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

IN THE SENATE OF THE UNITED STATES

MAY 17, 2005

Mr. WARNER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

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

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2006”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for AH–64D Apache attack helicopter block II conversions.
Sec. 112. Multiyear procurement authority for modernized target acquisition
designation/pilot night vision sensors for AH–64D Apache at-
tack helicopters.

Sec. 113. Multiyear procurement authority for utility helicopters.

Subtitle C—Navy Programs

Sec. 121. Prohibition on acquisition of next generation destroyer (DD(X))
through a single naval shipyard.

Sec. 122. Split funding authorization for CVN–78 aircraft carrier.

Sec. 123. LHA replacement (LHA(R)) ship.

Sec. 124. Refueling and complex overhaul of the U.S.S. Carl Vinson.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for C–17 aircraft.

Sec. 132. Prohibition on retirement of KC–135E aircraft.

Sec. 133. Use of Tanker Replacement Transfer Fund for modernization of aer-
ial refueling tankers.

Sec. 134. Prohibition on retirement of F–117 aircraft.

Sec. 135. Prohibition on retirement of C–130E/H tactical airlift aircraft.


Sec. 137. Aircraft for performance of aeromedical evacuations.

Subtitle E—Defense-Wide Programs

Sec. 151. Advanced SEAL Delivery System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.


Subtitle B—Program Requirements, Restrictions, and
Limitations

Sec. 211. Contract for the procurement of the Future Combat System (FCS).

Sec. 212. Joint field experiment on stability and support operations.

Subtitle C—Missile Defense Programs

Sec. 221. One-year extension of Comptroller General assessments of ballistic
missile defense programs.

Sec. 222. Fielding of ballistic missile defense capabilities.

Sec. 223. Plans for test and evaluation of operational capability of the Ballistic
Missile Defense System.

Subtitle D—High-Performance Defense Manufacturing
Technology Research and Development

Sec. 231. Research and development.

Sec. 232. Transition of transformational manufacturing processes and tech-
nologies to the defense manufacturing base.

Sec. 233. Manufacturing technology strategies.

Sec. 234. Report.

Sec. 235. Definitions.
Subtitle E—Other Matters

Sec. 242. Technology transition.
Sec. 243. Prevention, mitigation, and treatment of blast injuries.

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—Environmental Provisions

Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
Sec. 312. Payment of certain private cleanup costs in connection with the Defense Environmental Restoration Program.

Subtitle C—Other Matters

Sec. 321. Aircraft carriers.
Sec. 322. Limitation on transition of funding for East Coast shipyards from funding through Navy Working Capital Fund to direct funding.
Sec. 323. Use of funds from National Defense Sealift Fund to exercise purchase options on maritime prepositioning ship vessels.
Sec. 324. Purchase and destruction of weapons overseas.
Sec. 325. Increase in maximum contract amount for procurement of supplies and services from exchange stores outside the United States.
Sec. 326. Extension of authority to provide logistics support and services for weapon systems contractors.
Sec. 327. Army training strategy.
Sec. 328. Limitation on financial management improvement and audit initiatives within the Department of Defense.
Sec. 329. Study on use of ethanol fuel.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision of permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2006 limitations on non-dual status technicians.

Subtitle C—Authorizations of Appropriations

Sec. 421. Authorization of appropriations for military personnel.
Sec. 422. Armed Forces Retirement Home.
TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Exclusion of general and flag officers on leave pending separation or retirement from computation of active duty officers for general and flag officer distribution and strength limitations.

Sec. 502. Expansion of joint duty assignments for reserve component general and flag officers.

Sec. 503. Deadline for receipt by promotion selection boards of correspondence from eligible officers.

Sec. 504. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior grades.

Sec. 505. Grades of the Judge Advocates General.

Sec. 506. Temporary extension of authority to reduce minimum length of commissioned service for voluntary retirement as an officer.

Sec. 507. Modification of strength in grade limitations applicable to reserve flag officers in active status.

Sec. 508. Uniform authority for deferment of separation of reserve general and flag officers for age.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Uniform citizenship or residency requirements for enlistment in the Armed Forces.

Subtitle C—Reserve Component Personnel Matters

Sec. 531. Requirements for physical examinations and medical and dental readiness for members of the Selected Reserve not on active duty.

Sec. 532. Repeal of limitation on amount of financial assistance under Reserve Officers' Training Corps scholarship program.

Sec. 533. Procedures for suspending financial assistance and subsistence allowance for senior ROTC cadets and midshipmen on the basis of health-related conditions.

Sec. 534. Increase in maximum number of Army Reserve and Army National Guard cadets under Reserve Officers' Training Corps.

Sec. 535. Modification of educational assistance for Reserves supporting contingency and other operations.

Sec. 536. Repeal of limitation on authority to redesignate the Naval Reserve as the Navy Reserve.

Sec. 537. Performance by reserve component personnel of operational test and evaluation and training relating to new equipment.

Subtitle D—Military Justice and Related Matters

Sec. 551. Modification of periods of prosecution by courts-martial for murder, rape, and child abuse.

Sec. 552. Establishment of offense of stalking.

Sec. 553. Clarification of authority of military legal assistance counsel.

Sec. 554. Administrative censures of members of the Armed Forces.

Sec. 555. Reports by officers and senior enlisted personnel of matters relating to violations or alleged violations of criminal law.

Subtitle E—Military Service Academies
Sec. 561. Authority to retain permanent military professors at the Naval Academy after more than 30 years of service.

Subtitle F—Administrative Matters

Sec. 571. Clarification of leave accrual for members assigned to a deployable ship or mobile unit or other duty.
Sec. 572. Limitation on conversion of military medical and dental billets to civilian positions.

Subtitle G—Defense Dependents Education Matters

Sec. 581. Expansion of authorized enrollment in Department of Defense dependents schools overseas.
Sec. 582. Assistance to local educational agencies with significant enrollment increases in military dependent students due to troop relocations, creation of new units, and realignments under BRAC.
Sec. 583. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 584. Impact aid for children with severe disabilities.

Subtitle H—Other Matters

Sec. 591. Policy and procedures on casualty assistance to survivors of military decedents.
Sec. 592. Modification and enhancement of mission and authorities of the Naval Postgraduate School.
Sec. 593. Expansion and enhancement of authority to present recognition items for recruitment and retention purposes.
Sec. 594. Requirement for regulations on policies and procedures on personal commercial solicitations on Department of Defense installations.
Sec. 595. Federal assistance for State programs under the National Guard Youth Challenge Program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Eligibility for additional pay of permanent military professors at the United States Naval Academy with over 36 years of service.
Sec. 602. Enhanced authority for agency contributions for members of the Armed Forces participating in the Thrift Savings Plan.
Sec. 603. Permanent authority for supplemental subsistence allowance for low-income members with dependents.
Sec. 604. Modification of pay considered as saved pay upon appointment of an enlisted member as an officer.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Payment and repayment of assignment incentive pay.
Sec. 616. Increase in amount of selective reenlistment bonus for certain senior supervisory nuclear qualified enlisted personnel.
Sec. 617. Consolidation and modification of bonuses for affiliation or enlistment in the Selected Reserve.
Sec. 618. Expansion and enhancement of special pay for enlisted members of the Selected Reserve assigned to certain high priority units.
Sec. 619. Retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.
Sec. 620. Termination of limitation on duration of payment of imminent danger special pay during hospitalization.
Sec. 621. Authority for retroactive payment of imminent danger special pay.
Sec. 622. Authority to pay foreign language proficiency pay to members on active duty as a bonus.
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Subtitle C—Travel and Transportation Allowances
Sec. 631. Transportation of family members in connection with the repatriation of servicemembers or civilian employees held captive.

Subtitle D—Retired Pay and Survivor Benefits
Sec. 641. Enhancement of death gratuity and life insurance benefits for deaths from combat-related causes or causes incurred in combat operations or areas.

Subtitle E—Other Matters
Sec. 651. Payment of expenses of members of the Armed Forces to obtain professional credentials.
Sec. 652. Pilot program on contributions to Thrift Savings Plan for initial enlistees in the Armed Forces.

TITLE VII—HEALTH CARE
Subtitle A—Benefits Matters
Sec. 701. Clarification of eligibility of reserve officers for health care pending active duty following issuance of orders to active duty.
Sec. 702. Limitation on deductible and copayment requirements for nursing home residents under the pharmacy benefits program.
Sec. 703. Eligibility of surviving active duty spouses of deceased members for enrollment as dependents in a TRICARE dental plan.
Sec. 704. Increased period of continued TRICARE Prime coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.

Subtitle B—Planning, Programming, and Management
Sec. 711. TRICARE Standard coordinators in TRICARE regional offices.
Sec. 712. Report on delivery of health care benefits through military health care system.
Sec. 713. Comptroller General report on differential payments to children's hospitals for health care for children dependents under TRICARE.
Sec. 714. Repeal of requirement for Comptroller General reviews of certain Department of Defense-Department of Veterans Affairs projects on sharing of health care resources.

Sec. 715. Surveys on TRICARE Standard.

Sec. 716. Modification of health care quality information and technology enhancement report requirements.

Sec. 717. Modification of authorities relating to patient care reporting and management system.

Subtitle C—Other Matters

Sec. 731. Report on adverse health events associated with use of anti-malarial drugs.

Sec. 732. Pilot projects on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Internal controls for procurements on behalf of the Department of Defense.

Sec. 802. Contract Support Acquisition Centers.

Sec. 803. Authority to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.

Sec. 804. Requirement for authorization for procurement of major weapon systems as commercial items.

Sec. 805. Report on service surcharges for purchases made for military departments through other Department of Defense agencies.

Sec. 806. Review of defense acquisition structures.

Subtitle B—Defense Industrial Base Matters

Sec. 811. Clarification of exception from Buy American requirements for procurement of perishable food for establishments outside the United States.

Sec. 812. Conditional waiver of domestic source or content requirements for certain countries with reciprocal defense procurement agreements with the United States.

Sec. 813. Consistency with United States obligations under trade agreements.

Sec. 814. Identification of areas of research and development effort for purposes of Small Business Innovation Research program.

Subtitle C—Defense Contractor Matters

Sec. 821. Requirements for defense contractors relating to certain former Department of Defense officials.

Sec. 822. Review of certain contractor ethics matters.

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Subtitle D—Defense Acquisition Workforce Matters

Sec. 831. Availability of funds in Acquisition Workforce Training Fund for defense acquisition workforce improvements.

Sec. 832. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.
Sec. 833. Technical amendments relating to defense acquisition workforce improvements.

Subtitle E—Other Matters

Sec. 841. Extension of contract goal for small disadvantaged business and certain institutions of higher education.
Sec. 842. Codification and modification of limitation on modification of military equipment within five years of retirement or disposal.
Sec. 843. Clarification of rapid acquisition authority to respond to combat emergencies.
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Sec. 845. Extension of certain authorities on contracting with employers of persons with disabilities.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

Sec. 901. Directors of Small Business Programs.
Sec. 902. Executive agent for acquisition of capabilities to defend the homeland against cruise missiles and other low-altitude aircraft.

Subtitle B—Space Activities

Sec. 911. Advisory committee on Department of Defense requirements for space control.

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Sec. 921. Acceptance of gifts and donations for Department of Defense regional centers for security studies.
Sec. 923. Prohibition on implementation of certain orders and guidance on functions and duties of the General Counsel and the Judge Advocate General of the Air Force.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of Classified Annex.
Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2006.
Sec. 1004. Reduction in certain authorizations due to savings relating to lower inflation.
Sec. 1006. Increase in fiscal year 2005 transfer authority.
Sec. 1007. Monthly disbursement to States of State income tax voluntarily withheld from retired or retainer pay.
Sec. 1008. Reestablishment of limitation on payment of facilities charges assessed by Department of State.

Subtitle B—Naval Vessels and Shipyards
Sec. 1021. Transfer of battleship.
Sec. 1022. Conveyance of Navy drydock, Jacksonville, Florida.

**Subtitle C—Counterdrug Matters**

Sec. 1031. Use of unmanned aerial vehicles for United States border reconnaissance.
Sec. 1032. Use of counterdrug funds for certain counterterrorism operations.
Sec. 1033. Support for counter-drug activities through bases of operation and training facilities in Afghanistan.

**Subtitle D—Reports and Studies**

Sec. 1041. Modification of frequency of submittal of Joint Warfighting Science and Technology Plan.

**Subtitle E—Technical Amendments**

Sec. 1051. Technical amendments relating to certain provisions of environmental defense laws.

**Subtitle F—Military Mail Matters**

Sec. 1061. Safe delivery of mail in the military mail system.
Sec. 1062. Delivery of mail addressed to any service member.

**Subtitle G—Other Matters**

Sec. 1071. Policy on role of military medical and behavioral science personnel in interrogation of detainees.
Sec. 1072. Clarification of authority to issue security regulations and orders under Internal Security Act of 1950.

**TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY**

Sec. 1101. Extension of authority for voluntary separations in reductions in force.
Sec. 1102. Compensatory time off for nonappropriated fund employees of the Department of Defense.
Sec. 1103. Extension of authority to pay severance payments in lump sums.
Sec. 1104. Continuation of Federal Employee Health Benefits Program eligibility.
Sec. 1105. Permanent and enhanced authority for Science, Mathematics, and Research for Transformation (SMART) defense education program.

**TITLE XII—MATTERS RELATING TO OTHER NATIONS**

Sec. 1201. Commanders' Emergency Response Program.
Sec. 1202. Enhancement and expansion of authority to provide humanitarian and civic assistance.
Sec. 1203. Modification of geographic limitation on payment of personnel expenses under bilateral or regional cooperation programs.
Sec. 1204. Payment of travel expenses of coalition liaison officers.
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. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1305. Repeal of requirement for annual Comptroller General assessment of annual Department of Defense report on activities and assistance under Cooperative Threat Reduction programs.

TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

Sec. 1401. Purpose.
Sec. 1402. Designation as emergency amounts.
Sec. 1403. Army procurement.
Sec. 1404. Navy and Marine Corps procurement.
Sec. 1405. Air Force procurement.
Sec. 1406. Operation and maintenance.
Sec. 1407. Defense Health Program.
Sec. 1408. Military personnel.
Sec. 1409. Iraq Freedom Fund.
Sec. 1410. Transfer authority.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS


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 2005 projects.
Sec. 2206. Modification of authority to carry out certain fiscal year 2004 project.

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.

TITLE XXIV—DEFENSE AGENCIES
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation 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 2003 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2002 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in thresholds for unspecified minor military construction projects.
Sec. 2802. Modification of cost variation authority.
Sec. 2803. Department of Defense housing funds.
Sec. 2804. Temporary authority to use minor military construction authority for construction of child development centers.
Sec. 2805. Inapplicability to child development centers of restriction on authority to acquire or construct ancillary supporting facilities.
Sec. 2806. Authority to carry out exchanges of facilities including associated utilities, equipment, and furnishings.
Sec. 2807. Increase in number of family housing units in Korea authorized for lease by the Army at maximum amount.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Authority to lease non-excess property of Department of Defense field activities.
Sec. 2822. Modified criteria for agreements to limit encroachments and other constraints on military training, testing, and operations.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2841. Land conveyance, Helena, Montana.
Sec. 2842. Land conveyance, Army Reserve Center, Bothell, Washington.

PART II—AIR FORCE CONVEYANCES
Sec. 2861. Acquisition of build-to-lease family housing at Eielson Air Force Base, Alaska.

Subtitle D—Other Matters

Sec. 2881. Reorganization and technical improvement of codified laws applicable to real property of the Department of Defense.
Sec. 2882. Report on application of force protection and anti-terrorism standards to leased facilities.
Sec. 2883. Construction at Fort Buchanan, Puerto Rico, for reserve components.
Sec. 2884. Authority to use Papago Park Military Reservation, Arizona, for general military purposes.
Sec. 2885. One-year extension of Department of Defense laboratory revitalization program.
Sec. 2886. Sense of Congress on establishment of Bakers Creek Memorial.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Other Matters

Sec. 3111. Report on compliance with design basis threat.
Sec. 3112. Cost estimate for waste treatment and immobilization plant project, Hanford site, Richland, Washington.
Sec. 3113. Report on international border security programs.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.
DIVISION A—DEPARTMENT OF
DEFENSE AUTHORIZATIONS
TITLE I—PROCUREMENT
Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.
Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Army as follows:

(1) For aircraft, $2,800,880,000.
(2) For missiles, $1,265,850,000.
(3) For weapons and tracked combat vehicles, $1,692,549,000.
(4) For ammunition, $1,831,672,000.
(5) For other procurement, $4,339,434,000.

SEC. 102. NAVY AND MARINE CORPS.
(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Navy as follows:

(1) For aircraft, $9,946,926,000.
(2) For weapons, including missiles and torpedoes, $2,749,441,000.
(3) For shipbuilding and conversion, $9,057,865,000.
(4) For other procurement, $5,596,218,000.
(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $1,386,705,000.

(e) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of $892,849,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Air Force as follows:

(1) For aircraft, $13,212,633,000.
(2) For missiles, $5,500,287,000.
(3) For ammunition, $1,031,207,000.
(4) For other procurement, $14,027,889,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for Defense-wide procurement in the amount of $2,784,832,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64D APACHE ATTACK HELICOPTER BLOCK II CONVERSIONS.

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section
SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR
MODERNIZED TARGET ACQUISITION DESIGNATION/PILOT NIGHT VISION SENSORS FOR AH–64D APACHE ATTACK HELICOPTERS.

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of modernized target acquisition designation/pilot night vision sensors for AH–64D Apache attack helicopters.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR
UTILITY HELICOPTERS.

(a) UH–60M BLACK HAWK HELICOPTERS.—Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for the procurement of UH–60M Black Hawk helicopters.

(b) MH–60S SEAHAWK HELICOPTERS.—Beginning with the fiscal year 2007 program year, the Secretary of the Army, acting as executive agent for the Department of the Navy, may, in accordance with section 2306b of
title 10, United States Code, enter into one or more
multiyear contracts for the procurement of MH–60S
Seahawk helicopters.

Subtitle C—Navy Programs

SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERA-
TION DESTROYER (DD(X)) THROUGH A SINGLE NAVAL SHIPYARD.

(a) PROHIBITION.—Destroyers under the next gen-
eration destroyer (DD(X)) program may not be acquired
through a winner-take-all acquisition strategy.

(b) PROHIBITION ON USE OF FUNDS.—No funds au-
thorized to be appropriated by this Act, or any other Act,
may be obligated or expended to prepare for, conduct, or
implement a strategy for the acquisition of destroyers
under the next generation destroyer program through a
winner-take-all acquisition strategy.

(c) WINNER-TAKE-ALL ACQUISITION STRATEGY DE-
FINED.—In this section, the term “winner-take-all acquisi-
tion strategy”, with respect to the acquisition of destroyers
under the next generation destroyer program, means the
acquisition (including design and construction) of such de-
stroyers through a single shipyard.
SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN–78 AIRCRAFT CARRIER.

(a) Authority To Use Split Funding.—The Secretary of the Navy is authorized to fund the detail design and construction of the aircraft carrier designated CVN–78 using split funding in the Shipbuilding and Conversion, Navy account in fiscal years 2007, 2008, 2009, and 2010.

(b) Condition for Out-Year Contract Payments.—A contract entered into for the detail design and construction of the aircraft carrier designated CVN–78 shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for such fiscal year.

SEC. 123. LHA REPLACEMENT (LHA(R)) SHIP.

(a) Amount Authorized From SCN Account for Fiscal Year 2006.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $325,447,000 shall be available for design, advance procurement, and advance construction with respect to the LHA Replacement (LHA(R)) ship.

(b) Amounts Authorized From SCN Account for Fiscal Years 2007 and 2008.—Amounts authorized to be appropriated for fiscal years 2007 and 2008 for shipbuilding and conversion, Navy, shall be available
for construction with respect to the LHA Replacement ship.

(c) Contract Authority.—

(1) Design, advance procurement, and advance construction.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for design, advance procurement, and advance construction with respect to the LHA Replacement ship.

(2) Detail design and construction.—The Secretary may enter into a contract during fiscal year 2007 for the detail design and construction of the LHA Replacement ship.

(d) Condition for out-year contract payments.—A contract entered into under subsection (c) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 124. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. CARL VINSON.

(a) Amount Authorized From SCN Account.—

Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $1,493,563,000 shall be available for the commencement of the nuclear refueling and complex overhaul
of the U.S.S. Carl Vinson (CVN–70). The amount available under the preceding sentence is the first increment in the incremental funding planned for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(b) Contract Authority.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(c) Condition for Out-Year Contract Payments.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C–17 AIRCRAFT.

(a) Multiyear Procurement Authorized.—Beginning with the fiscal year 2006 program year, the Secretary of the Air Force may exercise the option on the existing multiyear procurement contract for C–17 aircraft in order to enter into a multiyear contract for the procurement of up to 42 additional C–17 aircraft. A contract entered into under this subsection shall be entered into in
accordance with section 2306b of title 10, United States
Code.

(b) REQUIRED CERTIFICATION.—Prior to the exer-
cise of the authority in subsection (a), the Secretary of
Defense shall certify to the congressional defense commit-
tees that the additional airlift capability to be provided
by the C–17 aircraft to be procured under that authority
is consistent with the results of the Mobility Capabilities
Study to be completed in fiscal year 2005.

SEC. 132. PROHIBITION ON RETIREMENT OF KC–135E AIR-
CRAFT.

The Secretary of the Air Force may not retire any

SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND
FOR MODERNIZATION OF AERIAL REFUELING
TANKERS.

In addition to providing funds for a tanker acquisi-
tion program as specified in section 8132 of the Depart-
ment of Defense Appropriations Act, 2005 (Public Law
108–287; 118 Stat, 1001), funds in the Tanker Replace-
ment Transfer Fund established by that section may be
used for the modernization of existing aerial refueling
tankers if the modernization of such tankers is consistent
with the results of the analysis of alternatives for meeting
the aerial refueling requirements of the Air Force as re-
quired by section 134(b) of the National Defense Author-
zation Act for Fiscal Year 2004 (Public Law 108–136;

SEC. 134. PROHIBITION ON RETIREMENT OF F–117 AIR-
CRAFT.

The Secretary of the Air Force may not retire any
F–117 Nighthawk stealth attack aircraft of the Air Force
in fiscal year 2006.

SEC. 135. PROHIBITION ON RETIREMENT OF C–130E/H TAC-
TICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may not retire any
C–130E/H tactical airlift aircraft of the Air Force in fiscal
year 2006.

SEC. 136. PROCUREMENT OF C–130J/KC–130J AIRCRAFT
AFTER FISCAL YEAR 2005.

Any C–130J/KC–130J aircraft procured after fiscal
year 2005 (including C–130J/KC–130J aircraft procured
through a multiyear contract continuing in force from a
fiscal year before fiscal year 2006) shall be procured
through a contract under part 15 of the Federal Acquisi-
tion Regulation (FAR), relating to acquisition of items by
negotiated contract (48 C.F.R. 15.000 et seq.), rather
than through a contract under part 12 of the Federal Ac-
quision Regulation, relating to acquisition of commercial
items (48 C.F.R. 12.000 et seq.).
SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL EVACUATIONS.

(a) REQUIREMENT TO PRODUCE.—The Secretary of the Air Force shall procure aircraft for the purpose of providing aeromedical evacuation services to severely injured or ill personnel.

(b) REQUIRED CAPABILITIES.—The aircraft procured under subsection (a) shall be capable of providing nonstop aeromedical evacuations across the Atlantic Ocean.

(c) EQUIPPING.—Any aircraft procured under subsection (a) shall be equipped with current aeromedical support facilities, including electrical systems, sanitation, temperature controls, pressurization capacity, safe medical storage, equipment and medicines for life support and emergency purposes, food preparation facilities, and such other facilities as the Secretary considers appropriate for the provision of aeromedical evacuation services.

(d) DEDICATED MISSION.—Each aircraft procured and equipped under this section shall be assigned the dedicated mission of providing aeromedical evacuation services as described in subsection (a).

(e) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force, $200,000,000 shall be
available for the procurement and equipping of up to two aircraft under this section.

Subtitle E—Defense-Wide Programs

SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.

(a) Limitation on Availability of Funds for Advance Procurement.—No funds authorized to be appropriated by this Act for fiscal year 2006 for advance procurement of components for the Advanced SEAL Delivery System may be obligated or expended for that purpose until 30 days after the date on which the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition, Technology, and Logistics has made a favorable milestone C decision regarding the Advanced SEAL Delivery System. The certification shall be submitted together with the comprehensive report on the Advanced SEAL Delivery System required by subsection (b).

(b) Report.—As soon as possible after completion of the review of the Advanced SEAL Delivery System by the Defense Acquisition Board, the Secretary shall submit to the congressional defense committees a report that includes the following:

(1) The result of the milestone C decision on the Advanced SEAL Delivery System made by the
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Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Such recommendations as the Secretary considers appropriate regarding the continuation, restructuring, or termination of the Advanced SEAL Delivery System program, including recommendations on adjustments to contractual arrangements in connection with the continuation, restructuring, or termination of the program.

(3) A detailed summary of the revised cost estimate and future cost estimates for the Advanced SEAL Delivery System program, which cost estimates shall be validated for purposes of the report by the Cost Analysis and Improvement Group within the Office of the Secretary of Defense.

(4) A detailed acquisition strategy for the Advanced SEAL Delivery System, if the Secretary recommends the continuation or restructuring of the Advanced SEAL Delivery System program under paragraph (2).

