carry out a project under subsection (a)
7 until 21 days after the date on which the Secretary notifies
8 the congressional defense committees of the intent to carry
9 out such project and the savings estimated to be realized
10 from such project or, if earlier, 14 days after the date on
11 which a copy of the notification is provided in an electronic
12 medium pursuant to section 480 of this title.

13 “(d) ANNUAL REPORT.—Not later than December 31
14 of each year, the Secretary shall submit to Congress a report
15 describing actions taken under this section and the savings
16 realized from such actions during the fiscal year ending in
17 the year in which the report is submitted.”.

18 (b) CLERICAL AMENDMENT.—The table of sections at
19 the beginning of such subchapter is amended by adding at
20 the end the following new item:

“2870. Authority to carry out military construction projects in connection with
industrial facility investment program.”.

1 **SEC. 2803. MODIFICATION OF NOTIFICATION REQUIRE-**
2 **MENTS RELATED TO COST VARIATION AU-**
3 **THORITY.**

4 *Section 2853(c) of title 10, United States Code, is*
5 *amended—*

6 *(1) in paragraph (1), by striking the semicolon*
7 *at the end and inserting “; and”;*

8 *(2) by amending paragraph (2) to read as fol-*
9 *lows:*

10 *“(2)(A) in the case of a cost increase or a reduc-*
11 *tion in the scope of work—*

12 *“(i) the Secretary concerned notifies the ap-*
13 *propriate committees of Congress in writing of*
14 *the cost increase or reduction in scope and the*
15 *reasons therefor, including a description of the*
16 *funds proposed to be used to finance any in-*
17 *creased costs; and*

18 *“(ii) a period of 21 days has elapsed after*
19 *the date on which the notification is received by*
20 *the committees or, if over sooner, a period of 14*
21 *days has elapsed after the date on which a copy*
22 *of the notification is provided in an electronic*
23 *medium pursuant to section 480 of this title; or*

24 *“(B) in the case of a cost decrease, the Secretary*
25 *concerned notifies the appropriate committees of Con-*
26 *gress in writing not later than 14 days after the date*

1 *funds are obligated in connection with the military*
2 *construction project or military family housing*
3 *project.”; and*

4 *(3) by striking paragraph (3).*

5 **SEC. 2804. CONSIDERATION OF LOCAL COMPARABILITY OF**
6 **FLOOR AREAS IN CONSTRUCTION, ACQUISI-**
7 **TION, AND IMPROVEMENT OF MILITARY UN-**
8 **ACCOMPANIED HOUSING.**

9 *(a) IN GENERAL.—Section 2856 of title 10, United*
10 *States Code, is amended to read as follows:*

11 **“§2856. Military unaccompanied housing: local com-**
12 **parability of floor areas**

13 *“In the construction, acquisition, and improvement of*
14 *military unaccompanied housing, the Secretary concerned*
15 *shall ensure that the floor areas of such housing in a par-*
16 *ticular locality (as designated by the Secretary concerned*
17 *for purposes of this section) do not exceed the floor areas*
18 *of similar housing in the private sector in that locality.”.*

19 *(b) CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of chapter 169 of such title is amended by*
21 *striking the item relating to section 2856 and inserting the*
22 *following:*

“2856. Military unaccompanied housing: local comparability of floor areas.”.

1 **SEC. 2805. INCREASE IN THRESHOLDS FOR UNSPECIFIED**
2 **MINOR MILITARY CONSTRUCTION PROJECTS.**

3 (a) *INCREASE.*—Section 2805(a)(1) of title 10, United
4 States Code, is amended—

5 (1) by striking “\$1,500,000” and inserting
6 “\$2,500,000”; and

7 (2) by striking “\$3,000,000” and inserting
8 “\$4,000,000”.

9 (b) *EFFECTIVE DATE.*—The amendments made by sub-
10 section (a) shall take effect on October 1, 2006.

11 **SEC. 2806. INCLUSION OF MILITARY TRANSPORTATION AND**
12 **SUPPORT SYSTEMS IN ENERGY SAVINGS PRO-**
13 **GRAM.**

14 (a) *IN GENERAL.*—Section 2865 of title 10, United
15 States Code, is amended—

16 (1) in the section heading, by inserting “**for**
17 **military operations and**” after “**Energy sav-**
18 **ings**”;

19 (2) in subsection (a)—

20 (A) by amending paragraph (1) to read as
21 follows:

22 “(1) The Secretary of Defense shall designate energy
23 performance goals for the Department of Defense for mili-
24 tary transportation and support systems and installations.
25 The goals shall be consistent, where appropriate, with the
26 Energy Policy Act of 2005 (Public Law 109–58).”;

1 (B) in paragraph (2), by striking “energy
2 conservation measures” and all that follows
3 through “energy savings” and inserting “energy
4 conservation measures and alternative energy
5 initiatives to achieve maximum total life-cycle
6 energy savings”;

7 (C) in paragraph (3)—

8 (i) by striking “energy efficient main-
9 tenance” and inserting “energy efficient op-
10 erations and maintenance”; and

11 (ii) by inserting after “10 years or
12 less” the following: “, except that the Sec-
13 retary may provide that energy conserva-
14 tion measures related to equipment and sys-
15 tems supporting industrial processes may
16 have a positive net present value over a pe-
17 riod of 20 years or less”; and

18 (D) in paragraph (4)—

19 (i) by striking “energy efficient main-
20 tenance” and inserting “energy efficient op-
21 erations and maintenance”;

22 (ii) in subparagraph (A), by inserting
23 “vehicles, military support equipment,”
24 after “such as”; and

1 (iii) in subparagraph (B), by striking
2 “an operation or maintenance process, such
3 as improved training” and inserting “a
4 military operation or maintenance process,
5 such as the use of alternative fuels and en-
6 ergy sources, improved training,”;

7 (3) in subsection (b)(2)(A), by striking “installa-
8 tions of the Department of Defense as may be des-
9 ignated” and inserting “installations of the Depart-
10 ment of Defense and related to such vehicles and mili-
11 tary support equipment of the Department of Defense
12 as may be designated”;

13 (4) by redesignating subsections (e) and (f) as
14 subsections (f) and (g), respectively; and

15 (5) by inserting after subsection (d) the following
16 new subsection:

17 “(e) *ENERGY EFFICIENCY IN NEW CONSTRUCTION.*—

18 “(1) The Secretary of Defense shall ensure, to the
19 maximum extent practicable, that energy efficient
20 products meeting the Department’s requirements, if
21 cost effective over the life cycle of the product and
22 readily available, be used in new facility construction
23 by or for the Department carried out under this chap-
24 ter.

1 “(2) In determining the energy efficiency of
2 products, the Secretary shall consider products that—

3 “(A) meet or exceed Energy Star specifica-
4 tions; or

5 “(B) are listed on the Department of Ener-
6 gy’s Federal Energy Management Program
7 Product Energy Efficiency Recommendations
8 product list.”.

9 **SEC. 2807. REPEAL OF AUTHORITY TO CONVEY PROPERTY**
10 **AT CLOSED OR REALIGNED MILITARY INSTAL-**
11 **LATIONS TO SUPPORT MILITARY CONSTRUC-**
12 **TION.**

13 (a) *REPEAL.*—Section 2869 of title 10, United States
14 Code, is repealed.

15 (b) *CONFORMING AND CLERICAL AMENDMENTS.*—

16 (1) *CONFORMING AMENDMENTS.*—(A) Section
17 2822(b) of such title is amended by striking para-
18 graph (6).

19 (B) Section 2883(c) of such title is amended—

20 (i) in paragraph (1), by striking subpara-
21 graph (F); and

22 (ii) in paragraph (2), by striking subpara-
23 graph (F).

24 (2) *CLERICAL AMENDMENT.*—The table of sec-
25 tions at the beginning of subchapter III of chapter

1 169 of such title is amended by striking the item re-
2 lating to section 2869.

3 **SEC. 2808. REPEAL OF REQUIREMENT TO DETERMINE**
4 **AVAILABILITY OF SUITABLE ALTERNATIVE**
5 **HOUSING FOR ACQUISITION IN LIEU OF CON-**
6 **STRUCTION OF NEW FAMILY HOUSING.**

7 (a) *IN GENERAL.*—Section 2823 of title 10, United
8 States Code, is repealed.

9 (b) *CLERICAL AMENDMENT.*—The table of sections at
10 the beginning of chapter 169 of such title is amended by
11 striking the item relating to section 2823.

12 **SEC. 2809. UPDATING FOREIGN CURRENCY FLUCTUATION**
13 **ADJUSTMENT FOR CERTAIN MILITARY FAM-**
14 **ILY HOUSING LEASES IN KOREA.**

15 Section 2828(e)(5)(A) of title 10, United States Code,
16 is amended to read as follows:

17 “(A) for—

18 “(i) foreign currency fluctuations from Oc-
19 tober 1, 1987, in the case of maximum lease
20 amounts provided for under paragraphs (1), (2),
21 and (3); or

22 “(ii) foreign currency appreciation during
23 the previous fiscal year, starting from the fiscal
24 year of enactment of the lease authority under
25 paragraph (4), in the case of the maximum lease

1 *amount provided for under such paragraph;*
2 *and”.*

3 **SEC. 2810. PILOT PROJECTS FOR ACQUISITION OR CON-**
4 **STRUCTION OF MILITARY UNACCOMPANIED**
5 **HOUSING.**

6 *(a) REDUCTION OF APPLICABLE NOTIFICATION PERI-*
7 *ODS.—Section 2881a of title 10, United States Code, is*
8 *amended by striking “90 days” both places it appears and*
9 *inserting “30 days”.*

10 *(b) EXTENSION OF AUTHORITY.—Subsection (f) of*
11 *such section is amended by striking “2007” and inserting*
12 *“2009”.*

13 **SEC. 2811. CERTIFICATION REQUIRED FOR CERTAIN MILI-**
14 **TARY CONSTRUCTION PROJECTS.**

15 *The Department of Defense may not use amounts au-*
16 *thorized to be appropriated for a fiscal year beginning after*
17 *September 30, 2006, to carry out a military construction*
18 *project to construct a facility designed to provide training*
19 *in urban operations for personnel of the Department of De-*
20 *fense or other Federal agencies until the Under Secretary*
21 *of Defense for Personnel and Readiness, in consultation*
22 *with the Commander of the United States Joint Forces*
23 *Command, has certified to the congressional defense com-*
24 *mittees that—*

1 (1) *the Secretary of Defense has approved a*
2 *strategy for training and facility construction for op-*
3 *erations in urban terrain; and*