(5) A plan to demonstrate realistic strategies for solving any technical and performance problems identified during the final operational test and evaluation of the Advanced SEAL Delivery System proposed to be conducted during the summer of 2005.
(c) Comptroller General Review.—

(1) In general.—In order to achieve the purposes set forth in paragraph (2), the Comptroller General of the United States shall—

(A) review the adequacy of the final operational test and evaluation test plan for the Advanced SEAL Delivery System;
(B) review the results of the operational test of the Advanced SEAL Delivery System; and

(2) Purposes.—The purposes of the review and update under paragraph (1) are as follows:

(A) To examine the progress made toward meeting operational requirements and technical challenges with respect to the Advanced SEAL Delivery System.
(B) To assess the capacity of the Advanced SEAL Delivery System program to meet schedule and cost projections for that program.
(C) To identify and evaluation any remaining factors that may contribute to potential fu-
ture problems for the Advanced SEAL Delivery System program.

(3) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the activities of the Comptroller General under paragraph (1) not later than February 1, 2006.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

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

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,716,824,000.

(2) For the Navy, $18,398,091,000.

(3) For the Air Force, $22,636,568,000.

(4) For Defense-wide activities, $18,843,296,000, of which $168,458,000 is authorized for the Director of Operational Test and Evaluation.
SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,924,401,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term “science and technology project” means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FUTURE COMBAT SYSTEM (FCS).

The Secretary of the Army shall procure the Future Combat System (FCS) through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a transaction under section 2371 of title 10, United States Code.

SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND SUPPORT OPERATIONS.

(a) JOINT FIELD EXPERIMENT REQUIRED.—The Secretary of Defense shall, in fiscal year 2006, carry out
a joint field experiment to address matters relating to sta-

(b) PURPOSES.—The purposes of the joint field ex-
periment under subsection (a) are as follows:

(1) To explore critical challenges associated
with the planning and execution of military and sup-
port activities required in the post-conflict environ-
ment following major combat activities.

(2) To facilitate the development of rec-
ommendations for appropriate policy, doctrine, train-
ing infrastructure, and organizational structures to
best facilitate the conduct of effective stability and
support operations in such an environment.

(c) PARTICIPATING ELEMENTS AND FORCES.—

(1) IN GENERAL.—The joint field experiment
under subsection (a) shall involve—

(A) elements of the Army, the Marine
Corps, and the Special Operations Command
selected by the Secretary for purposes of the
field experiment;

(B) representatives of policy elements with-
in the Department selected by the Secretary for
such purposes; and
(C) any other forces or elements of the Department that the Secretary considers appropriate for such purposes.

(2) ADDITIONAL ELEMENTS.—The Secretary shall also invite the participation in the field experiment of appropriate elements of other departments and agencies of the United States Government, and of such elements and forces of coalition nations, as the Secretary considers appropriate for purposes of the field experiment.

(d) REPORT.—Not later than January 31, 2007, the Secretary shall submit to the congressional defense committees a report on the joint field experiment under subsection (a). The report shall include—

(1) a description of the field experiment;

(2) the findings of the Secretary as a result of the field experiment; and

(3) such recommendations, including recommendations for additional legislative or administrative actions and recommendations on funding required to implement such actions, as the Secretary considers appropriate in light of the field experiment.
Subtitle C—Missile Defense Programs

SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

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

(1) in paragraph (1), by striking “through 2006” and inserting “through 2007”; and

(2) in paragraph (2), by striking “through 2007” and inserting “through 2008”.

(b) Modification of Submittal Date.—Paragraph (2) of such section is further amended by striking “February 15” and inserting “March 15”.

SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

(a) Authority To Use Funds.—Funds referred to in subsection (b) may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.

(b) Covered Funds.—Funds referred to in this subsection are funds authorized to be appropriated for fiscal year 2006 or 2007 for research, development, test, and evaluation for the Missile Defense Agency.
SEC. 223. PLANS FOR TEST AND EVALUATION OF OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—With respect to block 06, and each subsequent block, of the Ballistic Missile Defense System, the appropriate joint and service operational test and evaluation components of the Department of Defense concerned with such block shall, in coordination with the Missile Defense Agency and subject to the review and approval of the Director of Operational Test and Evaluation, prepare a plan to test, evaluate, and characterize the operational capability of such block.

(2) NATURE OF PLANS.—Each plan prepared under this subsection shall be appropriate for the level of technological maturity of the block to be tested.

(b) REPORTS ON TEST AND EVALUATION OF BLOCKS.—At the conclusion of the test and evaluation of block 06, and of each subsequent block, of the Ballistic Missile Defense System, the Director of Operational Test and Evaluation shall submit to the Secretary of Defense, and to the congressional defense committees, a report providing—
(1) the assessment of the Director as to whether or not such test and evaluation was adequate to evaluate the operational capability of such block; and

(2) the characterization of the Director as to the operational effectiveness, suitability, and survivability of such block, as appropriate for the level of technological maturity of the block to be tested.

Subtitle D—High-Performance Defense Manufacturing Technology Research and Development

SEC. 231. RESEARCH AND DEVELOPMENT.

(a) Identification of Enhanced Processes and Technologies.—The Under Secretary of the Defense for Acquisition, Technology, and Logistics shall identify advanced manufacturing processes and technologies whose utilization will achieve significant productivity and efficiency gains in the defense manufacturing base.

(b) Research and Development.—The Under Secretary shall undertake research and development on processes and technologies identified under subsection (a) that addresses, in particular—

(1) innovative manufacturing processes and advanced technologies; and
(2) the creation of extended production enterprises using information technology and new business models.

(c) DEFENSE PRIORITIES.—In undertaking research and development under subsection (b), the Under Secretary shall consider defense priorities established in the most current Joint Warfighting Science and Technology Plan.

SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFACTURING PROCESSES AND TECHNOLOGIES TO THE DEFENSE MANUFACTURING BASE.

(a) ACCELERATION OF TRANSITION FROM SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake appropriate actions to accelerate the transition of transformational manufacturing technologies and processes (including processes and technologies identified under section 231) from the research stage to utilization by manufacturers in the defense manufacturing base.

(2) EXECUTION.—The actions undertaken under paragraph (1) shall include a memorandum of understanding among the Director of Defense Research and Engineering, other appropriate elements
of the Department of Defense, and the Joint Defense Manufacturing Technology Panel to accelerate the transition of technologies and processes as described in that paragraph.

(b) Prototypes and Testbeds.—

(1) In General.—The Under Secretary shall, utilizing the Manufacturing Technology Program, undertake the development of prototypes and testbeds to promote the purposes of this section.

(2) Coordination of Activities.—The Under Secretary shall coordinate activities under this subsection with activities under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

c) Development of Improvement Process.—

The Under Secretary shall, in consultation with persons and organizations in the defense manufacturing base, develop and implement a program to continuously identify and utilize improvements and innovative processes in appropriate defense acquisition programs and by manufacturers in the defense manufacturing base.

(d) Diffusion of Enhancements Into Defense Manufacturing Base.—The Under Secretary shall ensure the utilization in industry of enhancements in produc-
tivity and efficiency identified by reason of activities under
this subtitle through the following:

(1) Research and development activities under
the Manufacturing Technology Program, including
the establishment of public-private partnerships.

(2) Outreach through the Manufacturing Ex-
tension Partnership Program under memoranda of
agreement, cooperative programs, and other appro-
priate arrangements.

(3) Coordination with activities under such
other current programs for the dissemination of
manufacturing technology as the Under Secretary
considers appropriate.

(4) Identification of incentives for contractors
in the defense manufacturing base to incorporate
and utilize manufacturing enhancements in the man-
ufacturing activities.

SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.

(a) In General.—The Under Secretary of Defense
for Acquisition, Technology, and Logistics may—

(1) identify an area of technology where the de-
velopment of an industry-prepared roadmap for new
manufacturing and technology processes applicable
to defense manufacturing requirements would be
beneficial to the Department of Defense; and
(2) establish a task force, and act in cooperation, with the private sector to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

(b) COMMENCEMENT OF ROADMAPPING.—The Under Secretary shall commence any roadmapping identified pursuant to subsection (a)(1) not later than January 2007.

SEC. 234. REPORT.

(a) IN GENERAL.—Not later than December 31, 2007, the Under Secretary of the Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions undertaken by the Under Secretary under this subtitle during fiscal year 2006.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a comprehensive description of the actions undertaken under this subtitle during fiscal year 2006;

(2) an assessment of effectiveness of such actions in enhancing research and development on manufacturing technologies and processes, and im-
plementation of such within the defense manufacturing base; and

(3) such recommendations as the Under Secretary considers appropriate for additional actions to be undertaken in order to increase the effectiveness of the actions undertaken under this subtitle in enhancing manufacturing activities within the defense manufacturing base.

SEC. 235. DEFINITIONS.

In this subtitle:

(1) Defense Manufacturing Base.—The term “defense manufacturing base” includes any supplier of the Department of Defense, including a supplier of raw materials.

(2) Extended Production Enterprise.—The term “extended production enterprise” means a system in which key entities, including entities engaged in product development, manufacturing, sourcing, and user entities, in the manufacturing chain are linked together through information technology and other means to promote efficiency and productivity.

(3) Manufacturing Extension Partnership Program.—The term “Manufacturing Extension Partnership Program” means the Manufacturing
Extension Partnership Program of the Department of Commerce.

(4) MANUFACTURING TECHNOLOGY PROGRAM.—The term “Manufacturing Technology Program” means the Manufacturing Technology Program under the Director of Defense Research and Engineering under section 2521 of title 10, United States Code.

(5) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—The term “Small Business Innovation Research Program” has the meaning given that term in section 2055(11) of title 10, United States Code.

(6) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—The term “Small Business Technology Transfer Program” has the meaning given that term in section 2500(12) of title 10, United States Code.

Subtitle E—Other Matters

SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

(a) DIRECTOR OF CENTER.—Paragraph (1) of section 196(b) of title 10, United States Code, is amended by striking “commissioned officers” and all that follows through the end of the sentence and inserting “individuals
who have substantial experience in the field of test and evaluation.”.

(b) DEPUTY DIRECTOR OF CENTER.—Paragraph (2) of such section is amended by striking “senior civilian officers and employees of the Department of Defense” and inserting “individuals”.

SEC. 242. TECHNOLOGY TRANSITION.

(a) CLARIFICATION OF DUTIES OF TECHNOLOGY TRANSITION COUNCIL.—Paragraph (2) of section 2359a(g) of title 10, United States Code, is amended to read as follows:

“(2) The duty of the Council shall be to support the Undersecretary of Defense for Acquisition, Technology, and Logistics in the development of policies to facilitate the rapid transition of technologies from science and technology programs of the Department of Defense into acquisition programs of the Department.”.

(b) REPORT ON TECHNOLOGY TRANSITION.—

(1) IN GENERAL.—The Secretary of Defense, working through the Technology Transition Council, shall submit to the congressional defense committees a report on the challenges associated with technology transition from the science and technology programs of the Department of Defense to the acquisition pro-
grams of the Department, and a strategy to address such challenges, including—

(A) a description of any organizational barriers to technology transition between operations, acquisition, and technology development components of the Department;

(B) an assessment of the effect of Department acquisition regulations on technology transition;

(C) a description of the role of technology transition in the planning, programming, and budgeting processes of the Department;

(D) a description of any other challenges associated with technology transition in the Department that are identified by the Secretary;

(E) a Department-wide strategy for pursuing technology transition; and

(F) such recommendations as the Secretary considers appropriate for the improvement of technology transition and for the elimination of internal barriers within the Department to technology transition.

(2) SUBMITTAL DATE.—The report under paragraph (1) shall be submitted at the same time the budget of the President is submitted to Congress
pursuant to section 1105(a) of title 31, United
States Code, for fiscal year 2007.

SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF
BLAST INJURIES.

(a) DESIGNATION OF EXECUTIVE AGENT.—The Sec-
retary of Defense shall designate a senior official of the
Department of Defense as the executive agent responsible
for coordinating and managing the programs and efforts
of the Department of Defense with respect to the preven-
tion, mitigation, and treatment of blast injuries.

(b) GENERAL RESPONSIBILITY.—The executive
agent designated under subsection (a) shall be responsible
for ensuring that—

(1) the programs and efforts of the Department
of Defense on the prevention, mitigation, and treat-
ment of blast injuries are adequate to meet require-
ments relating to the prevention, mitigation, and
treatment of such injuries; and

(2) the resources devoted to such programs and
efforts facilitate the achievement of the objective
specified in paragraph (1).