4 (2) *the Under Secretary has evaluated the project*
5 *and determined that the project—*

6 *(A) is consistent with such strategy; and*

7 *(B) incorporates the appropriate capabili-*
8 *ties for joint and interagency use in accordance*
9 *with such strategy.*

10 **SEC. 2812. MODIFICATION OF LAND ACQUISITION AUTHOR-**
11 **ITY, PERQUIMANS COUNTY, NORTH CARO-**
12 **LINA.**

13 *Section 2846 of the Military Construction Authoriza-*
14 *tion Act for Fiscal Year 2002 (division B of Public Law*
15 *107–107; 115 Stat. 1320), as amended by section 2865 of*
16 *the Military Construction Authorization Act for Fiscal Year*
17 *2005 (division B of Public Law 108–375; 118 Stat. 2149),*
18 *is further amended by striking “840 acres” and inserting*
19 *“1,550 acres”.*

1 **SEC. 2813. NAMING OF RESEARCH LABORATORY AT AIR**
2 **FORCE ROME RESEARCH SITE, ROME, NEW**
3 **YORK, IN HONOR OF SHERWOOD L. BOEH-**
4 **LERT, A MEMBER OF THE HOUSE OF REP-**
5 **RESENTATIVES.**

6 *The new laboratory facility at the Air Force Rome Re-*
7 *search Site, Rome, New York, shall be known and des-*
8 *ignated as the “Sherwood L. Boehlert Engineering Center”.*
9 *Any reference in a law, map, regulation, document, paper,*
10 *or other record of the United States to such laboratory facil-*
11 *ity shall be deemed to be a reference to the Sherwood L.*
12 *Boehlert Engineering Center.*

13 **SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT**
14 **JOINT SYSTEMS MANUFACTURING CENTER IN**
15 **LIMA, OHIO, AFTER MICHAEL G. OXLEY, A**
16 **MEMBER OF THE HOUSE OF REPRESENTA-**
17 **TIVES.**

18 *The administration building under construction at the*
19 *Joint Systems Manufacturing Center in Lima, Ohio, shall,*
20 *upon be completion, be known and designated as the “Mi-*
21 *chael G. Oxley Administration and Technology Center”.*
22 *Any reference in a law, map, regulation, document, paper,*
23 *or other record of the United States to such administration*
24 *building shall be deemed to be a reference to the Michael*
25 *G. Oxley Administration and Technology Center.*

1 **SEC. 2815. NAMING OF MILITARY FAMILY HOUSING FACIL-**
2 **ITY AT FORT CARSON, COLORADO, IN HONOR**
3 **OF JOEL HEFLEY, A MEMBER OF THE HOUSE**
4 **OF REPRESENTATIVES.**

5 *The Secretary of the Army shall designate one of the*
6 *military family housing areas or facilities constructed for*
7 *Fort Carson, Colorado, using the authority provided by sub-*
8 *chapter IV of chapter 169 of title 10, United States Code,*
9 *as the “Joel Hefley Village”. Any reference in any law, reg-*
10 *ulation, map, document, record, or other paper of the*
11 *United States to the military housing area or facility des-*
12 *ignated under this section shall be considered to be a ref-*
13 *erence to Joel Hefley Village.*

14 **SEC. 2816. AUTHORITY TO OCCUPY UNITED STATES SOUTH-**
15 **ERN COMMAND FAMILY HOUSING.**

16 *(a) The Secretary of the Army may authorize family*
17 *members of a member of the armed forces on active duty*
18 *who is occupying a housing unit leased under section*
19 *2828(b)(4) of title 10, United States Code and who is as-*
20 *signed to a family-member-restricted area to remain in the*
21 *leased housing unit until the member completes the family-*
22 *member-restricted tour. Costs incurred for such housing*
23 *during such tour shall be included in the costs subject to*
24 *the limitation under subparagraph (B) of that paragraph.*

25 *(b) The authority granted by subsection (a) shall ex-*
26 *pire on September 30, 2008.*

1 ***Subtitle B—Real Property and***
2 ***Facilities Administration***

3 **SEC. 2821. CONSOLIDATION OF EASEMENT PROVISIONS.**

4 *(a) CONSOLIDATION OF EASEMENT PROVISIONS.—*

5 *(1) TRANSFER OF EASEMENTS SECTION.—Section*
6 *2668 of title 10, United States Code, is—*

7 *(A) transferred to appear after section 2671*
8 *of such title; and*

9 *(B) redesignated as section 2672 of such*
10 *title.*

11 *(2) CONSOLIDATED AUTHORITY.—Section 2672,*
12 *as redesignated by paragraph (1), is amended—*

13 *(A) in subsection (a)—*

14 *(i) by inserting “TYPES OF EASE-*
15 *MENTS.—” after “(a)”;*

16 *(ii) in the matter preceding paragraph*
17 *(1), by striking “to a State, Territory, Com-*
18 *monwealth, or possession, or political sub-*
19 *division thereof, or to a citizen, association,*
20 *partnership, or corporation of a State, Ter-*
21 *ritory, Commonwealth, or possession,”;*

22 *(iii) in paragraph (2), by striking “oil*
23 *pipe lines” and inserting “gas, water,*
24 *sewer, and oil pipe lines”; and*

1 (iv) in paragraph (13), by striking “,
2 except a purpose covered by section 2669 of
3 this title”;

4 (B) in subsection (b), by inserting “LIMITA-
5 TION ON SIZE.—” after “(b)”;

6 (C) in subsection (c), by inserting “TERMI-
7 NATION.—” after “(c)”;

8 (D) in subsection (d), by inserting “NOTICE
9 TO DEPARTMENT OF THE INTERIOR.—” after
10 “(d)”;

11 (E) in subsection (e), by inserting “DIS-
12 POSITION OF CONSIDERATION.—” after “(e)”.

13 (b) *REPEAL OF OBSOLETE AUTHORITY.*—Section 2669
14 of such title is repealed.

15 (c) *CONFORMING AMENDMENTS.*—The table of sections
16 at the beginning of chapter 159 of such title is amended—

17 (1) by striking the items relating to sections
18 2668 and 2669; and

19 (2) by inserting after the item relating to section
20 2671 the following new item:

“2672. *Easements for rights-of-way.*”.

21 **SEC. 2822. AUTHORITY TO GRANT RESTRICTIVE EASE-**
22 **MENTS FOR CONSERVATION AND ENVIRON-**
23 **MENTAL RESTORATION PURPOSES.**

24 (a) *AUTHORITY TO GRANT RESTRICTIVE EASE-*
25 *MENTS.*—Chapter 159 of title 10, United States Code, as

1 *amended by section 2821 of this Act, is further amended*
2 *by inserting after section 2672 of such title the following*
3 *new section:*

4 **“§2672a. Authority to grant restrictive easements**

5 “(a) CONSERVATION EASEMENTS.—(1)(A) *If the Sec-*
6 *retary of a military department finds that it will be in*
7 *the public interest, the Secretary may, subject to paragraph*
8 *(2), grant, upon such terms as the Secretary considers ad-*
9 *visable and with the consent of an entity described in sub-*
10 *paragraph (B), a restrictive easement to such entity over,*
11 *in, and upon any real property that is transferred by deed*
12 *by that department restricting future uses of the property*
13 *for a conservation purpose consistent with section*
14 *170(h)(4)(A)(iv) of the Internal Revenue Code of 1986 (26*
15 *U.S.C. 170(h)(4)(A)(iv)).*

16 “(B) *An entity referred to in subparagraph (A) is—*
17 “(i) *a State or local government; or*
18 “(ii) *a qualified organization, as that term is de-*
19 *finied in section 170(h) of the Internal Revenue Code*
20 *of 1986 (26 U.S.C. 170(h)).*

21 “(2) *An easement under paragraph (1) shall not be*
22 *granted unless the Secretary of the military department*
23 *concerned determines that—*

24 “(A) *the conservation of the property can not be*
25 *effectively achieved through the application of State*

1 *law by units of State or local government without*
2 *granting such easement;*

3 “(B) *the jurisdiction that encompasses the prop-*
4 *erty authorizes such easement; and*

5 “(C) *the Secretary can give or assign to a third*
6 *party the responsibility for monitoring and enforcing*
7 *such easement.*

8 “(b) *ENVIRONMENTAL EASEMENTS.—If the Secretary*
9 *of a military department finds that it will be in the public*
10 *interest, the Secretary may grant, upon such terms as the*
11 *Secretary considers advisable and with the consent of a*
12 *State or local government, a restrictive easement to such*
13 *government over, in, and upon any real property that is*
14 *transferred by deed by that department restricting future*
15 *uses of the property to ensure the continued effectiveness of*
16 *any environmental restoration function on the property*
17 *conducted pursuant to chapter 160 of this title.*

18 “(c) *LIMITATIONS.—(1) No easement granted under*
19 *this section may include more land than is necessary for*
20 *the easement.*

21 “(2) *Easements granted under this section shall be*
22 *without consideration from the recipient.*

23 “(3) *Nothing in this section shall alter the responsibil-*
24 *ities of any party under Federal or State environmental*
25 *laws.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter, as amended by section 2821*
 3 *of this Act, is further amended by inserting after the item*
 4 *relating to section 2672 the following new item:*

*“2672a. Authority to grant restrictive easements for conservation and environ-
 mental restoration purposes.”.*

5 **SEC. 2823. CONSOLIDATION OF PROVISIONS RELATING TO**
 6 **TRANSFERS OF REAL PROPERTY WITHIN THE**
 7 **DEPARTMENT OF DEFENSE AND TO OTHER**
 8 **FEDERAL AGENCIES.**

9 (a) *CONSOLIDATION AND RESTATEMENT OF AUTHOR-*
 10 *ITY ON INTERCHANGE, TRANSFER, AND SCREENING OF DE-*
 11 *PARTMENT OF DEFENSE REAL PROPERTY.*—*Section 2696*
 12 *of title 10, United States Code, is amended to read as fol-*
 13 *lows:*

14 **“§ 2696. Real property: transfer between armed forces;**
 15 **screening for transfer or conveyance**

16 “(a) *TRANSFER BETWEEN ARMED FORCES.*—*If either*
 17 *of the Secretaries concerned requests it and the other ap-*
 18 *proves, real property may be transferred, without com-*
 19 *pensation, from one armed force to another.*

20 “(b) *SCREENING AND CONVEYANCE OF PROPERTY FOR*
 21 *CORRECTIONAL FACILITIES PURPOSES.*—(1) *Except as pro-*
 22 *vided in paragraph (2), before any real property or facility*
 23 *of the United States that is under the jurisdiction of any*
 24 *department, agency, or instrumentality of the Department*

1 *of Defense is determined to be excess to the needs of such*
2 *department, agency, or instrumentality, the Secretary of*
3 *Defense shall—*

4 “(A) *provide adequate notification of the avail-*
5 *ability of such real property or facility within the De-*
6 *partment of Defense;*

7 “(B) *if such real property or facility remains*
8 *available after such notification, notify the Attorney*
9 *General of its availability; and*

10 “(C) *if the Attorney General certifies to the Sec-*
11 *retary that a determination has been made by the Di-*
12 *rector of the Bureau of Justice Assistance within the*
13 *Department of Justice to utilize such real property or*
14 *facility under the correctional options program car-*
15 *ried out under section 515 of title I of the Omnibus*
16 *Crime Control and Safe Streets Act of 1968 (42*
17 *U.S.C. 3762a), convey such real property or facility,*
18 *without reimbursement, to a public agency referred to*
19 *in paragraph (1) or (3) of subsection (a) of such sec-*
20 *tion for such utilization.*

21 “(2) *The provisions of this subsection shall not apply*
22 *during any portion of a fiscal year after four conveyances*
23 *have been made under this subsection in such fiscal year.*

24 “(c) *SCREENING FOR FURTHER FEDERAL USE BE-*
25 *FORE CONVEYANCE TO NON-FEDERAL ENTITIES.—(1) The*

1 *Secretary concerned may not convey real property that is*
2 *authorized or required to be conveyed, whether for or with-*
3 *out consideration, by any provision of law unless the Ad-*
4 *ministrator has screened the property for further Federal*
5 *use in accordance with subtitle I of title 40 and title III*
6 *of the Federal Property and Administrative Services Act*
7 *of 1949 (41 U.S.C. 251 et seq.).*

8 “(2)(A) *Before the end of the 30-day period beginning*
9 *on the date of the enactment of a provision of law author-*
10 *izing or requiring the conveyance of a parcel of real prop-*
11 *erty by the Secretary concerned, the Administrator of Gen-*
12 *eral Services shall complete the screening referred to in*
13 *paragraph (1) with regard to the real property and notify*
14 *the Secretary concerned and Congress of the results of the*
15 *screening. The notice shall include—*

16 “(i) *the name of the Federal agency requesting*
17 *transfer of the property;*

18 “(ii) *the proposed use to be made of the property*
19 *by the Federal agency; and*

20 “(iii) *the fair market value of the property, in-*
21 *cluding any improvements thereon, as estimated by*
22 *the Administrator.*

23 “(B) *If the Administrator fails to complete the screen-*
24 *ing and notify the Secretary concerned and Congress within*
25 *such period, the Secretary concerned shall proceed with the*

1 conveyance of the real property as provided in the provision
2 of law authorizing or requiring the conveyance.

3 “(3) If the Administrator submits notice under para-
4 graph (2)(A) that further Federal use of a parcel of real
5 property is requested by a Federal agency, the Secretary
6 concerned may not proceed with the conveyance of the prop-
7 erty as provided in the provision of law authorizing or re-
8 quiring the conveyance until the end of the 180-day period
9 beginning on the date on which the notice is submitted to
10 Congress.

11 “(4) The screening requirements of this subsection shall
12 not apply to real property authorized or required to be con-
13 veyed under any of the following provisions of law:

14 “(A) A base closure law.

15 “(B) Chapter 5 of title 40.

16 “(C) Any specific provision of law authorizing
17 or requiring the transfer of administrative jurisdic-
18 tion over a parcel or real property between Federal
19 agencies.”.

20 (b) CONFORMING AMENDMENTS.—

21 (1) CONFORMING AMENDMENTS TO AUTHORITY
22 ON INTERCHANGE OF PROPERTY AND SERVICES.—(A)
23 Section 2571(a) of such title is amended by striking
24 “and real property”.

1 (B) *The heading of such section is amended to*
 2 *read as follows:*

3 **“§2571. Interchange of supplies and services”.**

4 (2) *REPEAL OF SUPERSEDED AUTHORITY ON*
 5 *SCREENING AND TRANSFER FOR CORRECTIONAL PUR-*
 6 *POSES.—Section 2693 of such title is repealed.*

7 (c) *CLERICAL AMENDMENTS.—(1) The table of sections*
 8 *at the beginning of chapter 153 of such title is amended*
 9 *by striking the item relating to section 2571 and inserting*
 10 *the following new item:*

 “2571. *Interchange of supplies and services.*”.

11 (2) *The table of sections at the beginning of chapter*
 12 *159 of such title is amended—*

13 (A) *by striking the item relating to section 2693;*
 14 *and*

15 (B) *by striking the item relating to section 2696*
 16 *and inserting the following new item:*

 “2696. *Real property: transfer between armed forces; screening for transfer or con-*
 veyance.”.

17 **SEC. 2824. AUTHORITY TO USE EXCESS PROPERTY AS EX-**
 18 **CHANGE UNDER AGREEMENTS TO LIMIT EN-**
 19 **CROACHMENTS ON MILITARY TRAINING,**
 20 **TESTING, AND OPERATIONS.**

21 *Section 2684a(h) of title 10, United States Code, is*
 22 *amended—*

1 (1) *in the heading, by striking “FUNDING” and*
2 *inserting “CONSIDERATION”; and*

3 (2) *by adding at the end the following new para-*
4 *graph:*

5 “(3) *Land under the jurisdiction of the Secretary con-*
6 *cerned that is determined to be excess to the needs of the*
7 *Department of Defense may be used by way of exchange*
8 *to enter into an agreement under this section, but only if*
9 *such land is located within the same State as the installa-*
10 *tion that is the subject of the agreement.”.*

11 **SEC. 2825. MODIFICATION OF UTILITY SYSTEM AUTHORITY**
12 **AND RELATED REPORTING REQUIREMENTS.**

13 *Section 2688 of title 10, United States Code, as amend-*
14 *ed by section 2823 of the Military Construction Authoriza-*
15 *tion Act for Fiscal Year 2006 (Public Law 109–163), is*
16 *further amended—*

17 (1) *in subsection (a)(2)(A)—*

18 (A) *in clause (i), by striking the semicolon*
19 *at the end and inserting “; and”; and*

20 (B) *by striking clause (iii); and*

21 (2) *in subsection (d)—*

22 (A) *in paragraph (1), by striking “10*
23 *years” and inserting “50 years”; and*

24 (B) *in paragraph (2)—*

1 (i) *in the first sentence, by striking “a*
2 *term in excess of 10 years” and all that fol-*
3 *lows through the period at the end and in-*
4 *serting “a term not to exceed 50 years.”;*
5 *and*

6 (ii) *in the second sentence, by striking*
7 *“shall include” and all that follows through*
8 *the period at the end and inserting “shall*
9 *include an explanation of the term of the*
10 *contract.”.*

11 **SEC. 2826. INCREASE IN AUTHORIZED MAXIMUM LEASE**
12 **TERM FOR CERTAIN STRUCTURES AND REAL**
13 **PROPERTY RELATING TO STRUCTURES IN**
14 **FOREIGN COUNTRIES.**

15 *Section 2675(a) of title 10, United States Code, is*
16 *amended by striking “five years” and inserting “10 years”.*

17 **SEC. 2827. MODIFICATION OF LAND TRANSFER AUTHORITY,**
18 **POTOMAC ANNEX, DISTRICT OF COLUMBIA.**

19 *Section 2831 of the National Defense Authorization*
20 *Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
21 *2795) is amended by striking “consisting of approximately*
22 *3 acres” and inserting “consisting of approximately 4 acres*
23 *and containing two buildings, known as building 6 and*
24 *building 7”.*

1 **SEC. 2828. REPORTS ON ARMY TRAINING RANGES.**

2 (a) *LIMITATION.*—*The Secretary of the Army may not*
3 *carry out any acquisition of real property to expand the*
4 *Pinon Canyon Maneuver Site at Fort Carson, Colorado*
5 *until 30 days after the Secretary submits the report re-*
6 *quired under subsection (b).*

7 (b) *REPORT ON PINON CANYON MANEUVER SITE.*—

8 (1) *IN GENERAL.*—*Not later than November 30,*
9 *2006, the Secretary of the Army shall submit to the*
10 *congressional defense committees a report containing*
11 *an analysis of any potential expansion of the mili-*
12 *tary training range at the Pinon Canyon Maneuver*
13 *Site at Fort Carson, Colorado.*

14 (2) *CONTENT.*—*The report required under para-*
15 *graph (1) shall include the following information:*

16 (A) *A description of the Army's current and*
17 *projected military requirements for training at*
18 *the Pinon Canyon Maneuver Site.*

19 (B) *An analysis of the reasons for any*
20 *changes in those requirements, including the ex-*
21 *tent to which they are a result of the increase of*
22 *military personnel due to the 2005 round of de-*
23 *fense base closure and realignment, the conver-*
24 *sion of Army brigades to a modular format, or*
25 *the Integrated Global Presence and Basing*
26 *Strategy.*

1 (C) *A proposed plan for addressing those re-*
2 *quirements, including a description of any pro-*
3 *posed expansion of the existing training range*
4 *by acquiring privately held land surrounding the*
5 *site and an analysis of alternative approaches*
6 *that do not require expansion of the training*
7 *range.*

8 (D) *If an expansion of the training range*
9 *is recommended pursuant to subparagraph (C),*
10 *the following information:*

11 (i) *An assessment of the economic im-*
12 *act on local communities of such acquisi-*
13 *tion.*

14 (ii) *An assessment of the environ-*
15 *mental impact of expanding the Pinon Can-*
16 *yon Maneuver Site.*

17 (iii) *An estimate of the costs associated*
18 *with the potential expansion, including*
19 *land acquisition, range improvements, in-*
20 *stallation of utilities, environmental res-*
21 *toration, and other environmental activities*
22 *in connection with the acquisition.*

23 (iv) *An assessment of options for com-*
24 *pensating local communities for the loss of*

1 *property tax revenue as a result of the ex-*
2 *ansion of Pinon Canyon Maneuver Site.*

3 *(v) An assessment of whether the acqui-*
4 *sition of additional land at the Pinon Can-*
5 *yon Maneuver Site can be carried out by*
6 *the Secretary solely through transactions,*
7 *including land exchanges and the lease or*
8 *purchase of easements, with willing sellers*
9 *of the privately held land.*

10 *(c) REPORT ON EXPANSION OF ARMY TRAINING*
11 *RANGES.—*

12 *(1) IN GENERAL.—Not later than February 1,*
13 *2007, the Secretary of the Army shall submit to the*
14 *congressional defense committees a report containing*
15 *an assessment of the training ranges operated by the*
16 *Army to support major Army units.*