(c) RESEARCH EFFORTS.—The executive agent des-
ignated under subsection (a) shall—

(1) review and assess the adequacy of current
research efforts of the Department of Defense on
the prevention, mitigation, and treatment of such inju-

(2) establish requirements for such research ef-
forts in order to enhance and accelerate such re-
search efforts; and

(3) establish, coordinate, and oversee Depart-
ment-wide research efforts on the prevention, mitiga-
tion, and treatment of such injuries, including—

(A) in the case of blast injury prevention,

research on—

(i) blast characterization in a variety

of environments;

(ii) modeling and simulation of safe

blast stand-off distances;

(iii) detect and defeat capabilities; and

(iv) such other matters as such offi-
cial considers appropriate;

(B) in the case of blast injury mitigation,

research on—

(i) armor design and materials testing

for blast and ballistic protection;

(ii) the design of a comprehensive, in-
tegrated, flexible armor system which pro-
vides blast, ballistic, and fire protection for
the head, neck, ears, eyes, torso, and ex-
tremities; and

(iii) such other matters as such offi-
cial considers appropriate; and

(C) in the case of blast injury treatment,
research on emerging military medical tech-
nologies, pharmacological agents, devices, and
treatment and rehabilitation techniques.

(d) STUDIES.—The executive agent designated under
subsection (a) shall conduct studies on the prevention,
mitigation, and treatment of blast injuries, including—

(1) studies to improve the clinical evaluation
and treatment of blast injuries, with an emphasis on
traumatic brain injuries and other consequences of
blast injury, including acoustic and eye injuries and
injuries resulting from over-pressure wave; and

(2) studies to develop improved clinical proto-
cols by which physicians—

(A) can more accurately evaluate trau-
matic brain injuries and discriminate between
traumatic brain injuries and post traumatic
stress disorder (including improved diagnostic
and cognitive measures);
(B) can identify members of the Armed Forces who may have both traumatic brain injury and post traumatic stress disorder; and

(C) can develop integrated treatment approaches for servicemembers who have both traumatic brain injuries and post traumatic stress disorder and other multiple injuries.

(e) PILOT PROJECTS.—The executive agent designated under subsection (a) shall commence in fiscal year 2006 not less than three pilot projects on the prevention, mitigation, and treatment of blast injuries, including pilot projects—

(1) to study the incidence in returning soldiers of traumatic brain injuries attributable to blast injuries;

(2) to develop protocols for medical tracking of members of the Armed Forces for up to five years following blast injuries; and

(3) to refine and improve educational interventions for blast injury survivors and their families.

(f) TRAINING PROGRAM.—The executive agent designated under subsection (a) shall establish a training program for medical and non-medical personnel on the prevention, mitigation, and treatment of blast injuries which program shall be intended to improve field and clinical
training on early identification of blast injury consequences, both seen and unseen, including traumatic brain injuries, acoustic injuries, and internal injuries.

(g) Treatment Program.—The executive agent designated under subsection (a) shall conduct a treatment program intended to enhance the evaluation and care of members of the Armed Forces with traumatic brain injuries in medical facilities in the United States and in deployed medical facilities.

(h) Annual Reports on Blast Injury Matters.—

(1) Reports Required.—Not later than February 15, 2006, and annually thereafter through 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the efforts of the Department of Defense to prevent, mitigate, and treat blast injuries.

(2) Elements.—Each report under paragraph (1) shall include the following:

(A) A description of the activities undertaken under this section during the year preceding the report to improve the prevention, mitigation, and treatment of blast injuries.

(B) A consolidated budget presentation for the programs and activities of the Department
of Defense during the fiscal year beginning in
the year of the report for the prevention, miti-
gation, and treatment of blast injuries.

(C) A description of any gaps in the capa-
bilities of the Department under its programs
and activities for the prevention, mitigation,
and treatment of blast injuries, and a descrip-
tion of any plans or projects to address such
gaps.

(D) A description of collaboration, if any,
with other departments and agencies of the
Federal Government, and with other countries,
during the year preceding the report in efforts
for the prevention, mitigation, and treatment of
blast injuries.

(E) A description of any efforts during the
year preceding the report to disseminate find-
ings on the mitigation and treatment of blast
injuries through civilian and military research
and medical communities.

(F) A description of the status of efforts
during the year preceding the report to design
a comprehensive force protection system that is
effective in confronting blast, ballistic, and fire
threats.
(i) **Blast Injuries Defined.**—In this section, the term “blast injuries” means injuries that occur as the result of the detonation of high explosives, including vehicle-borne and person-borne explosive devices, rocket-propelled grenades, and improvised explosive devices.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

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

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

1. (1) For the Army, $24,951,460,000.
2. (2) For the Navy, $30,547,489,000.
3. (3) For the Marine Corps, $3,842,026,000.
4. (4) For the Air Force, $31,425,919,000.
5. (5) For Defense-wide activities, $18,584,469,000.
6. (6) For the Army Reserve, $1,989,382,000.
7. (7) For the Naval Reserve, $1,245,695,000.
8. (8) For the Marine Corps Reserve, $199,934,000.
(9) For the Air Force Reserve, $2,559,686,000.

(10) For the Army National Guard, $4,528,019,000.

(11) For the Air National Guard, $4,772,991,000.

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

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

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

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

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

(17) For Environmental Restoration, Formerly Used Defense Sites, $261,921,000.

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

(19) For Cooperative Threat Reduction programs, $415,549,000.

(20) For the Overseas Contingency Operations Transfer Fund, $20,000,000.
SEC. 302. WORKING CAPITAL FUNDS.

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

(1) For the Defense Working Capital Funds, $1,471,340,000.

(2) For the National Defense Sealift Fund, $1,011,304,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, $19,900,812,000, of which—

(1) $19,351,337,000 is for Operation and Maintenance;

(2) $174,156,000 is for Research, Development, Test, and Evaluation; and

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

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chem-
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1. Chemical Agents and Munitions Destruction, Defense, $1,425,827,000, of which—

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

(B) $67,786,000 is for Research, Development, Test, and Evaluation; and

(C) $116,527,000 is for Procurement.

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

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

(B) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.

3. Drug Interdiction and Counter-Drug Activities, Defense-wide.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $895,741,000.

4. Defense Inspector General.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise
provided for, for the Office of the Inspector General of
the Department of Defense, $209,687,000, of which—

(1) $208,687,000 is for Operation and Main-

tenance; and

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

Subtitle B—Environmental
Provisions

SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN
ITEMS REQUIRED IN THE ANNUAL REPORT
ON ENVIRONMENTAL QUALITY PROGRAMS
AND OTHER ENVIRONMENTAL ACTIVITIES.

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

(1) by striking subparagraphs (D) and (E);

(2) by inserting after subparagraph (C) the fol-

lowing new subparagraph:

“(D) A summary of fines and penalties imposed
or assessed against the Department of Defense and
the military departments under Federal, State, or
local environmental laws during the fiscal year in
which the report is submitted and the four preceding
fiscal years, which summary shall include—

“(i) a trend analysis of such fines and pen-

alties for military installations inside and out-
side the United States; and
“(ii) a list of such fines or penalties that exceeded $500,000 and the provisions of law under which such fines or penalties were imposed or assessed.”;

(3) by redesignating subparagraph (F) as subparagraph (E); and

(4) in subparagraph (E), as redesignated by paragraph (3), by striking “and amounts for conferences” and all that follows through “such activities”.

SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION WITH THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) Payment for Activities at Former Defense Property That is Subject to Covenant for Additional Remedial Action.—Subsection (d) of section 2701 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”;

(B) by inserting “any owner of covenant property,” after “tribe,” the first place it appears; and

(C) by inserting “owner of covenant property,” after “tribe,” the second place it appears;
(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

“(4) PERFORMANCE OF SERVICES ON COVENANT PROPERTY.—An owner of covenant property may not be paid on a reimbursable or other basis for services performed under an agreement under paragraph (1) unless such services are performed on such covenant property.”; and

(4) in paragraph (5), as redesignated by paragraph (2), by adding at the end the following new subparagraph:

“(C) The term ‘owner of covenant property’ means an owner of property subject to a covenant provided by the United States in accordance with section 120(h)(3)(A)(ii)(II) of CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).”.

(b) APPLICABLE CLEANUP STANDARDS.—Paragraph (3) of such subsection is further amended—

(1) by striking “An agreement” and inserting “(A) An agreement”; and

(2) by inserting at the end the following new subparagraph:
“(B) An agreement under paragraph (1) may not change the cleanup standards applicable to the site as established by law.”.

(e) Source of Funds for Former Base Closure and Realignment Property Subject to Covenant for Additional Remedial Action.—Section 2703 of such title is amended—

(1) in subsection (g)(1), by striking “The sole source” and inserting “Except as provided in subsection (h), the sole source”; and

(2) by adding at the end the following new subsection:

“(h) Sole Source of Funds for Certain Environmental Remediation at Base Realignment and Closure Sites.—In the case of property disposed of pursuant to a base closure law and subject to a covenant described in subsection (d)(5)(C) of section 2701 of this title, the sole source of funds for services under subsection (d)(1) of such section shall be the base closure account established under the base closure law under which such property was disposed of.”.
to be appropriated for operation and maintenance for the
Navy by this Act and any other Act for fiscal year 2005
and 2006, $288,000,000 shall be available only for repair
and maintenance to extend the life of U.S.S. John F. Ken-

(b) LIMITATION ON REDUCTION IN NUMBER OF Ac-
TIVE AIRCRAFT CARRIERS.—

(1) LIMITATION.—The Secretary of the Navy
may not reduce the number of active aircraft car-
riers of the Navy below 12 active aircraft carriers
until the later of the following:

(A) The date that is 180 days after the
date of the submittal to Congress of the quad-
rennial defense review required in 2005 under
section 118 of title 10, United States Code.

(B) The date on which the Secretary of
Defense, in consultation with the Chairman of
the Joint Chiefs of Staff, certifies to the con-
gressional defense committees that such agree-
ments have been entered into to provide port
facilities for the permanent forward deployment
of such number of aircraft carriers as is nec-
essary in the Pacific Command Area of Respon-
sibility to fulfill the roles and missions of that
Command, including agreements for the for-
ward deployment of a nuclear aircraft carrier
after the retirement of the current two conven-
tional aircraft carriers.

(2) Active Aircraft Carriers.—For pur-
poses of this subsection, an active aircraft carrier of
the Navy includes an aircraft carrier that is tempo-
rarily unavailable for worldwide deployment due to
routine or scheduled maintenance.

SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR
EAST COAST SHIPYARDS FROM FUNDING
THROUGH NAVY WORKING CAPITAL FUND TO
DIRECT FUNDING.

(a) Limitation.—The Secretary of the Navy may
not convert funding for the shipyards of the Navy on the
Eastern Coast of the United States from funding through
the working capital fund of the Navy to funding on a di-
rect basis (also known as “mission funding”) until the
later of—

(1) the date that is six months after the date
on which the Secretary submits to the congressional
defense committees the report required by subsection
(b); or

(2) October 1, 2006.

(b) Report on Direct Funding for Puget
Sound Naval Shipyard.—The Secretary shall submit to
the congressional defense committees a report that con-
tains the assessment of the Secretary on the effects on
Puget Sound Naval Shipyard, Washington, of the conver-
sion of funding for Puget Sound Naval Shipyard from
funding through the working capital fund of the Navy to
funding on a direct basis.

SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEA-
LIFT FUND TO EXERCISE PURCHASE OP-
TIONS ON MARITIME PREPOSITIONING SHIP
VESSELS.

(a) USE OF FUNDS.—Notwithstanding the provisions
of section 2218(f)(1) of title 10, United States Code, the
Secretary of Defense may obligate and expend any funds
in the National Defense Sealift Fund to exercise options
to purchase three Maritime Prepositioning Ship (MPS)
vessels under charter to the Navy as of the date of the
enactment of this Act, the contracts for which charters
expire in 2009.

(b) NATIONAL DEFENSE SEALIFT FUND DE-
FINED.—In this section, the term “National Defense Sea-
lift Fund” means the National Defense Sealift Fund es-
tablished by section 2218 of title 10, United States Code.

SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS
OVERSEAS.

(a) AUTHORITY TO USE FUNDS.—
(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

§2249d. Use of appropriated funds for purchase and destruction of weapons overseas

“(a) PURCHASE OF WEAPONS.—Amounts appropriated or otherwise available to the Department of Defense for operation and maintenance may be used to purchase weapons overseas from any person, foreign government, international organization, or other entity for the purpose of protecting United States forces engaged in military operations overseas.

“(b) DESTRUCTION OF WEAPONS.—Weapons purchased under the authority in subsection (a) may be destroyed.

“(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify the congressional defense committees of any use of the authority in subsection (a) to purchase weapons.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2249d. Use of appropriated funds for purchase and destruction of weapons overseas.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall
apply with respect to funds appropriated or otherwise made available for fiscal years after fiscal year 2005.

SEC. 325. INCREASE IN MAXIMUM CONTRACT AMOUNT FOR PROCUREMENT OF SUPPLIES AND SERVICES FROM EXCHANGE STORES OUTSIDE THE UNITED STATES.

Section 2424(b)(1) of title 10, United States Code, is amended by striking “$50,000” and inserting “$100,000”.

SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.


SEC. 327. ARMY TRAINING STRATEGY.

(a) Training Strategy.—

(1) Strategy Required.—The Secretary of the Army shall develop and implement a training strategy to ensure the readiness of brigade-based combat teams and functional supporting brigades.