17 *(2) CONTENT.—The report required under para-*
18 *graph (1) shall include the following information:*

19 *(A) The size, description, and mission es-*
20 *sential training tasks supported by each such*
21 *Army training range during fiscal year 2003.*

22 *(B) A description of the projected changes*
23 *in training range requirements, including the*
24 *size, characteristics, and attributes for mission*
25 *essential training of each range and the extent to*

1 *which any changes in requirements are a result*
2 *of the 2005 round of defense base closure and re-*
3 *alignment, the conversion of Army brigades to a*
4 *modular format, or the Integrated Global Pres-*
5 *ence and Basing Strategy.*

6 *(C) The projected deficit or surplus of train-*
7 *ing land at each such range, and a description*
8 *of the Army's plan to address that projected def-*
9 *icit or surplus of land as well as the upgrade of*
10 *range attributes at each existing training range.*

11 *(D) A description of the Army's*
12 *prioritization process and investment strategy to*
13 *address the potential expansion or upgrade of*
14 *training ranges.*

15 *(E) An analysis of alternatives to the ex-*
16 *pansion of Army ranges to include an assess-*
17 *ment of the joint use of ranges operated by other*
18 *services.*

19 **SEC. 2829. USE OF RENEWABLE ENERGY TO MEET ELEC-**
20 **TRICITY NEEDS.**

21 *It shall be the goal of the Department of Defense to*
22 *ensure that the Department—*

23 *(1) produces or procures not less than 25 percent*
24 *of the total quantity of electric energy it consumes*
25 *within its facilities and in its activities during fiscal*

1 *year 2025 and each fiscal year thereafter from renew-*
2 *able energy sources (as defined in section 203(b) of*
3 *the Energy Policy Act of 2005 (42 U.S.C. 15852(b));*
4 *and*

5 *(2) produces or procures such renewable energy*
6 *when it is life-cycle cost effective to do so (as defined*
7 *in section 708 of Executive Order 13123 (42 U.S.C.*
8 *8251 note; relating to greening the Government*
9 *through efficient energy management)).*

10 **SEC. 2830. NAMING OF NAVY AND MARINE CORPS RESERVE**

11 **CENTER AT ROCK ISLAND, ILLINOIS, IN**
12 **HONOR OF LANE EVANS, A MEMBER OF THE**
13 **HOUSE OF REPRESENTATIVES.**

14 *DESIGNATION.—The Navy and Marine Corps Reserve*
15 *Center at Rock Island Arsenal, Illinois, shall be known and*
16 *designated as the “Lane Evans Navy and Marine Corps*
17 *Reserve Center”. Any reference in a law, map, regulation,*
18 *document, paper, or other record of the United States to*
19 *the Navy and Marine Corps Reserve Center at Rock Island*
20 *Arsenal shall be deemed to be a reference to the Lane Evans*
21 *Navy and Marine Corps Reserve Center.*

1 **Subtitle C—Base Closure and**
2 **Realignment**

3 **SEC. 2831. DEFENSE ECONOMIC ADJUSTMENT PROGRAM:**
4 **RESEARCH AND TECHNICAL ASSISTANCE.**

5 *Section 2391 of title 10, United States Code, is amend-*
6 *ed by inserting after subsection (b) the following new sub-*
7 *section:*

8 “(c) *RESEARCH AND TECHNICAL ASSISTANCE.—(1)*
9 *The Secretary of Defense may make grants, conclude cooper-*
10 *ative agreements, and enter into contracts in order to con-*
11 *duct research and technical assistance in support of activi-*
12 *ties under this section or Executive Order 12788.*

13 “(2) *A grant, cooperative agreement, or contract under*
14 *this subsection may be with or to a Federal agency, a State*
15 *or local government, or any private entity.”.*

16 **SEC. 2832. EXTENSION OF ELIGIBILITY FOR COMMUNITY**
17 **PLANNING ASSISTANCE RELATED TO CER-**
18 **TAIN MILITARY FACILITIES NOT UNDER DE-**
19 **PARTMENT OF DEFENSE JURISDICTION.**

20 *Section 2391(d)(1) of title 10, United States Code, is*
21 *amended by striking the period at the end and inserting*
22 *the following: “, except that for purposes of subsection*
23 *(b)(1)(D), a ‘military installation’ may also include a mili-*
24 *tary facility owned and operated by a State, the District*
25 *of Columbia, the Commonwealth of Puerto Rico, American*

1 *Samoa, the Virgin Islands, or Guam even though such facil-*
2 *ity is not under the jurisdiction of the Department of De-*
3 *fense, if the facility is subject to significant use for training*
4 *by the armed forces.”.*

5 **SEC. 2833. MODIFICATION OF DEPOSIT REQUIREMENTS IN**
6 **CONNECTION WITH LEASE PROCEEDS RE-**
7 **CEIVED AT MILITARY INSTALLATIONS AP-**
8 **PROVED FOR CLOSURE OR REALIGNMENT**
9 **AFTER JANUARY 1, 2005.**

10 *Section 2667(d) of title 10, United States Code, is*
11 *amended—*

12 *(1) in paragraph (5), by inserting after “lease*
13 *under subsection (f)” the following: “at a military in-*
14 *stallation to be closed or realigned under a base clo-*
15 *sure law, the date of approval of which is before Jan-*
16 *uary 1, 2005,”; and*

17 *(2) by adding at the end the following new para-*
18 *graph:*

19 *“(6) Money rentals received by the United States from*
20 *a lease under subsection (f) at a military installation to*
21 *be closed or realigned under a base closure law, the date*
22 *of approval of which is on or after January 1, 2005, shall*
23 *be deposited into the account established under section*
24 *2906A(a) of the Defense Base Closure and Realignment Act*

1 of 1990 (part A of title XXIX of Public Law 101–510; 10
2 U.S.C. 2687 note).”.

3 **SEC. 2834. REPORT ON AIR FORCE AND AIR NATIONAL**
4 **GUARD BASES AFFECTED BY 2005 ROUND OF**
5 **DEFENSE BASE CLOSURE AND REALIGNMENT.**

6 (a) *REPORT.*—Not later than January 1, 2007, the
7 Secretary of the Air Force shall submit to Congress a report
8 on planning by the Department of the Air Force for future
9 roles and missions for active and Air National Guard per-
10 sonnel and installations affected by decisions of the 2005
11 round of defense base closure and realignment.

12 (b) *CONTENT.*—The report required under subsection
13 (a) shall include—

14 (1) an assessment of the capabilities, characteris-
15 tics, and capacity of the facilities, infrastructure, and
16 authorized personnel at each affected base;

17 (2) a description of the planning process used by
18 the Air Force to determine future roles and missions
19 at active and Air National Guard bases affected by
20 the decisions of the 2005 round of defense base closure
21 and realignment, including an analysis of alter-
22 natives for installations to support each future role or
23 mission;

24 (3) a description of the future roles and missions
25 under consideration for each active and Air National

1 *Guard base and an explanation of the criteria and*
2 *decision-making process to make final decisions about*
3 *future roles and missions for each base; and*

4 (4) *a timeline for decisions on the final deter-*
5 *mination of future roles and missions for each active*
6 *and Air National Guard base affected by the decisions*
7 *of the 2005 round of defense base closure and realign-*
8 *ment.*

9 (c) *BASES COVERED.*—*The report required under sub-*
10 *section (a) shall include information on each active and Air*
11 *National Guard base at which the number of aircraft, weap-*
12 *on systems, or functions is proposed to be reduced or elimi-*
13 *nated and to any installation that was considered as a po-*
14 *tential receiving location for the realignment of aircraft,*
15 *weapons systems, or functions.*

16 ***Subtitle D—Land Conveyances***

17 ***SEC. 2841. LAND CONVEYANCE, RADFORD ARMY AMMUNI-*** 18 ***TION PLANT, VIRGINIA.***

19 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
20 *Army may convey, without consideration, to the Common-*
21 *wealth of Virginia (in this section referred to as the “Com-*
22 *monwealth”)* *all right, title, and interest of the United*
23 *States in and to a parcel of real property, including im-*
24 *provements thereon, consisting of approximately 80 acres*
25 *at Radford Army Ammunition Plant, New River Unit, Vir-*

1 *ginia, for the purpose of permitting the Commonwealth to*
2 *establish on the property a cemetery operated by the Com-*
3 *monwealth for veterans of the Armed Forces.*

4 *(b) REVERSIONARY INTEREST.—If the Secretary deter-*
5 *mines at any time that the real property conveyed under*
6 *subsection (a) is not being used in accordance with the pur-*
7 *pose of the conveyance specified in such subsection, all right,*
8 *title, and interest in and to the property shall revert, at*
9 *the option of the Secretary, to the United States, and the*
10 *United States shall have the right of immediate entry onto*
11 *the property. Any determination of the Secretary under this*
12 *subsection shall be made on the record after an opportunity*
13 *for a hearing.*

14 *(c) PAYMENT OF COSTS OF CONVEYANCE.—*

15 *(1) PAYMENT REQUIRED.—(A) The Secretary*
16 *may require the Commonwealth to cover costs to be*
17 *incurred by the Secretary, or to reimburse the Sec-*
18 *retary for costs incurred by the Secretary, to carry*
19 *out the conveyance under subsection (a), including*
20 *survey costs, costs related to environmental docu-*
21 *mentation, and other administrative costs related to*
22 *the conveyance. If amounts are collected from the*
23 *Commonwealth in advance of the Secretary incurring*
24 *the actual costs, and the amount collected exceeds the*
25 *costs actually incurred by the Secretary to carry out*

1 *the conveyance, the Secretary shall refund the excess*
2 *amount to the Commonwealth.*

3 *(B) The authority of the Secretary to require the*
4 *Commonwealth to cover administrative costs related*
5 *to the conveyance does not include costs related to any*
6 *environmental remediation required for the property.*

7 *(2) TREATMENT OF AMOUNTS RECEIVED.—*
8 *Amounts received as reimbursement under paragraph*
9 *(1) shall be credited to the fund or account that was*
10 *used to cover the costs incurred by the Secretary in*
11 *carrying out the conveyance. Amounts so credited*
12 *shall be merged with amounts in such fund or account*
13 *and shall be available for the same purposes, and sub-*
14 *ject to the same conditions and limitations, as*
15 *amounts in such fund or account.*

16 *(d) DESCRIPTION OF PROPERTY.—The exact acreage*
17 *and legal description of the real property to be conveyed*
18 *under subsection (a) shall be determined by a survey satis-*
19 *factory to the Secretary.*

20 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) as*
23 *the Secretary considers appropriate to protect the interests*
24 *of the United States.*

1 **SEC. 2842. MODIFICATIONS TO LAND CONVEYANCE AU-**
2 **THORITY, ENGINEERING PROVING GROUND,**
3 **FORT BELVOIR, VIRGINIA.**

4 (a) *CONSTRUCTION OF SECURITY BARRIER.*—Section
5 2836 of the Military Construction Authorization Act for
6 Fiscal Year 2002 (division B of Public Law 107–107; 115
7 Stat. 1314), as amended by section 2846 of the Military
8 Construction Authorization Act for Fiscal Year 2006 (divi-
9 sion B of Public Law 109–163; 119 Stat. 3527), is further
10 amended—

11 (1) in subsection (b)(4), by striking “\$3,880,000”
12 and inserting “\$4,880,000”; and

13 (2) in subsection (d)—

14 (A) in paragraph (1), by inserting after
15 “Virginia,” the following: “and the construction
16 of a security barrier, as applicable,”; and

17 (B) in paragraph (2), by inserting after
18 “Building 191” the following: “and the construc-
19 tion of a security barrier, as applicable”.

20 (b) *AUTHORITY TO ENTER INTO ALTERNATIVE*
21 *AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIRFAX*
22 *COUNTY PARKWAY PORTION.*—Such section 2836 is further
23 amended—

24 (1) in subsection (b)—

25 (A) by amending paragraph (1) to read as
26 follows:

1 “(1) except as provided in subsection (f), design
2 and construct, at its expense and for public benefit,
3 the portion of the Fairfax County Parkway through
4 the Engineer Proving Ground (in this section referred
5 to as the ‘Parkway portion’);”;

6 (B) in paragraph (2), by inserting after
7 “C514” the following: “, RW-214 (in this section
8 referred to as ‘Parkway project’)”;

9 (2) by redesignating subsection (f) as subsection
10 (g);

11 (3) by inserting after subsection (e) the following
12 new subsection:

13 “(f) *ALTERNATE AGREEMENT FOR CONSTRUCTION OF*
14 *ROAD.—(1) The Secretary of the Army may, in connection*
15 *with the conveyance authorized under subsection (a), enter*
16 *into an agreement with the Commonwealth providing for*
17 *the design and construction by the Department of the Army*
18 *or the United States Department of Transportation of the*
19 *Parkway portion and other portions of the Fairfax County*
20 *Parkway off the Engineer Proving Ground that are nec-*
21 *essary to complete the Parkway project (in this subsection*
22 *referred to as the ‘alternate agreement’) if the Secretary de-*
23 *termines that the alternate agreement is in the best interests*
24 *of the United States to support the permanent relocation*
25 *of additional military and civilian personnel at Fort*

1 *Belvoir pursuant to decisions made as part of the 2005*
2 *round of defense base closure and realignment under the De-*
3 *fense Base Closure and Realignment Act of 1990 (part A*
4 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).*

5 “(2) *If the Secretary of Defense certifies that the Park-*
6 *way portion is important to the national defense pursuant*
7 *to section 210 of title 23, United States Code, the Secretary*
8 *of the Army may enter into an agreement with the Sec-*
9 *retary of Transportation to carry out the alternate agree-*
10 *ment under the Defense Access Road Program.*

11 “(3) *The Commonwealth shall pay to the Secretary of*
12 *the Army the costs of the design and construction of the*
13 *Parkway portion and any other portions of the Fairfax*
14 *County Parkway off the Engineer Proving Ground designed*
15 *and constructed under the alternate agreement. The Sec-*
16 *retary shall apply such payment to the design and construc-*
17 *tion provided for in the alternate agreement.*

18 “(4) *The Secretary may carry out environmental res-*
19 *toration activities on real property under the jurisdiction*
20 *of the Secretary in support of the construction of the Park-*
21 *way portion with funds appropriated for that purpose.*

22 “(5) *The alternate agreement shall be subject to the fol-*
23 *lowing conditions:*

24 “(A) *The Commonwealth shall acquire and re-*
25 *tain all necessary right, title, and interest in any real*

1 *property not under the jurisdiction of the Secretary*
2 *that is necessary for construction of the Parkway por-*
3 *tion or for construction of any other portions of the*
4 *Fairfax County Parkway off the Engineer Proving*
5 *Ground that will be constructed under the alternate*
6 *agreement, and shall grant to the United States all*
7 *necessary access to and use of such property for such*
8 *construction.*

9 *“(B) With respect to activities related to the con-*
10 *struction of any portion of the Fairfax County Park-*
11 *way off the Engineer Proving Ground that is not*
12 *owned by the Federal Government, the Secretary of*
13 *the Army shall not be considered an owner or oper-*
14 *ator for purposes of the Comprehensive Environ-*
15 *mental Response, Compensation, and Liability Act of*
16 *1980 (42 U.S.C. 9601 et seq.).*

17 *“(C) The Secretary shall receive consideration*
18 *from the Commonwealth as required in subsections*
19 *(b)(2), (b)(3), and (b)(4) and shall carry out the ac-*
20 *ceptance and disposition of funds in accordance with*
21 *subsection (d).*

22 *“(6) The design of the Parkway portion under the al-*
23 *ternate agreement shall be subject to the approval of the Sec-*
24 *retary and the Commonwealth in accordance with the Vir-*
25 *ginia Department of Transportation Approved Plan, dated*

1 *June 15, 2004, Project #R000-029-249, PE-108, C-514,*
 2 *RW-214. For each phase of the design and construction of*
 3 *the Parkway portion under the alternate agreement, the*
 4 *Secretary may—*

5 “(A) *accept funds from the Commonwealth; or*

6 “(B) *transfer funds received from the Common-*
 7 *wealth to the United States Department of Transpor-*
 8 *tation.*

9 “(7) *Upon completion of the construction of the Park-*
 10 *way portion and any other portions of the Fairfax County*
 11 *Parkway off the Engineer Proving Ground required under*
 12 *the alternate agreement, the Secretary shall carry out the*
 13 *conveyance under subsection (a). As a condition of such*
 14 *conveyance carried out under the alternate agreement, the*
 15 *Secretary shall receive a written commitment, in a form*
 16 *satisfactory to the Secretary, that the Commonwealth agrees*
 17 *to accept all responsibility for the costs of operation and*
 18 *maintenance of the Parkway portion upon conveyance to*
 19 *the Commonwealth of such real property.”; and*

20 (4) *in subsection (g), as redesignated by para-*
 21 *graph (2), by inserting “or the alternate agreement*
 22 *authorized under subsection (f)” after “conveyance*
 23 *under subsection (a)”.*

24 **SEC. 2843. LAND CONVEYANCES, OMAHA, NEBRASKA.**

25 (a) **CONVEYANCES AUTHORIZED.—**

1 (1) *ARMY CONVEYANCE.*—*The Secretary of the*
2 *Army may convey to the Metropolitan Community*
3 *College Area, a public community college located in*
4 *Omaha, Nebraska (in this section referred to as the*
5 *“College”) all right, title, and interest of the United*
6 *States in and to three parcels of real property under*
7 *the control of the Army Reserve, including any im-*
8 *provements thereon, consisting of approximately 5.42*
9 *acres on the Fort Omaha campus at the College, for*
10 *educational purposes.*

11 (2) *NAVY CONVEYANCE.*—*The Secretary of the*
12 *Navy may convey to the College all right, title, and*
13 *interest of the United States in and to a parcel of real*
14 *property under the control of the Navy Reserve and*
15 *Marine Corps Reserve, including any improvements*
16 *thereon, consisting of approximately 6.57 acres on the*
17 *Fort Omaha campus at the College, for educational*
18 *purposes.*

19 (b) *CONSIDERATION.*—

20 (1) *IN GENERAL.*—*As consideration for each con-*
21 *veyance under subsection (a), the College shall provide*
22 *the United States, whether by cash payment, in-kind*
23 *consideration, or a combination thereof, an amount*
24 *that is not less than the fair market value of the con-*

1 *veyed property, as determined pursuant to an ap-*
2 *praisal acceptable to the Secretary concerned.*

3 (2) *REDUCED TUITION RATES.*—*The Secretary*
4 *concerned may accept as in-kind consideration under*
5 *paragraph (1) reduced tuition rates for military per-*
6 *sonnel at the College.*

7 (c) *PAYMENT OF COSTS OF CONVEYANCES.*—

8 (1) *PAYMENT REQUIRED.*—*The Secretary con-*
9 *cerned shall require the College to cover costs to be in-*
10 *curring by the Secretary, or to reimburse the Secretary*
11 *for costs incurred by the Secretary to carry out a con-*
12 *veyance under subsection (a), including survey costs,*
13 *related to the conveyance. If amounts are collected*
14 *from the College in advance of the Secretary incur-*
15 *ring the actual costs, and the amount collected exceeds*
16 *the costs actually incurred by the Secretary to carry*
17 *out the conveyance, the Secretary shall refund the ex-*
18 *cess amount to the College.*

19 (2) *TREATMENT OF AMOUNTS RECEIVED.*—
20 *Amounts received under paragraph (1) as reimburse-*
21 *ment for costs incurred by the Secretary concerned to*
22 *carry out a conveyance under subsection (a) shall be*
23 *credited to the fund or account that was used to cover*
24 *the costs incurred by the Secretary in carrying out*
25 *the conveyance. Amounts so credited shall be merged*

1 *with amounts in such fund or account and shall be*
 2 *available for the same purposes, and subject to the*
 3 *same conditions and limitations, as amounts in such*
 4 *fund or account.*

5 *(d) DESCRIPTION OF PROPERTY.—The exact acreage*
 6 *and legal description of the real property to be conveyed*
 7 *under subsection (a) shall be determined by surveys satis-*
 8 *factory to the Secretaries concerned.*

9 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 10 *retary concerned may require such additional terms and*
 11 *conditions in connection with the conveyances under sub-*
 12 *section (a) as the Secretary considers appropriate to protect*
 13 *the interests of the United States.*

14 ***Subtitle E—Other Matters***

15 ***SEC. 2851. RICKENBACKER AIRPORT, COLUMBUS, OHIO.***

16 *The project numbered 4651 in section 1702 of the Safe,*
 17 *Accountable, Flexible, Efficient Transportation Equity Act:*
 18 *A Legacy for Users (119 Stat. 1434) is amended by striking*
 19 *“Grading, paving” and all that follows through “Airport”*
 20 *and inserting “Grading, paving, roads, and the transfer of*
 21 *rail-to-truck for the intermodal facility at Rickenbacker*
 22 *Airport, Columbus, Ohio”.*