(2) Elements.—The training strategy shall include the following:
(A) A statement of the purpose of training for brigade-based combat teams and supporting brigades.

(B) Performance goals for both active and reserve brigade-based combat teams and supporting brigades, including goals for live, virtual, and constructive training for each component and brigade type.

(C) Metrics to quantify performance against the performance goals specified under subparagraph (B).

(D) A process to report the accomplishment of collective training by which Army leadership can monitor the training performance of brigade-based combat teams and functional supporting brigades.

(E) A model to quantify, and to forecast, operation and maintenance funding required to attain training goals.

(b) Report.—

(1) Report required.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the require-
ments to be fulfilled in order to implement the train-
ing strategy developed under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A discussion of the training strategy developed under subsection (a), including a de-
scription of performance goals and metrics de-
veloped under that subsection.

(B) A discussion and description of the training range requirements necessary to imple-
ment the training strategy.

(C) A discussion and description of the training aids, devices, simulations and simula-
tors necessary to implement the training strat-

(D) A list of the funding requirements, itemized by fiscal year and specified in a format consistent with the future-years defense pro-
gram to accompany the budget of the President for fiscal year 2007 under section 221 of title 10, United States Code, necessary to fulfill the range requirements described in subparagraph (B) and to provide the training aids, devices, simulations, and simulators described in sub-
paragraphs (C).
(E) A schedule for the implementation of the training strategy.

(F) A discussion of the challenges that the Army anticipates in the implementation of the training strategy.

(c) COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall monitor the implementation of the training strategy developed under subsection (a).

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General of the current progress of the Army in implementing the training strategy.

SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 may not be obligated or expended for the purposes of financial management improvement activities relating to the preparation, processing, or auditing of financial statements until the
Secretary of Defense prepares and submits to the congres-

sional defense committees the following:

(1) A comprehensive and integrated financial

management improvement plan that—

(A) describes specific actions to be taken
to correct financial management deficiencies
that impair the ability of the Department of
Defense to prepare timely, reliable, and com-
plete financial management information; and

(B) systematically ties such actions to
process and control improvements and business
systems modernization efforts described in the
business enterprise architecture and transition
plan required by section 2222 of title 10,
United States Code.

(2) A written determination that each of the fi-

nancial management improvement activities to be
undertaken are—

(A) consistent with the financial manage-
ment improvement plan submitted pursuant to
paragraph (1); and

(B) likely to improve internal controls or
otherwise result in sustained improvements in
the ability of the Department to produce timely,
reliable, and complete financial management in-
formation.

SEC. 329. STUDY ON USE OF ETHANOL FUEL.

(a) In general.—The Secretary of Defense shall
cconduct a study on the use of ethanol fuel by the Armed
Forces and the Defense Agencies.

(b) Elements.—The study shall include—

(1) an evaluation of the historical utilization of
ethanol fuel by the Armed Forces and the Defense
Agencies, including the quantity of ethanol fuel ac-
quired by the Department of Defense for the Armed
Forces and the Defense Agencies during the 5-year
period ending on the date of the report under sub-
section (c);

(2) a forecast of the requirements of the Armed
Forces and the Defense Agencies for ethanol fuel for
each of fiscal years 2007 through 2012;

(3) an assessment of the current and future
commercial availability of ethanol fuel, including fa-
cilities for the production, storage, transportation,
distribution, and commercial sale of such fuel;

(4) an assessment of the utilization by the De-
partment of the commercial infrastructure for eth-
anol fuel as described in paragraph (3);
(5) a review of the actions of the Department to coordinate with State, local, and private entities to support the expansion and use of alternative fuel refueling stations that are accessible to the public; and

(6) an assessment of the fueling infrastructure on military installations in the United States, including storage and distribution facilities, that could be adapted or converted to the delivery of ethanol fuel, including—

(A) an assessment of cost of the adaptation or conversion of such infrastructure to the delivery of ethanol fuel; and

(B) an assessment of the feasibility and advisability of that adaptation or conversion.

(e) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) ETHANOL FUEL DEFINED.—In this section, the term “ethanol fuel” means fuel that is 85 percent ethyl alcohol.
TITLE IV—MILITARY

PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 522,400.
(2) The Navy, 352,700.
(3) The Marine Corps, 178,000.
(4) The Air Force, 357,400.

SEC. 402. REVISION OF PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

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

“(1) For the Army, 522,400.
“(2) For the Navy, 352,700.
“(3) For the Marine Corps, 178,000.
“(4) For the Air Force, 357,400.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to fiscal years beginning on or after that date.
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized
strengths for Selected Reserve personnel of the reserve
components as of September 30, 2006, as follows:

(1) The Army National Guard of the United
States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Naval Reserve, 73,100.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United
States, 106,800.
(6) The Air Force Reserve, 74,000.
(7) The Coast Guard Reserve, 10,000.

(b) Adjustments.—The end strengths prescribed by
subsection (a) for the Selected Reserve of any reserve com-
ponent shall be proportionately reduced by—

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

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

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2006, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

1. The Army National Guard of the United States, 27,396.
2. The Army Reserve, 15,270.
3. The Naval Reserve, 13,392.
4. The Marine Corps Reserve, 2,261.
5. The Air National Guard of the United States, 13,123.
SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS

(DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

(3) For the Air Force Reserve, 9,852.

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

SEC. 414. FISCAL YEAR 2006 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2006, may not exceed the following:

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

(B) For the Air National Guard of the United States, 350.
(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2006, may not exceed 695.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 90.

(b) Non-Dual Status Technicians Defined.—In this section, the term “non-dual status technician” has the meaning given the term in section 10217(a) of title 10, United States Code.

Subtitle C—Authorizations of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2006 a total of $109,179,601,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2006.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2006 from the Armed Forces Retirement Home Trust Fund the sum of $58,281,000 for the operation of the Armed Forces Retirement Home.
TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT FROM COMPUTATION OF ACTIVE DUTY OFFICERS FOR GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS.

(a) DISTRIBUTION LIMITATIONS.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, an officer of that armed force in the grade of brigadier general or above, or an officer in the grade of rear admiral (lower half) or above in the Navy, who is on leave pending the separation, retirement, or release of such officer from active duty shall not be counted, but only during the 60-day period beginning on the date of the commencement of leave of such officer.”.

(b) ACTIVE DUTY STRENGTH LIMITATIONS.—
(1) IN GENERAL.—Section 526 of such title is amended by adding at the end the following new subsection:

“(e) EXCLUSION OF CERTAIN OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT.—The limitations of this section do not apply to general or flag officers on leave pending separation, retirement, or release from active duty as described in section 525(e) of this title.”.

(2) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by striking “CERTAIN OFFICERS” and inserting “CERTAIN RESERVE OFFICERS ON ACTIVE DUTY”.

SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS.

(a) INCREASE IN AUTHORIZED NUMBER.—Section 526(b)(2)(A) of title 10, United States Code, is amended by striking “10” and inserting “11”.

(b) ASSIGNMENT TO JOINT STAFF.—Such section is further amended by inserting “, and on the Joint Staff,” after “commands”.
SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELECTION BOARDS OF CORRESPONDENCE FROM ELIGIBLE OFFICERS.

(a) Officers on Active Duty List.—Section 614(b) of title 10, United States Code, is amended by inserting “the date before” after “not later than”.

(b) Officers on Reserve Active-Status List.—Section 14106 of such title is amended by inserting “the date before” after “not later than”.

(e) Effective Date.—The amendments made by this section shall take effect on March 1, 2006, and shall apply with respect to selection boards convened on or after that date.

SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS OF ADVERSE INFORMATION ON OFFICERS ELIGIBLE FOR PROMOTION TO CERTAIN SENIOR GRADES.

(a) Officers on Active-Duty List.—

(1) In General.—Section 615(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):
“(3) In the case of an eligible officer considered for promotion to the grade of lieutenant colonel, or commander in the case of the Navy, or above, any information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).”.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;

(B) in paragraph (5), as so redesignated, by striking “and (3)” and inserting “, (3), and (4)”;

(C) in paragraph (6), as so redesignated—

(i) in the matter preceding subparagraph (A), by inserting “, or in paragraph (3),” after “paragraph (2)”;

(ii) in subparagraph (B), by inserting “or (3), as applicable” after “paragraph (2)”;

and
(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting “or (3)” after “paragraph (2)(B)”.

(b) Reserve Officers.—

(1) In general.—Section 14107(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) In the case of an eligible officer considered for promotion to the grade of lieutenant colonel, or commander in the case of the Navy, or above, any information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).”.

(2) Conforming amendments.—Such section is further amended—

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking
“paragraph (2)” and inserting “paragraphs (2)
and (3)”;

(B) in paragraph (5), as so redesignated,
by striking “and (3)” and inserting “, (3), and
(4)”;

(C) in paragraph (6), as so redesignated—
(i) in the matter preceding subpara-
graph (A), by inserting “, or in paragraph
(3),” after “paragraph (2)”); and

(ii) in subparagraph (B), by inserting
“or (3), as applicable” after “paragraph
(2)”); and

(D) in subparagraph (A) of paragraph (7),
as so redesignated, by inserting “or (3)” after
“paragraph (2)(B)”.

(e) Effective Date.—The amendments made by
this section shall take effect on October 1, 2006, and shall
apply with respect to promotion selection boards convened
on or after that date.

SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.

(a) Judge Advocate General of the Army.—
Section 3037(a) of title 10, United States Code, is amend-
ed by striking the last sentence and inserting the following
new sentence: “The Judge Advocate General, while so
serving, has the grade of lieutenant general.”.
(b) **Judge Advocate General of the Navy.**—Section 5148(b) of such title is amended by striking the last sentence and inserting the following new sentence: “The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.”.

(c) **Judge Advocate General of the Air Force.**—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: “The Judge Advocate General, while so serving, has the grade of lieutenant general.”.

(d) **Exclusion from Limitation on General and Flag Officer Distribution.**—Section 525(b) of such title is amended by adding at the end the following new paragraph:

“(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer’s armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.”.
SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) in paragraph (1), as so designated, by striking “, during the period beginning on October 1, 1990, and ending on December 31, 2001,”; and

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

“(2) The authority in paragraph (1) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.”.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2) of such title is amended—

(1) by inserting “(A)” after “(2)”;

(2) in subparagraph (A), as so designated, by striking “, during the period beginning on October 1, 1990, and ending on December 31, 2001,”; and

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

paragraph:

“(B) The authority in subparagraph (A) may be exer-
cised during the period beginning on the date of the enact-
ment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.”.

(c) AIR FORCE.—Section 8911(b) of such title is amended—

(1) by inserting “(1)” after “(b)”;

(2) in paragraph (1), as so designated, by striking “, during the period beginning on October 1, 1990, and ending on December 31, 2001,”; and

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

“(2) The authority in paragraph (1) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.”.

SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITATIONS APPLICABLE TO RESERVE FLAG OFFICERS IN ACTIVE STATUS.

(a) LINE OFFICERS.—Paragraph (1) of section 12004(c) of title 10, United States Code, is amended in the item in the table relating to Line officers by striking “28” and inserting “33”.

(b) MEDICAL DEPARTMENT STAFF CORPS OFFICERS.—Such paragraph is further amended in the item in the table relating to the Medical Department staff corps officers by striking “9” and inserting “5”.

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(c) **Supply Corps Officers.**—Paragraph (2)(A) of such section is amended by striking “seven” and inserting “six”.

(d) **Conforming Amendment.**—Paragraph (1) of such section is further amended in the matter preceding the table by striking “39” and inserting “40”.

**SEC. 508. Uniform Authority for Deferment of Separation of Reserve General and Flag Officers for Age.**

(a) In General.—Section 14512 of title 10, United States Code, is amended to read as follows:

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§ 14512. Separation at age 64

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“(a) In General.—The Secretary of the military department concerned may, subject to subsection (b), defer the retirement under section 14510 or 14511 of this title of a reserve officer of the Army, Air Force, or Marine Corps in a grade above colonel, or a reserve officer of the Navy in a grade above captain, and retain such officer in active status until such officer becomes 64 years of age.

“(b) Limitation on Number of Deferments.—

(1) Not more than 10 officers may be deferred by the Secretary of a military department under subsection (a) at any one time.
“(2) Deferments by the Secretary of the Navy may be distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14512 and inserting the following new item:

“14512. Separation at age 64.”.

Subtitle B—Enlisted Personnel Policy

SEC. 521. UNIFORM CITIZENSHIP OR RESIDENCY REQUIREMENTS FOR ENLISTMENT IN THE ARMED FORCES.

(a) UNIFORM REQUIREMENTS.—Section 504 of title 10, United States Code, is amended—

(1) by inserting “(a) INSANITY, DESERTION, FELONS, ETC.—” before “No person”; and

(2) by adding at the end the following new subsection:

“(b) CITIZENSHIP OR RESIDENCY.—(1) No person may be enlisted in any armed force unless such person is a citizen or national of the United States, a habitual resident of the Federal States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, or has been lawfully admitted to the United States for permanent
residence under the applicable provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(2) The Secretary concerned may waive the applicability of paragraph (1) to a person if such Secretary determines that the enlistment of such person is vital to the national interest.”.