23 ***SEC. 2852. HIGHWAY PROJECTS, DETROIT, MICHIGAN.***

24 *(a) HIGH PRIORITY PROJECT.—The table contained in*
 25 *section 1702 of the Safe, Accountable, Flexible, Efficient*

1 *Transportation Equity Act: A Legacy for Users* (119 Stat.
 2 1256) is amended in the item numbered 4333 (119 Stat.
 3 1422) by striking “Plan and construct, land acquisition,
 4 *Detroit West Riverfront Greenway*” and inserting “*Detroit*
 5 *Riverfront Conservancy, Riverfront walkway, greenway,*
 6 *and adjacent land planning, construction, and land acqui-*
 7 *sition from Gabriel Richard Park at the Douglas Mac Ar-*
 8 *thur Bridge to Riverside Park at the Ambassador Bridge,*
 9 *Detroit”.*

10 (b) *TRANSPORTATION IMPROVEMENT PROJECT.*—*The*
 11 *table contained in section 1934(c) of the Safe, Accountable,*
 12 *Flexible, Efficient Transportation Equity Act: A Legacy for*
 13 *Users* (119 Stat. 1485) is amended in the item numbered
 14 196 (119 Stat. 1495) by striking “*Detroit Riverfront Con-*
 15 *servancy, West Riverfront Walkway, Greenway and Adja-*
 16 *cent Land Acquisition, from Riverfront Towers to Amba-*
 17 *sador Bridge, Detroit*” and inserting “*Detroit Riverfront*
 18 *Conservancy, Riverfront walkway, greenway, and adjacent*
 19 *land planning, construction, and land acquisition from Ga-*
 20 *briel Richard Park at the Douglas Mac Arthur Bridge to*
 21 *Riverside Park at the Ambassador Bridge, Detroit”.*

22 **SEC. 2853. FOX POINT HURRICANE BARRIER, PROVIDENCE,**
 23 **RHODE ISLAND.**

24 (a) *DEFINITIONS.*—*In this section:*

1 (1) *The term “Barrier” means the Fox Point*
2 *Hurricane Barrier, Providence, Rhode Island.*

3 (2) *The term “City” means the city of Provi-*
4 *dence, Rhode Island.*

5 (3) *The term “Secretary” means the Secretary of*
6 *the Army, acting through the Chief of Engineers.*

7 (b) *RESPONSIBILITY FOR BARRIER.—Not later than 2*
8 *years after the date of enactment of this Act, the Secretary*
9 *shall assume responsibility for the annual operation and*
10 *maintenance of the Barrier.*

11 (c) *REQUIRED STRUCTURES.—*

12 (1) *IN GENERAL.—The City, in coordination*
13 *with the Secretary, shall identify any land and struc-*
14 *tures required for the continued operation and main-*
15 *tenance, repair, replacement, rehabilitation, and*
16 *structural integrity of the Barrier.*

17 (2) *CONVEYANCE.—The City shall convey to the*
18 *Secretary, by quitclaim deed and without consider-*
19 *ation, all rights, title, and interests of the City in and*
20 *to the land and structures identified under paragraph*
21 *(1).*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated to the Secretary such funds*
24 *as are necessary for each fiscal year to operate and main-*

1 *tain the Barrier (including repair, replacement, and reha-*
2 *ilitation).*

3 **SEC. 2854. LAND CONVEYANCE, HOPKINTON, NEW HAMP-**
4 **SHIRE.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Army may convey to the Town of Hopkinton, New Hamp-*
7 *shire (in this section referred to as the “Town”), all right,*
8 *title, and interest of the United States in and to a parcel*
9 *of real property, including any improvements thereon, con-*
10 *sisting of approximately 90 acres located at a site in*
11 *Hopkinton, New Hampshire, known as the “Kast Hill”*
12 *property for the purpose of permitting the Town to use the*
13 *existing sand and gravel resources on the property and to*
14 *ensure perpetual conservation of the property.*

15 (b) *CONSIDERATION.*—

16 (1) *IN GENERAL.*—*As consideration for the con-*
17 *veyance under subsection (a), the Town shall, subject*
18 *to paragraph (2), provide to the United States,*
19 *whether by cash payment, in-kind consideration, or a*
20 *combination thereof, an amount that is not less than*
21 *the fair market value of the conveyed property, as de-*
22 *termined pursuant to an appraisal acceptable to the*
23 *Secretary.*

24 (2) *WAIVER OF PAYMENT OF CONSIDERATION.*—
25 *The Secretary may waive the requirement for consid-*

1 *eration under paragraph (1) if the Secretary deter-*
2 *mines that the Town will not use the existing sand*
3 *and gravel resources to generate revenue.*

4 *(c) REVERSIONARY INTEREST.—If the Secretary deter-*
5 *mines at any time that the real property conveyed under*
6 *subsection (a) is not being used in accordance with the pur-*
7 *pose of the conveyance specified in such subsection, all right,*
8 *title, and interest in and to all or any portion of the prop-*
9 *erty shall revert, at the option of the Secretary, to the*
10 *United States, and the United States shall have the right*
11 *of immediate entry onto the property. Any determination*
12 *of the Secretary under this subsection shall be made on the*
13 *record after an opportunity for a hearing.*

14 *(d) PROHIBITION ON RECONVEYANCE OF LAND.—The*
15 *Town may not reconvey any of the land acquired from the*
16 *United States under subsection (a) without the prior ap-*
17 *proval of the Secretary.*

18 *(e) PAYMENT OF COSTS OF CONVEYANCE.—*

19 *(1) PAYMENT REQUIRED.—The Secretary shall*
20 *require the Town to cover costs to be incurred by the*
21 *Secretary, or to reimburse the Secretary for costs in-*
22 *curring by the Secretary, to carry out the conveyance*
23 *under subsection (a), including survey costs, costs re-*
24 *lated to environmental documentation, and other ad-*
25 *ministrative costs related to the conveyance. If*

1 *amounts are collected from the Town in advance of*
2 *the Secretary incurring the actual costs, and the*
3 *amount collected exceeds the costs actually incurred*
4 *by the Secretary to carry out the conveyance, the Sec-*
5 *retary shall refund the excess amount to the Town.*

6 (2) *TREATMENT OF AMOUNTS RECEIVED.—*
7 *Amounts received as reimbursement under paragraph*
8 *(1) shall be credited to the fund or account that was*
9 *used to cover the costs incurred by the Secretary in*
10 *carrying out the conveyance. Amounts so credited*
11 *shall be merged with amounts in such fund or account*
12 *and shall be available for the same purposes, and sub-*
13 *ject to the same conditions and limitations, as*
14 *amounts in such fund or account.*

15 (f) *DESCRIPTION OF PROPERTY.—The exact acreage*
16 *and legal description of the real property to be conveyed*
17 *under subsection (a) shall be determined by a survey satis-*
18 *factory to the Secretary.*

19 (g) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
20 *retary may require such additional terms and conditions*
21 *in connection with the conveyance of real property under*
22 *subsection (a) as the Secretary consider appropriate to pro-*
23 *tect the interests of the United States.*

1 **SEC. 2855. FEDERAL FUNDING FOR FIXED GUIDEWAY**
 2 **PROJECTS.**

3 *The Federal Transit Administration’s Dear Colleague*
 4 *letter dated April 29, 2005 (C–05–05), which requires fixed*
 5 *guideway projects to achieve a “medium” cost-effectiveness*
 6 *rating for the Federal Transit Administration to rec-*
 7 *ommend such projects for funding, shall not apply to the*
 8 *Northstar Corridor Commuter Rail Project in Minnesota.*

9 **DIVISION C—DEPARTMENT OF**
 10 **ENERGY NATIONAL SECURITY**
 11 **AUTHORIZATIONS AND**
 12 **OTHER AUTHORIZATIONS**
 13 **TITLE XXXI—DEPARTMENT OF**
 14 **ENERGY NATIONAL SECURITY**
 15 **PROGRAMS**
 16 **Subtitle A—National Security**
 17 **Programs**

18 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 19 **TION.**

20 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
 21 *hereby authorized to be appropriated to the Department of*
 22 *Energy for fiscal year 2007 for the activities of the National*
 23 *Nuclear Security Administration in carrying out programs*
 24 *necessary for national security in the amount of*
 25 *\$9,333,311,000, to be allocated as follows:*

26 (1) *For weapons activities, \$6,455,389,000.*

1 (2) *For defense nuclear nonproliferation activi-*
2 *ties, \$1,726,213,000.*

3 (3) *For naval reactors, \$795,133,000.*

4 (4) *For the Office of the Administrator for Nu-*
5 *clear Security, \$356,576,000.*

6 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*
7 *From funds referred to in subsection (a) that are available*
8 *for carrying out plant projects, the Secretary of Energy*
9 *may carry out new plant projects for the National Nuclear*
10 *Security Administration as follows:*

11 (1) *For readiness in technical base and facilities,*
12 *the following new plant projects:*

13 *Project 07–D–140, Readiness in Technical*
14 *Base and Facilities Program, project engineering*
15 *and design, various locations, \$4,977,000.*

16 *Project 07–D–220, Radioactive liquid waste*
17 *treatment facility upgrade project, Los Alamos*
18 *National Laboratory, Los Alamos, New Mexico,*
19 *\$14,828,000.*

20 (2) *For facilities and infrastructure recapitaliza-*
21 *tion, the following new plant project:*

22 *Project 07–D–253, Technical Area 1 heating*
23 *systems modernization, Sandia National Lab-*
24 *oratories, Albuquerque, New Mexico, \$14,500,000.*

1 (3) *For defense nuclear nonproliferation, the fol-*
2 *lowing new plant project:*

3 *Project 07–SC–05, Physical Sciences Facil-*
4 *ity, Pacific Northwest National Laboratory,*
5 *Richland, Washington, \$4,220,000.*

6 (4) *For naval reactors, the following new plant*
7 *project:*

8 *Project 07–D–190, Materials Research Tech-*
9 *nology Complex, project engineering and design,*
10 *Bettis Atomic Power Laboratory, West Mifflin,*
11 *Pennsylvania, \$1,485,000.*

12 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

13 *Funds are hereby authorized to be appropriated to the*
14 *Department of Energy for fiscal year 2007 for defense envi-*
15 *ronmental cleanup activities in carrying out programs nec-*
16 *essary for national security in the amount of*
17 *\$5,430,312,000.*

18 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

19 *Funds are hereby authorized to be appropriated to the*
20 *Department of Energy for fiscal year 2007 for other defense*
21 *activities in carrying out programs necessary for national*
22 *security in the amount of \$624,530,000.*

23 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

24 *Funds are hereby authorized to be appropriated to the*
25 *Department of Energy for fiscal year 2007 for defense nu-*

1 *clear waste disposal for payment to the Nuclear Waste Fund*
 2 *established in section 302(c) of the Nuclear Waste Policy*
 3 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*
 4 *\$333,080,000.*

5 ***Subtitle B—Other Matters***

6 ***SEC. 3111. NOTICE AND WAIT REQUIREMENT APPLICABLE***
 7 ***TO CERTAIN THIRD PARTY FINANCING AR-***
 8 ***RANGEMENTS.***

9 *Subtitle A of title XLVIII of the Atomic Energy De-*
 10 *fense Act (50 U.S.C. 2781 et seq.) is amended by adding*
 11 *at the end the following new section:*

12 ***“SEC. 4804. NOTICE AND WAIT REQUIREMENT APPLICABLE***
 13 ***TO CERTAIN THIRD PARTY FINANCING AR-***
 14 ***RANGEMENTS.***

15 *“(a) NOTICE AND WAIT REQUIREMENT.—The Sec-*
 16 *retary of Energy may not enter into an arrangement de-*
 17 *scribed in subsection (b) until 30 days after the date on*
 18 *which the Secretary notifies the congressional defense com-*
 19 *mittees in writing of the proposed arrangement.*

20 *“(b) COVERED ARRANGEMENTS.—*

21 *“(1) IN GENERAL.—Except as provided in para-*
 22 *graph (2), an arrangement referred to in subsection*
 23 *(a) is any alternative financing arrangement, third*
 24 *party financing arrangement, public-private partner-*

1 *ship, privatization arrangement, private capital ar-*
2 *rangement, or other financing arrangement that—*

3 *“(A) is entered into in connection with a*
4 *project conducted using funds authorized to be*
5 *appropriated to the Department of Energy to*
6 *carry out programs necessary for national secu-*
7 *rity; and*

8 *“(B) involves a contractor or Federal agen-*
9 *cy obtaining and charging to the Department of*
10 *Energy as an allowable cost under a contract the*
11 *use of office space, facilities, or other real prop-*
12 *erty assets with a value of at least \$5,000,000.*

13 *“(2) EXCEPTION.—An arrangement referred to*
14 *in subsection (a) does not include an arrangement*
15 *that—*

16 *“(A) involves the Department of Energy or*
17 *a contractor acquiring or entering into a capital*
18 *lease for office space, facilities, or other real*
19 *property assets; or*

20 *“(B) is entered into in connection with a*
21 *capital improvement project undertaken as part*
22 *of an energy savings performance contract under*
23 *section 801 of the National Energy Conservation*
24 *Policy Act (42 U.S.C. 8287).”.*

1 **SEC. 3112. UTILIZATION OF INTERNATIONAL CONTRIBU-**
2 **TIONS TO THE GLOBAL THREAT REDUCTION**
3 **INITIATIVE.**

4 *Section 3132 of the Ronald W. Reagan National De-*
5 *fense Authorization Act for Fiscal Year 2005 (Public Law*
6 *108–375; 50 U.S.C. 2569) is amended—*

7 *(1) by redesignating subsection (f) as subsection*
8 *(g); and*

9 *(2) by inserting after subsection (e) the following*
10 *new subsection:*

11 *“(f) INTERNATIONAL PARTICIPATION IN PROGRAM.—*

12 *(1) In order to achieve international participation in the*
13 *program under subsection (b), the Secretary of Energy may,*
14 *with the concurrence of the Secretary of State, enter into*
15 *one or more agreements with any person, foreign govern-*
16 *ment, or other international organization that the Secretary*
17 *of Energy considers appropriate for the contribution of*
18 *funds by such person, government, or organization for pur-*
19 *poses of the programs described in paragraph (2)(B).*

20 *“(2)(A) Notwithstanding section 3302 of title 31,*
21 *United States Code, and subject to paragraphs (3) and (4),*
22 *the Secretary of Energy may retain and utilize for purposes*
23 *of the programs described in subparagraph (B) any*
24 *amounts contributed by a person, government, or organiza-*
25 *tion under an agreement under paragraph (1) without fur-*
26 *ther appropriation and without fiscal year limitation.*

1 “(B) *The programs described in this subparagraph are*
2 *the following programs within the Global Threat Reduction*
3 *Initiative:*

4 “(i) *The International Radiological Threat Re-*
5 *duction program.*

6 “(ii) *The Emerging Threats and Gap Materials*
7 *program.*

8 “(iii) *The Reduced Enrichment for Research and*
9 *Test Reactors program.*

10 “(iv) *The Russian Research Reactor Fuel Return*
11 *program.*

12 “(v) *The Global Research Reactor Security pro-*
13 *gram.*

14 “(vi) *The Kazakhstan Spent Fuel program.*

15 “(3) *The Secretary of Energy may not utilize under*
16 *paragraph (2) any amount contributed under an agreement*
17 *under paragraph (1) until 30 days after the date on which*
18 *the Secretary notifies the congressional defense committees*
19 *of the intent to utilize such amount, including the source*
20 *of such amount and the proposed purpose for which such*
21 *amount will be utilized.*

22 “(4) *If any amount contributed under paragraph (1)*
23 *has not been utilized within 5 years of such contribution,*
24 *the Secretary of Energy shall return such amount to the*
25 *person, government, or organization that contributed it.*

1 “(5) Not later than 30 days after the receipt of any
2 amount contributed under paragraph (1), the Secretary of
3 Energy shall submit to the congressional defense committees
4 a notice of the receipt of such amount.

5 “(6) Not later than October 31 of each year, the Sec-
6 retary of Energy shall submit to the congressional defense
7 committees a report on the receipt and utilization of
8 amounts under this subsection during the preceding fiscal
9 year. Each report for a fiscal year shall set forth—

10 “(A) a statement of any amounts received under
11 this subsection, including the source of each such
12 amount; and

13 “(B) a statement of any amounts utilized under
14 this subsection, including the purposes for which such
15 amounts were utilized.

16 “(7) The authority of the Secretary of Energy to accept
17 and utilize amounts under this subsection shall expire on
18 December 31, 2013.”.

19 **SEC. 3113. UTILIZATION OF INTERNATIONAL CONTRIBU-**
20 **TIONS TO THE SECOND LINE OF DEFENSE**
21 **CORE PROGRAM.**

22 (a) *INTERNATIONAL CONTRIBUTIONS AUTHORIZED.*—
23 In order to achieve international participation in the Sec-
24 ond Line of Defense Core Program administered by the Na-
25 tional Nuclear Security Administration, the Secretary of

1 *Energy may, with the concurrence of the Secretary of State,*
2 *enter into one or more agreements with any person, foreign*
3 *government, or other international organization that the*
4 *Secretary of Energy considers appropriate for the contribu-*
5 *tion of funds by such person, government, or organization*
6 *for purposes of the program.*

7 (b) *UTILIZATION OF CONTRIBUTIONS.*—*Notwith-*
8 *standing section 3302 of title 31, United States Code, and*
9 *subject to subsections (c) and (d), the Secretary of Energy*
10 *may retain and utilize for purposes of the program any*
11 *amounts contributed by a person, government, or organiza-*
12 *tion under an agreement under subsection (a) without fur-*
13 *ther appropriation and without fiscal year limitation.*

14 (c) *NOTICE AND WAIT REQUIREMENT.*—*The Secretary*
15 *of Energy may not utilize under subsection (b) any amount*
16 *contributed under an agreement under subsection (a) until*
17 *30 days after the date on which the Secretary notifies the*
18 *congressional defense committees of the intent to utilize such*
19 *amount, including the source of such amount and the pro-*
20 *posed purpose for which such amount will be utilized.*

21 (d) *RETURN OF UNUTILIZED AMOUNTS.*—*If any*
22 *amount contributed under subsection (a) has not been uti-*
23 *lized within 5 years of such contribution, the Secretary of*
24 *Energy shall return such amount to the person, government,*
25 *or organization that contributed it.*

1 (e) *NOTIFICATION REQUIREMENT.*—Not later than 30
2 days after the receipt of any amount contributed under sub-
3 section (a), the Secretary of Energy shall submit to the con-
4 gressional defense committees a notice of the receipt of such
5 amount.

6 (f) *ANNUAL REPORT.*—Not later than October 31 of
7 each year, the Secretary of Energy shall submit to the con-
8 gressional defense committees a report on the receipt and
9 utilization of amounts under this subsection during the pre-
10 ceding fiscal year. Each report for a fiscal year shall set
11 forth—

12 (1) a statement of any amounts received under
13 this section, including the source of each such amount;
14 and

15 (2) a statement of any amounts utilized under
16 this section, including the purposes for which such
17 amounts were utilized.

18 (g) *TERMINATION.*—The authority of the Secretary of
19 Energy to accept and utilize amounts under this subsection
20 shall expire on December 31, 2013.

21 **SEC. 3114. EXTENSION OF FACILITIES AND INFRASTRUC-**
22 **TURE RECAPITALIZATION PROGRAM.**

23 Section 3114 of the National Defense Authorization
24 Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C.

1 2453 note) is amended by striking “2011” both places it
2 appears and inserting “2013”.

3 **SEC. 3115. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**
4 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**
5 **NEERING, AND TECHNICAL PERSONNEL.**

6 Section 4601(c)(1) of the Atomic Energy Defense Act
7 (50 U.S.C. 2701(c)(1)) is amended by striking “September
8 30, 2006” and inserting “September 30, 2008”.

9 **SEC. 3116. EXTENSION OF DEADLINE FOR TRANSFER OF**
10 **LANDS TO LOS ALAMOS COUNTY, NEW MEX-**
11 **ICO, AND OF LANDS IN TRUST FOR THE PUEB-**
12 **LO OF SAN ILDEFONSO.**

13 Section 632 of the Departments of Commerce, Justice,
14 and State, the Judiciary, and Related Agencies Appropria-
15 tions Act, 1998 (Public Law 105–119; 111 Stat. 2523; 42
16 U.S.C. 2391 note) is amended—

17 (1) in subsection (d)(2), by striking “10 years
18 after the date of enactment of this Act” and inserting
19 “November 26, 2012”; and

20 (2) in subsection (g)(3)(B), by striking “the end
21 of the 10-year period beginning on the date of enact-
22 ment of this Act” and inserting “November 26, 2012”.