(b) Repeal of Superseded Limitations for the Army and Air Force.—Sections 3253 and 8253 of such title are repealed.

(c) Clerical Amendments.—

(1) The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3253.

(2) The table of sections at the beginning of chapter 833 of such title is amended by striking the item relating to section 8253.

Subtitle C—Reserve Component Personnel Matters

SEC. 531. REQUIREMENTS FOR PHYSICAL EXAMINATIONS AND MEDICAL AND DENTAL READINESS FOR MEMBERS OF THE SELECTED RESERVE NOT ON ACTIVE DUTY.

(a) In General.—Subsection (a) of section 10206 of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “examined” and all that follows through the semicolon and inserting “provided a comprehensive physical examination on an annual basis;”; and

(2) in paragraph (2), by striking “annually to the Secretary concerned” and all that follows and inserting “to the Secretary concerned on an annual basis documentation of the medical and dental readiness of the member to perform military duties.”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “periodic”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by striking “periodic”.

SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE UNDER RESERVE OFFICERS’ TRAINING CORPS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 2107(c) of title 10, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and
(3) in subparagraph (B) of paragraph (4), as so
designated, by striking “, (3), or (4)” and insert-
ing “or (3)”.

(b) Army Reserve and Army National Guard
Members.—Section 2107a(c) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as para-
graph (3).

e CONFORMING AMENDMENT.—Section 524(c) of
the Ronald W. Reagan National Defense Authorization
1889) is amended by striking “paragraph (5)” and all that
follows through “subsection (b)” and inserting “para-
graph (4) of section 2107(e) of title 10, United States
Code (as added by subsection (a) of this section and redes-
ignated by section 532(a)(2) of the National Defense Au-
thorization Act for Fiscal Year 2006), and under para-
graph (3) of section 2107a(c) of title 10, United States
Code (as added by subsection (b) of this section and redes-
ignated by section 532(b)(2) of such Act)”.

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SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL ASSISTANCE AND SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS AND MIDSHIPMEN ON THE BASIS OF HEALTH-RELATED CONDITIONS.

(a) REQUIREMENTS.—Section 2107 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) Payment of financial assistance under this section for, and payment of a monthly subsistence allowance under section 209 of title 37 to, a cadet or midshipman appointed under this section may be suspended on the basis of health-related incapacity of the cadet or midshipman only in accordance with regulations prescribed under paragraph (2).

“(2) The Secretary of Defense shall prescribe in regulations the policies and procedures for suspending payments under paragraph (1). The regulations shall apply uniformly to all of the military departments. The regulations shall include the following matters:

“(A) The standards of health-related fitness that are to be applied.

“(B) Requirements for—

“(i) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards
prescribed under subparagraph (A), by a health care professional on the basis of a medical examination of the cadet or midshipman; and

“(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in deciding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition.

“(C) A requirement for the Secretary concerned to transmit to a cadet or midshipman proposed for suspension under this subsection a notification of the proposed suspension together with the determinations made under subparagraph (B)(i) in the case of the proposed suspension.

“(D) A procedure for a cadet or midshipman proposed for suspension under this subsection to submit a written response to the proposal for suspension, including any supporting information.

“(E) Requirements for—

“(i) one or more health-care professionals to review, in the case of such a response of a cadet or midshipman, each health-related condition and prognosis addressed in the response,
taking into consideration the matters submitted
in such response; and

“(ii) the Secretary concerned to take into
consideration the determinations made under
clause (i) with respect to such condition in
making a final decision regarding whether to
suspend payment in the case of such cadet or
midshipman on the basis of that condition, and
the conditions under which such suspension
may be lifted.”.

(b) TIME FOR PROMULGATION OF REGULATIONS.—
The Secretary of Defense shall prescribe the regulations
required under subsection (j) of section 2107 of title 10,
United States Code (as added by subsection (a)), not later
than May 1, 2006.

SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RE-
SERVE AND ARMY NATIONAL GUARD CADETS
UNDER RESERVE OFFICERS’ TRAINING
CORPS.

Section 2107a(h) of title 10, United States Code, is
amended by striking “208 cadets” and inserting “416 ca-
dets”.
SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVES SUPPORTING CONTINGENCY AND OTHER OPERATIONS.

(a) OFFICIAL RECEIVING ELECTIONS OF BENEFITS.—Section 16163(e) of title 10, United States Code, is amended by striking “Secretary concerned” and inserting “Secretary of Veterans Affairs”.

(b) EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.—Section 16165 of such title is amended—

(1) by striking “Educational assistance” and inserting “(a) IN GENERAL.—Except as provided in subsection (b), educational assistance”; and

(2) by adding at the end the following new subsection:

“(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.”.

SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO DESIGNATE THE NAVAL RESERVE AS THE NAVY RESERVE.

Section 517(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public
Law 108–375; 118 Stat. 1884; 10 U.S.C. 10101 note) is amended by striking “, which date” and all that follows through the end and inserting a period.

SEC. 537. PERFORMANCE BY RESERVE COMPONENT PERSONNEL OF OPERATIONAL TEST AND EVALUATION AND TRAINING RELATING TO NEW EQUIPMENT.

(a) Pilot Program.—The Secretary of the Army shall carry out a pilot program to evaluate the feasibility and advisability of—

(1) utilizing members of the reserve components of the Army, rather than contractor personnel, to perform test, evaluation, new equipment training, and related activities for one or more acquisition programs selected by the Secretary for purposes of the pilot program; and

(2) utilizing funds otherwise available for multi-year purposes for such activities in appropriations for research, development, test, and evaluation, and for procurement, in order to reimburse appropriations for personnel for the costs of pay, allowances, and expenses of such members in the performance of such activities.

(b) Nonwaiver of Personnel and Training Policies and Procedures.—Nothing in this section
may be construed to authorize any deviation from established personnel or training policies or procedures that are applicable to the reserve components of the personnel used under the pilot program.

(c) Reimbursement Authority.—

(1) In general.—Subject to paragraph (2), the Secretary may transfer from appropriations for research, development, test, and evaluation, or for procurement, for an acquisition program under the pilot program under subsection (a) to appropriations for reserve component personnel of the Army amounts necessary to reimburse appropriations for reserve component personnel of the Army for pay, allowances, and expenses of reserve component personnel of the Army in performing activities under the pilot program.

(2) Limitation.—The amount that may be transferred under paragraph (1) in any fiscal year may not exceed $10,000,000.

(3) Merger of funds.—Amounts transferred to an account under paragraph (1) shall be merged with other amounts in such account, and shall be available for the same period, and subject to the same limitations, as the amounts with which merged.
(4) **Relationship to Other Transfer Authority.**—The authority to transfer funds under paragraph (1) is in addition to any other authority to transfer funds under law.

(d) **Termination.**—The authority to carry out the pilot program under subsection (a) shall expire on September 30, 2010.

(e) **Report.**—Not later than March 1, 2010, the Secretary of the Army shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

1. a comprehensive description of the pilot program, including the acquisition programs covered by the pilot program and the activities performed by members of the reserve components of the Army under the pilot program;

2. an assessment of the benefits, including cost savings and other benefits, of the performance of activities under the pilot program by members of the reserve components of the Army rather than by contractor personnel; and

3. any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot program.
Subtitle D—Military Justice and Related Matters

SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY COURTS-MARTIAL FOR MURDER, RAPE, AND CHILD ABUSE.

(a) UNLIMITED PERIOD FOR MURDER AND RAPE.—

Subsection (a) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking “or with any offense” and inserting “with murder or rape, or with any other offense”.

(b) EXTENDED PERIOD FOR CHILD ABUSE.—Subsection (b)(2) of such section (article) is amended—

(1) in subparagraph (A), by striking “before the child attains the age of 25 years” and all that follows through the period and inserting “by an officer exercising summary court-martial jurisdiction with respect to that person during the life of the victim or the date that is five years after the date of the offense, whichever is the later date.”;

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “sexual or physical”; and

(B) in clause (v), by striking “Indecent assault,” and inserting “Kidnapping, indecent assault,”; and
(3) by adding at the end the following new sub-
paragraph:

“(C) In subparagraph (A), the term ‘child abuse of-
fense’ also includes an act that involves abuse of a person
who has not attained the age of 18 years and would con-
stitute an offense under chapter 110 or 117 or section
1591 of title 18.”.

SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.

(a) Establishment of Offense.—Subchapter X
of chapter 47 of title 10, United States Code (the Uniform
Code of Military Justice), is amended by inserting after
section 893 (article 93) the following new section (article):

“§ 893a. Art. 93a. Stalking

“(a) Any person subject to this chapter—

“(1) who wrongfully engages in a course of con-
duct directed at a specific person that would cause
a reasonable person to fear death or bodily harm, in-
cluding sexual assault, to himself or herself or a
member of his or her immediate family;

“(2) who has knowledge, or should have knowl-
dge, that the specific person will be placed in rea-
sonable fear of death or bodily harm, including sex-
ual assault, to himself or herself or a member of his
or her immediate family; and
“(3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family, is guilty of stalking and shall be punished as a court-martial may direct.

“(b) For purposes of this section:

“(1) The term ‘course of conduct’ means—

“(A) a repeated maintenance of visual or physical proximity to a specific person; or

“(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person.

“(2) The term ‘repeated’, with respect to conduct, means two or more occasions of such conduct.

“(3) The term ‘immediate family’, in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member or relative of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.”.
(b) CLERICAL AMENDMENT.—The table of sections at
the beginning of subchapter X of such chapter is amended
by inserting after the item relating to section 893 (article
93) the following new item:

“893a. Art. 93a. Stalking.”.

SEC. 553. CLARIFICATION OF AUTHORITY OF MILITARY
LEGAL ASSISTANCE COUNSEL.

Section 1044 of title 10, United States Code, is
amended—

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

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

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

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

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

“(B) legal assistance contemplated by sections
1044a, 1044b, 1044c, and 1044d of this title.”.
SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF THE ARMED FORCES.

(a) Authority To Issue Administrative Censures.—

(1) Authority of Secretary of Defense.—The Secretary of Defense may issue, in writing, an administrative censure to any member of the Armed Forces.

(2) Authority of Secretaries of Military Departments.—The Secretary of a military department may issue, in writing, an administrative censure to any member of the Armed Forces under the jurisdiction of such Secretary.

(3) Regulations.—Administrative censures shall be issued under this section pursuant to regulations prescribed by the Secretary of Defense. The regulations shall apply uniformly throughout the military departments.

(b) Administrative Censure.—For purposes of this section, an administrative censure is a statement of adverse opinion or criticism with respect to the conduct or performance of duty of a member of the Armed Forces.

(c) Finality.—An administrative censure issued under this section is final and may not be appealed by the member of the Armed Forces concerned.
(d) Construction.—The authority under this section to issue administrative censures with respect to the conduct or performance of duty of a member of the Armed Forces is in addition to the authority to impose non-judicial punishment with respect to such conduct or performance of duty under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED PERSONNEL OF MATTERS RELATING TO VIOLATIONS OR ALLEGED VIOLATIONS OF CRIMINAL LAW.

(a) Requirement for Reports.—

(1) In general.—The Secretary of Defense shall prescribe in regulations a requirement that each covered member of the Armed Forces, whether on the active-duty list or on the reserve active-status list, shall submit to an authority in the military department concerned designated pursuant to such regulations a timely report on any investigation, arrest, charge, detention, adjudication, or conviction of such member by any law enforcement authority of the United States for a violation of a criminal law of the United States, whether or not such member is on active duty at the time of the conduct that provides the basis of such investigation, arrest, charge,
detention, adjudication, or conviction. The regulations shall apply uniformly throughout the military departments.

(2) COVERED MEMBERS.—In this section, the term “covered member of the Armed Forces” means the following:

(A) An officer.

(B) An enlisted member in the grade of E–7 or above.

(b) LAW ENFORCEMENT AUTHORITY OF THE UNITED STATES.—For purposes of this section, a law enforcement authority of the United States includes—

(1) a military or other Federal law enforcement authority;

(2) a State or local law enforcement authority; and

(3) such other law enforcement authorities within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(c) CRIMINAL LAW OF THE UNITED STATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes—
(A) any military or other Federal criminal law; 

(B) any State, county, municipal, or local criminal law or ordinance; and 

(C) such other criminal laws and ordinances of jurisdictions within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(2) EXCEPTION.—For purposes of this section, a criminal law of the United States shall not include a law or ordinance specifying a minor traffic offense (as determined by the Secretary for purposes of such regulations).

(d) ACTIONS SUBJECT TO REPORT.—

(1) IN GENERAL.—The regulations prescribed pursuant to subsection (a) shall specify each action of a law enforcement authority of the United States for which a report under that subsection shall be required.

(2) MULTIPLE REPORTS ON SINGLE CONDUCT.—If the conduct of a covered member of the Armed Forces would provide the basis for actions of a law enforcement authority of the United States warranting more than one report under this section,
the regulations shall specify which of such actions such be subject to a report under this section.

(c) **Timeliness of Reports.**—The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

(f) **Forwarding of Information.**—The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to an investigation, arrest, charge, detention, adjudication, or conviction for which a report is required by this section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

(g) **Deadline for Regulations.**—The regulations required by subsection (a), including the requirement in subsection (f), shall go into effect not later than January 1, 2006.
Subtitle E—Military Service

Academies

SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY PROFESSORS AT THE NAVAL ACADEMY AFTER MORE THAN 30 YEARS OF SERVICE.

(a) Authority To Retain.—

(1) In general.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6952 the following new section:

“§ 6952a. Faculty: retention of permanent military professors

“(a) Retirement for years of service.—(1) Except as provided in subsection (b), an officer serving as a permanent military professor at the Naval Academy in the grade of commander who is not on a list of officers recommended for promotion to the grade of captain shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

“(2) Except as provided in subsection (b), an officer serving as a permanent military professor at the Naval Academy in the grade of captain who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) shall, if not earlier retired, be retired on the first day of the month after the month in which
the officer completes 30 years of active commissioned service.

“(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may be continued on active duty by the Secretary of the Navy after the date otherwise provided for retirement under such subsection—

“(A) upon the recommendation of the Superintendent of the Naval Academy; and

“(B) with the concurrence of the Chief of Naval Operations.

“(2) The Secretary of the Navy shall determine the period of continuation on active duty of an officer under this subsection.

“(c) ELIGIBILITY FOR PROMOTION.—A permanent military professor at the Naval Academy who has been retained on active duty as a permanent military professor after more than 28 years of active commissioned service in the grade of commander under subsection (b) is eligible for consideration for promotion to the grade of captain.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6952 the following new item:

“6952a. Faculty: retention of permanent military professors.”.

(b) CONFORMING AMENDMENTS.—
(1) Section 633 of such title is amended—

(A) by striking “and an officer” and inserting “, an officer”; and

(B) by inserting “, and an officer who is a permanent military professor at the Naval Academy to whom section 6952a of this title applies,” after “section 6383 of this title applies”.

(2) Section 634 of such title is amended by inserting “and an officer who is a permanent military professor at the Naval Academy to whom section 6952a of this title applies,” after “section 6383(a)(4) of this title”.

Subtitle F—Administrative Matters

SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO A DEPLOYABLE SHIP OR MOBILE UNIT OR OTHER DUTY.

Subparagraph (B) of section 701(f)(1) of title 10, United States Code, is amended to read as follows:

“(B) This subsection applies to a member who—

“(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37; or
“(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section.”.

SEC. 572. LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL BILLETS TO CIVILIAN POSITIONS.

(a) LIMITATION.—Commencing as of the date of the enactment of this Act, no military medical or dental billet may be converted to a civilian position until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees each of the following:

(1) That the conversion of military medical or dental billets to civilian positions, whether before the date of the enactment or as scheduled after the limitation under this subsection no longer applies, will not result in an increase in civilian health care costs.

(2) That the conversion of such billets to such positions meets the joint medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(3) That, as determined pursuant to market surveys conducted under subsection (b), the civilian medical and dental care providers available in each affected area are adequate to fill the civilian posi-
tions created by the conversion of such billets to such positions in such affected area.

(b) MARKET SURVEYS.—The Secretary of Defense shall conduct in each affected area a survey of the availability of civilian medical and dental care providers in such area in order to determine, for purposes of subsection (a)(3), whether or not the civilian medical and dental care providers available in such area are adequate to fill the civilian positions created by the conversion of medical and dental billets to civilian positions in such area.

(c) DEFINITIONS.—In this section:

(1) The term “affected area” means an area in which the conversion of military medical or dental billets to civilian positions has taken place as of the date of the enactment of this Act or is scheduled to take place after the limitation under subsection (a) no longer applies.

(2) The term “uniformed services” has the meaning given that term in section 1072(1) of title 10, United States Code.
Subtitle G—Defense Dependents

Education Matters

SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS OVERSEAS.

The Defense Dependents’ Education Act of 1978 (20 U.S.C. 931 et seq.) is amended by inserting after section 1404 the following new section:

“ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON TUITION-FREE BASIS

“SEC. 1404A. (a) The Secretary of Defense may, under regulations to be prescribed by the Secretary, authorize the enrollment in schools of the defense dependents’ education system on a tuition-free basis the children of full-time, locally-hired employees of the Department of Defense in an overseas area if such employees are citizens or nationals of the United States.

“(b) The Secretary may utilize funds available for the defense dependents’ education system, including funds for construction, in order to provide for the education of children enrolled in the defense dependents’ education system under subsection (a).”.

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SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES

WITH SIGNIFICANT ENROLLMENT INCREASES
IN MILITARY DEPENDENT STUDENTS DUE TO
TROOP RELOCATIONS, CREATION OF NEW
UNITS, AND REALIGNMENTS UNDER BRAC.

(a) AVAILABILITY OF ASSISTANCE.—To assist com-
munities in making adjustments resulting from the cre-
ation of new units and other large-scale relocations of
members of the Armed Forces between military installa-
tions, the Secretary of Defense may make payments to
local educational agencies described in subsection (b) that,
during the period between the end of the school year pre-
ceeding the fiscal year for which the payments are author-
ized and the beginning of the school year immediately pre-
ceeding that school year, had an overall increase in the
number of military dependent students enrolled in schools
of such local educational agencies equal to or greater than
250 military dependent students.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A
local educational agency is eligible for assistance under
this section for a fiscal year only if the Secretary of De-
fense determines that—

(1) the local educational agency is eligible for
educational agencies assistance for the same fiscal
year; and
(2) the required overall increase in the number
of military dependent students enrolled in schools of
that local educational agency, as provided in sub-
section (a), occurred as a result of the relocation of
military personnel due to—

(A) the global rebasing plan of the Depart-
ment of Defense;

(B) the official creation or activation of
one or more new military units; or

(C) the realignment of forces as a result of
the base closure process.

(c) NOTIFICATION.—Not later than June 30, 2006,
and June 30 of each of the next two fiscal years, the Sec-
retary of Defense shall notify each local educational agen-
cy that is eligible for assistance under this section for such
fiscal year of—

(1) the eligibility of the local educational agency
for the assistance; and

(2) the amount of the assistance for which that
local educational agency is eligible, as determined
under subsection (d).

(d) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—In making assistance avail-
able to local educational agencies under this section,
the Secretary of Defense shall, in consultation with
the Secretary of Education, make assistance available to such local educational agencies for a fiscal year on a pro rata basis based on the size of the overall increase in the number of military and Department of Defense civilian dependent students enrolled in schools of those local educational agencies for such fiscal year.

(2) LIMITATION.—No local educational agency may receive more than $1,000,000 in assistance under this section for any fiscal year.

(e) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(f) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the Secretary of Education.

(g) REPORTS.—

(1) REPORTS REQUIRED.—Not later than May 1 of each of 2007, 2008, and 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided
under this section during the fiscal year preceding
the date of such report.

(2) ELEMENT.—Each report on the assistance
provided during a fiscal year under this section shall
include an assessment and description of the current
compliance of each local educational agency receiving
such assistance with the requirements of the No
Child Left Behind Act of 2001 (Public Law 107–
110).

(h) FUNDING.—Of the amount authorized to be ap-
propriated to the Department of Defense for fiscal years
2006, 2007, and 2008 for operation and maintenance for
Defense-wide activities, $15,000,000 shall be available for
each such fiscal year only for the purpose of providing as-
sistance to local educational agencies under this section.

(i) TERMINATION.—The authority of the Secretary of
Defense to provide financial assistance under this section
shall expire on September 30, 2008.

(j) DEFINITIONS.—In this section:

(1) The term “base closure process” means the
2005 base closure and realignment process author-
ized by Defense Base Closure and Realignment Act
of 1990 (part A of title XXIX of Public Law 101–
510; 10 U.S.C. 2687 note) or any base closure and
realignment process conducted after the date of the
enactment of this Act under section 2687 of title 10,
United States Code, or any other similar law en-
acted after that date.

(2) The term “educational agencies assistance”
means assistance authorized under section 386(b) of
the National Defense Authorization Act for Fiscal
Year 1993 (Public Law 102–484; 20 U.S.C. 7703
note).

(3) The term “local educational agency” has
the meaning given that term in section 8013(9) of
the Elementary and Secondary Education Act of
1965 (20 U.S.C. 7713(9)).

(4) The term “military dependent students” re-
fers to—

(A) elementary and secondary school stu-
dents who are dependents of members of the
Armed Forces; and

(B) elementary and secondary school stu-
dents who are dependents of civilian employees
of the Department of Defense.
SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Continuation of Department of Defense Program for Fiscal Year 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) Notification.—Not later than June 30, 2006, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2006 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) Disbursement of Funds.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) Definitions.—In this section:

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term “basic support payment” means a payment authorized under section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).
Subtitle H—Other Matters

SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDE

NTS.

(a) Comprehensive Policy on Casualty Assistance.—

(1) Policy Required.—Not later than January 1, 2006, the Secretary of Defense shall develop and prescribe a comprehensive policy for the Department of Defense on the provision of casualty assistance to survivors and next of kin of members of the Armed Forces who die during military service (in this section referred to as “military decedents”).

(2) Consultation.—The Secretary shall develop the policy in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Homeland Security with respect to the Coast Guard

(3) Incorporation of Past Experience and Practice.—The policy shall be based on—

(A) the experience and best practices of the military departments;

(B) the recommendations of nongovernment organizations with demonstrated expertise
in responding to the needs of survivors of mili-
tary decedents; and

(C) such other matters as the Secretary of
Defense considers appropriate.

(4) PROCEDURES.—The policy shall include
procedures to be followed by the military depart-
ments in the provision of casualty assistance to sur-
vivors and next of kin of military decedents. The
procedures shall be uniform across the military de-
partments except to the extent necessary to reflect
the traditional practices or customs of a particular
military department.

(b) ELEMENTS OF POLICY.—The comprehensive pol-
icy developed under subsection (a) shall address the fol-
lowing matters:

   (1) The initial notification of primary and sec-
   ondary next of kin of the deaths of military dece-
   dents and any subsequent notifications of next of kin
   warranted by circumstances.

   (2) The transportation and disposition of re-
   mains of military decedents, including notification of
   survivors of the performance of autopsies.

   (3) The qualifications, assignment, training, du-
   ties, supervision, and accountability for the perform-
   ance of casualty assistance responsibilities.
(4) The relief or transfer of casualty assistance officers, including notification to survivors and next of kin of the reassignment of such officers to other duties.

(5) Centralized, short-term and long-term case-management procedures for casualty assistance by each military department, including rapid access by survivors of military decedents and casualty assistance officers to expert case managers and counselors.

(6) The provision, at no cost to survivors of military decedents, of personalized, integrated information on the benefits and financial assistance available to such survivors from the Federal Government.

(7) The provision, at no cost to survivors of military decedents, of legal assistance by military attorneys on matters arising from the deaths of such decedents, including tax matters, on an expedited, prioritized basis.

(8) The provision of financial counseling to survivors of military decedents, particularly with respect to appropriate disposition of death gratuity and insurance proceeds received by surviving spouses, minor dependent children, and their representatives.
(9) The provision of information to survivors and next of kin of military decedents on mechanisms for registering complaints about, or requests for, additional assistance related to casualty assistance.

(10) Liaison with the Department of Veterans Affairs and the Social Security Administration in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for survivors of military decedents.

(11) Data collection regarding the incidence and quality of casualty assistance provided to survivors of military decedents, including surveys of such survivors and military and civilian members assigned casualty assistance duties.

(c) Adoption by Military Departments.—Not later than March 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of casualty assistance to survivors and next of kin of military decedents in order to conform such policies and procedures to the policy developed under subsection (a).

(d) Report on Improvement of Casualty Assistance Programs.—Not later than May 1, 2006, the Secretary of Defense shall submit to the Committees on
Armed Services of the Senate and the House of Represent-atives a report that includes—

(1) the assessment of the Secretary of the ade-
quacy and sufficiency of the current casualty assist-
ance programs of the military departments;

(2) a plan for a system for the uniform provi-
sion to survivors of military decedents of personal-
ized, accurate, and integrated information on the
benefits and financial assistance available to such
survivors through the casualty assistance programs
of the military departments under subsection (c);

and

(3) such recommendations for other legislative
or administrative action as the Secretary considers
appropriate to enhance and improve such programs
to achieve their intended purposes.

(c) GAO Report.—

(1) REPORT REQUIRED.—Not later than Au-
gust 1, 2006, the Comptroller General of the United
States shall submit to the congressional defense
committees a report on the evaluation by the Com-
troller General of the casualty assistance programs
of the Department of Defense and of such other de-
partments and agencies of the Federal Government
as provide casualty assistance to survivors and next of kin of military deceedents.