1 **SEC. 3117. LIMITATIONS ON AVAILABILITY OF FUNDS FOR**
2 **WASTE TREATMENT AND IMMOBILIZATION**
3 **PLANT.**

4 *Of the amount authorized to be appropriated under*
5 *section 3102 for defense environmental cleanup activities*
6 *and available for the Waste Treatment and Immobilization*
7 *Plant—*

8 *(1) not more than 30 percent of such amount*
9 *may be obligated or expended until the date on which*
10 *the Secretary of Energy certifies to the congressional*
11 *defense committees that the Defense Contract Manage-*
12 *ment Agency has certified the earned value manage-*
13 *ment system used to track and report costs of the*
14 *Waste Treatment and Immobilization Plant; and*

15 *(2) not more than 60 percent of such amount*
16 *may be obligated or expended until the date on which*
17 *the Secretary of Energy certifies to the congressional*
18 *defense committees that the final seismic and ground*
19 *motion criteria have been approved by the Secretary*
20 *and that the contracting officer of the Waste Treat-*
21 *ment and Immobilization Plant Project has formally*
22 *directed that the final criteria be used for the final*
23 *design of the Pretreatment Facility and the High-*
24 *Level Waste Facility of the Waste Treatment and Im-*
25 *mobilization Plant.*

1 **SEC. 3118. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **IMPLEMENTATION OF THE RUSSIAN SURPLUS**
3 **FISSILE MATERIALS DISPOSITION PROGRAM.**

4 (a) *LIMITATION.*—(1) *Except as provided in subsection*
5 *(b), none of the amount authorized to be appropriated*
6 *under section 3101(a)(2) for defense nuclear nonprolifera-*
7 *tion activities may be obligated for the implementation of*
8 *the Russian Surplus Fissile Materials Disposition Program*
9 *(in this section referred to as the “Program”) until 30 days*
10 *after the date on which the Secretary of Energy provides*
11 *to the congressional defense committees written rec-*
12 *ommendations regarding whether and in what manner the*
13 *Program should proceed.*

14 (2) *The recommendations submitted under paragraph*
15 *(1) shall include—*

16 (A) *a description of the disposition method the*
17 *Government of Russia has agreed to use;*

18 (B) *a description of the assistance the United*
19 *States Government plans to provide under the Pro-*
20 *gram;*

21 (C) *an estimate of the total cost and schedule of*
22 *such assistance;*

23 (D) *an explanation of how parallelism is to be*
24 *defined for purposes of the Program and whether such*
25 *parallelism can be achieved if the United States*
26 *mixed-oxide (MOX) plutonium disposition program*

1 *continues on the current planned schedule without*
2 *further delays.*

3 (b) *EXCEPTION.*—*The limitation under subsection (a)*
4 *does not apply to the obligation of funds to continue re-*
5 *search and development associated with the Gas Turbine-*
6 *Modular Helium Reactor (GT-MHR).*

7 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**
8 **CONSTRUCTION OF MOX FUEL FABRICATION**
9 **FACILITY.**

10 *None of the amount authorized to be appropriated*
11 *under section 3101(a)(2) for defense nuclear nonprolifera-*
12 *tion activities may be obligated for construction project 99-*
13 *D-143, the Mixed-Oxide (MOX) Fuel Fabrication Facility,*
14 *until 30 days after the date on which the Secretary of En-*
15 *ergy provides to the congressional defense committees—*

16 (1) *an independent cost estimate for the United*
17 *States Surplus Fissile Materials Disposition Program*
18 *and facilities; and*

19 (2) *a written certification that the Department*
20 *of Energy intends to use the MOX Fuel Fabrication*
21 *Facility for United States plutonium disposition re-*
22 *gardless of the future direction of the Russian Surplus*
23 *Fissile Materials Disposition Program.*

1 **SEC. 3120. TECHNICAL CORRECTION RELATED TO AUTHOR-**
2 **IZATION OF APPROPRIATIONS FOR FISCAL**
3 **YEAR 2006.**

4 *Effective as of January 6, 2006, and as if included*
5 *therein as enacted, section 3101(a) of the National Defense*
6 *Authorization Act for Fiscal Year 2006 (Public Law 109–*
7 *163; 119 Stat. 3537) is amended by striking “\$9,196,456”*
8 *and inserting “\$9,196,456,000”.*

9 **SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.**

10 *(a) FINDINGS.—Congress makes the following findings:*

11 *(1) The Department of Defense and the United*
12 *States depend on the specialized expertise of nuclear*
13 *engineers who support the development and*
14 *sustainment of technologies including naval reactors,*
15 *strategic weapons, and nuclear power plants.*

16 *(2) Experts estimate that over 25 percent of the*
17 *approximately 58,000 workers in the nuclear power*
18 *industry in the United States will be eligible to retire*
19 *within 5 years, representing both a huge loss of insti-*
20 *tutional memory and a potential national security*
21 *crisis.*

22 *(3) This shortfall of workers is exacerbated by re-*
23 *ductions to the University Reactor Infrastructure and*
24 *Education Assistance program, which trains civilian*
25 *nuclear scientists and engineers. The defense and ci-*
26 *vilian nuclear industries are interdependent on a*

1 *limited number of educational institutions to produce*
2 *their workforce. A reduction in nuclear scientists and*
3 *engineers trained in the civilian sector may result in*
4 *a further loss of qualified personnel for defense-related*
5 *research and engineering.*

6 *(4) The Department of Defense's successful*
7 *Science, Math and Research for Transformation*
8 *(SMART) scholarship-for-service program serves as a*
9 *good model for a targeted scholarship or fellowship*
10 *program designed to educate future scientists at the*
11 *postsecondary and postgraduate levels.*

12 *(b) REPORT ON EDUCATION OF FUTURE NUCLEAR EN-*
13 *GINEERS.—*

14 *(1) STUDY.—The Secretary of Energy shall*
15 *study the feasibility and merit of establishing a tar-*
16 *geted scholarship or fellowship program to educate fu-*
17 *ture nuclear engineers at the postsecondary and post-*
18 *graduate levels.*

19 *(2) REPORT REQUIRED.—The President shall*
20 *submit to the congressional defense committees, to-*
21 *gether with the budget request submitted for fiscal*
22 *year 2008, a report on the study conducted by the*
23 *Secretary of Energy under paragraph (1).*

1 **TITLE XXXII—DEFENSE NU-**
2 **CLEAR FACILITIES SAFETY**
3 **BOARD**

4 **SEC. 3201. AUTHORIZATION.**

5 *There are authorized to be appropriated for fiscal year*
6 *2007, \$22,260,000 for the operation of the Defense Nuclear*
7 *Facilities Safety Board under chapter 21 of the Atomic En-*
8 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

9 **TITLE XXXIII—NATIONAL**
10 **DEFENSE STOCKPILE**

11 **SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URA-**
12 **NIUM STORED AT SEQUOYAH FUELS COR-**
13 **PORATION, GORE, OKLAHOMA.**

14 *(a) TRANSPORT AND DISPOSAL.—Not later than*
15 *March 31, 2007, the Secretary of the Army shall, subject*
16 *to subsection (c), transport to an authorized disposal facil-*
17 *ity for appropriate disposal all of the Federal Government-*
18 *furnished uranium in the chemical and physical form in*
19 *which it is stored at the Sequoyah Fuels Corporation site*
20 *in Gore, Oklahoma.*

21 *(b) SOURCE OF FUNDS.—Funds authorized to be ap-*
22 *propriated by section 301(1) for the Army for operation and*
23 *maintenance may be used for the transport and disposal*
24 *required under subsection (a).*

1 (c) *LIABILITY.*—*The Secretary may only transport*
 2 *uranium under subsection (a) after receiving from*
 3 *Sequoyah Fuels Corporation a written agreement satisfac-*
 4 *tory to the Secretary that provides that—*

5 (1) *the United States assumes no liability, legal*
 6 *or otherwise, of Sequoyah Fuels Corporation by trans-*
 7 *porting such uranium; and*

8 (2) *the Sequoyah Fuels Corporation waives any*
 9 *and all claims it may have against the United States*
 10 *related to the transported uranium.*

11 ***TITLE XXXIV—NAVAL***
 12 ***PETROLEUM RESERVES***

13 ***SEC. 3401. COMPLETION OF EQUITY FINALIZATION PROC-***
 14 ***ESS FOR NAVAL PETROLEUM RESERVE NUM-***
 15 ***BERED 1.***

16 *Section 3412(g) of the National Defense Authorization*
 17 *Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C.*
 18 *7420 note) is amended—*

19 (1) *by inserting “(1)” after “(g)”;* and

20 (2) *by adding at the end the following new para-*
 21 *graph:*

22 “(2)(A) *In light of the unique role that the independent*
 23 *petroleum engineer who is retained pursuant to paragraph*
 24 *(b)(2) performs in the process of finalizing equity interests,*
 25 *and the importance to the United States taxpayer of timely*

1 completion of the equity finalization process, the inde-
2 pendent petroleum engineer's 'Shallow Oil Zone Provisional
3 Recommendation of Equity Participation,' which was pre-
4 sented to the equity finalization teams for the Department
5 of Energy and Chevron U.S.A. Inc. on October 1 and 2,
6 2002, shall become the final equity recommendation of the
7 independent petroleum engineer, as that term is used in the
8 Protocol on NPR-1 Equity Finalization Implementation
9 Process, July 8, 1996, for the Shallow Oil Zone unless the
10 Department of Energy and Chevron U.S.A. Inc. agree in
11 writing not later than 60 days after the date of the enact-
12 ment of this paragraph that the independent petroleum en-
13 gineer shall not be liable to either party for any cost or
14 expense incurred or for any loss or damage sustained—

15 “(i) as a result of the manner in which services
16 are performed by the independent petroleum engineer
17 in accordance with its contract with the Department
18 of Energy to support the equity determination proc-
19 ess;

20 “(ii) as a result of the failure of the independent
21 petroleum engineer in good faith to perform any serv-
22 ice or make any determination or computation, unless
23 caused by its gross negligence; or

24 “(iii) as a result of the reliance by either party
25 on any computation, determination, estimate or eval-

1 *uation made by the independent petroleum engineer*
2 *unless caused by the its gross negligence or willful*
3 *misconduct.*

4 *“(B) If Chevron U.S.A. Inc. agrees in writing not later*
5 *than 60 days after the date of the enactment of this para-*
6 *graph that the independent petroleum engineer shall not be*
7 *liable to Chevron U.S.A. Inc. or the Department of Energy*
8 *for any cost or expense incurred or for any loss or damage*
9 *described in clauses (i) through (iii) of subparagraph (A),*
10 *the Department of Energy shall agree to the same not later*
11 *than such date.”.*

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

H. R. 5122

AMENDMENT