(2) ASSESSMENT.—The report shall include the assessment of the Comptroller General of the adequacy of the current policies and procedures of, and funding for, the casualty assistance programs covered by the report to achieve their intended purposes.

SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION AND AUTHORITIES OF THE NAVAL POST-GRADUATE SCHOOL.

(a) Combat-Related Focus for Naval Post-graduate School.—

(1) In general.—Section 7041 of title 10, United States Code, is amended by striking “for the advanced instruction” and all that follows and inserting “for the provision of advanced instruction, and professional and technical education, to commissioned officers of the naval service to enhance combat effectiveness and the national security.”.

(2) Conforming amendment.—Section 7042(b)(1) of such title is amended by striking “and technical education” and inserting “, and technical and professional education,”.
(b) EXPANDED ELIGIBILITY OF ENLISTED PERSONNEL FOR INSTRUCTION.—Section 7045 of such title is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) The Secretary may permit an eligible member of the armed forces to receive instruction from the Post-graduate School in certificate programs and courses required for the performance of the member’s duties.”; and

(C) in subparagraph (D), as so redesignated, by striking “(A) and (B)” and inserting “(A), (B), and (C)”;

(2) in subsection (b)(2), by striking “(a)(2)(C)” and inserting “(a)(2)(D)”.

SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

(a) IN GENERAL.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:
“§ 2261. Presentation of recognition items for recruitment and retention purposes

“(a) Expenditures for recognition items.—Under regulations prescribed by the Secretary of Defense, appropriated funds may be expended—

“(1) to procure recognition items of nominal or modest value for recruitment or retention purposes; and

“(2) to present such items—

“(A) to members of the armed forces, including members of the reserve components of the armed forces; and

“(B) to members of the families of members of the armed forces, and to other individuals recognized as providing support that substantially facilitates service in the armed forces.

“(b) Provision of meals and refreshments.—For purposes of section 520c of this title and any regulation prescribed to implement that section, functions conducted for the purpose of presenting recognition items described in subsection (a) shall be treated as recruiting functions, and recipients of such items shall be treated as persons who are the objects of recruiting efforts.

“(c) Definition.—The term ‘recognition items of nominal or modest value’ means commemorative coins, medals, trophies, badges, flags, posters, paintings, or other
similar items that are valued at less than $50 per item
and are designed to recognize or commemorate service in
the armed forces.

“(d) Termination of Authority.—The authority
under this section shall expire December 31, 2007.”.

(2) The table of sections at the beginning of sub-
chapter II of chapter 134 of such title is amended by add-
ing at the end the following new item:

“2261. Presentation of recognition items for recruitment and retention pur-
poses.”.

(b) Repeal of Superseded Authorities.—

(1) Army Reserve.—(A) Section 18506 of title
10, United States Code, is repealed.

(B) The table of sections at the beginning of
chapter 1805 of such title is amended by striking
the item relating to section 18506.

(2) National Guard.—(A) Section 717 of title
32, United States Code, is repealed.

(B) The table of sections at the beginning of
chapter 7 of such title is amended by striking the
item relating to section 717.
SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES AND PROCEDURES ON PERSONAL COMMERCIAL SOLICITATIONS ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REQUIREMENT.—Not later than January 1, 2006, the Secretary of Defense shall prescribe regulations, or modify existing regulations, on the policies and procedures relating to personal commercial solicitations, including the sale of life insurance and securities, on Department of Defense installations.

(b) REPEAL OF SUPERSEDED LIMITATIONS.—The following provisions of law are repealed:


SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Section 509(d) of title 32, United States Code, is amended by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraphs:
'“(1) for fiscal year 2006, 65 percent of the
costs of operating the State program during that fis-
cal year;
“(2) for fiscal year 2007, 70 percent of the
costs of operating the State program during that fis-
cal year; and
“(3) for fiscal year 2008 and each subsequent
fiscal year, 75 percent of the costs of operating the
State program during such fiscal year.”.

(b) Effective Date.—The amendment made by
subsection (a) shall take effect on October 1, 2005.

TITLE VI—COMPENSATION AND
OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances

SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMA-
NENT MILITARY PROFESSORS AT THE
UNITED STATES NAVAL ACADEMY WITH OVER
36 YEARS OF SERVICE.

Section 203(b) of title 37, United States Code, is
amended by inserting “, the United States Naval Acad-
emy,” after “the United States Military Academy”.
SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBUTIONS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN.

(a) Authority To Make Contributions for Certain First-Time Enlistedees.—Section 211(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “(i)” after “(A)”;

(B) by redesignating subparagraph (B) as clause (ii) of subparagraph (A);

(C) in clause (ii) of subparagraph (A), as so redesignated, by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following new subparagraph (B):

“(B) in the case of a member first enlisting in the armed forces, the period of the member’s enlistment is not less than two years.”;

(2) in paragraph (2), by striking “paragraph (1)” the first place it appears and inserting “paragraph (1)(A)”;

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

...
“(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the enlistment of the member described in that paragraph for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). The second sentence of paragraph (2) applies to the Secretary’s obligation to make contributions under this paragraph to the same extent as such paragraph applies to the Secretary’s obligation to make contributions under such paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

Section 402a of title 37, United States Code, is amended by striking subsection (i).

SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED PAY UPON APPOINTMENT OF AN ENLISTED MEMBER AS AN OFFICER.

(a) IN GENERAL.—Section 907(d) of title 37, United States Code, is amended to read as follows:

“(d) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following
special and incentive pays may be considered only so long as the officer continues to perform the duty creating the entitlement to or eligibility for such pay and would otherwise be eligible to receive such pay in the officer’s former grade:

“(1) Incentive pay for hazardous duty under section 301 of this title.

“(2) Submarine duty incentive pay under section 301c of this title.

“(3) Diving duty special pay under section 304 of this title.

“(4) Hardship duty special pay under section 305 of this title.

“(5) Career sea pay under section 305a of this title.

“(6) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 305b of this title.

“(7) Assignment incentive pay under section 307a of this title.

“(8) Hostile fire pay or imminent danger pay under section 310 of this title.

“(9) Special pay for extension of overseas tour of duty under section 314 of this title.
“(10) Foreign language proficiency pay under section 316 of this title.

“(11) Critical skill retention bonus under section 323 of this title, if payable in periodic install-
ments.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to acceptances of enlisted members of appointments as officers on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amend-
ed by striking “December 31, 2005” and inserting “De-
cember 31, 2006”.

(b) SPECIAL PAY FOR ENLISTED MEMBERS AS-
signed to Certain High Priority Units.—Section 308d(c) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) READY RESERVE NON-PRIOR SERVICE ENLIST-
MENT BONUS.—Section 308g(h) of such title is amended
by striking “an enlistment after September 30, 1992.”
and inserting “an enlistment—
“(1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or
“(2) after September 30, 2006.”.
(d) **Ready Reserve Enlistment and Reenlistment Bonus.**—Section 308h(g) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.
(e) **Prior Service Enlistment Bonus.**—Section 308i(f) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) **Nurse Officer Candidate Accession Program.**—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.
(b) **Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.**—Section 16302(d) of such title is amended by striking “before January 1, 2006” and inserting “on or before December 31, 2006”.
(c) **Accession Bonus for Registered Nurses.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(d) **Incentive Special Pay for Nurse Anesthetists.**—Section 302e(a)(1) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) **Special Pay for Selected Reserve Health Professionals in Critically Short Wartime Specialties.**—Section 302g(f) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(f) **Accession Bonus for Dental Officers.**—Section 302h(a)(1) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(g) **Accession Bonus for Pharmacy Officers.**—Section 302j(a) of such title is amended by striking “the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2005” and inserting “October 30, 2000, and ending on December 31, 2006”.
SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) Assignment Incentive Pay.—Section 307a(f) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(c) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by strik-
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(d) **Enlistment Bonus for Active Members.**—Section 309(e) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) **Retention Bonus for Members with Critical Military Skills.**—Section 323(i) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(f) **Accession Bonus for New Officers in Critical Skills.**—Section 324(g) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 615. **Payment and Repayment of Assignment Incentive Pay.**

(a) **Flexible Payment.**—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “monthly”; and

(B) by adding at the end the following new sentence: “Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments.”;

(2) in subsection (b)—
(A) by inserting “(1)” before “The Secretary concerned”; 

(B) in paragraph (1), as so designated, by striking “incentive pay” in the first sentence and inserting “the payment of incentive pay on a monthly basis”; and 

(C) by adding at the end the following new paragraph:

“(2) The Secretary concerned shall require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a lump sum or installment basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (e), the amount of the lump sum, or each installment, of the incentive pay.”; and 

(3) by striking subsection (e) and inserting the following new subsection (e): 

“(e) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of incentive pay payable to a member on a monthly basis under this section is $1,500.

“(2) The amount of the lump sum payment of incentive pay payable to a member on a lump sum basis under
this section may not exceed an amount equal to the product of—

“(A) the maximum monthly rate authorized under paragraph (1) at the time of the written agreement of the member under subsection (b)(2); and

“(B) the number of months in the period for which incentive pay will be paid pursuant to the agreement.

“(3) The amount of each installment payment of incentive pay payable to a member on an installment basis under this section shall be the amount equal to—

“(A) the product of (i) a monthly rate specified in the written agreement of the member under subsection (b)(2) (which monthly rate may not exceed the maximum monthly rate authorized under paragraph (1) at the time of the written agreement), and (ii) the number of months in the period for which incentive pay will be paid; divided by

“(B) the number of installments over such period.

“(4) If a member extends an assignment specified in an agreement with the Secretary under subsection (b), incentive pay for the period of the extension may be paid
under this section on a monthly basis, in a lump sum, or
in installments in accordance with this section.”.

(b) Repayment.—Such section is further amend-
ed—

(1) by redesignating subsections (d), (e), and
(f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c), as amend-
ed by subsection (a)(3) of this section, the following
new subsection (d):

“(d) Repayment of Incentive Pay.—(1)(A) A
member who, pursuant to an agreement under subsection
(b)(2), receives a lump sum or installment payment of in-
centive pay under this section and who fails to complete
the total period of service or other conditions specified in
the agreement voluntarily or because of misconduct, shall
refund to the United States an amount equal to the per-
percentage of incentive pay paid which is equal to the unex-
pired portion of the service divided by the total period of
service.

“(B) The Secretary concerned may waive repayment
of an amount of incentive pay under subparagraph (A),
whether in whole or in part, if the Secretary determines
that conditions and circumstances warrant.
“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under paragraph (1).”.

SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLISTMENT BONUS FOR CERTAIN SENIOR SUPERVISORY NUCLEAR QUALIFIED ENLISTED PERSONNEL.

(a) In General.—Section 308 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

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

“(b)(1) An enlisted member of the naval service who—

“(A) has completed at least ten, but not more than fourteen, years of active duty;

“(B) is currently qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;
“(C) is qualified in a military skill designated as critical by the Secretary of Defense; and

“(D) reenlists or voluntarily extends the member’s enlistment for a period of at least three years in the regular component of the naval service, may be paid a bonus as provided in paragraph (2).

“(2) The bonus to be paid a member under paragraph (1) may not exceed the lesser of the following amounts:

“(A) The amount determined with respect to the member in accordance with subsection (a)(2)(A).

“(B) $75,000.

“(3) Subsection (a)(3) applies to the computation under paragraph (2)(A) of any bonus payable under this subsection.

“(4) Subsection (a)(4) applies to the payment of any bonus payable under this subsection.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to reenlistments or voluntary extensions of enlistments that occur on or after that date.
SEC. 617. CONSOLIDATION AND MODIFICATION OF BONUSES FOR AFFILIATION OR ENLISTMENT IN THE SELECTED RESERVE.

(a) CONSOLIDATION AND MODIFICATION OF BONUSES.—Section 308c of title 37, United States Code, is amended to read as follows:

§308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve

“(a) AFFILIATION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

“(1) has completed fewer than 20 years of military service; and

“(2) executes a written agreement to serve in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years in a skill, unit, or pay grade designated under subsection (b) after being discharged or released from active duty under honorable conditions.

“(b) DESIGNATION OF SKILLS, UNITS, AND PAY GRADES.—The Secretary concerned shall designate the skills, units, and pay grades for which an affiliation bonus may be paid under subsection (a). Any skill, unit, or pay grade so designated shall be a skill, unit, or pay grade for which there is a critical need for personnel in the Se-
selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned.

“(c) Accession Bonus Authorized.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an accession bonus to a person who—

“(1) has not previously served in the armed forces; and

“(2) executes a written agreement to serve as an enlisted member in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years upon acceptance of the agreement by the Secretary concerned.

“(d) Limitation on Amount of Bonus.—The amount of a bonus under subsection (a) or (c) may not exceed $10,000.

“(e) Payment Method.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary concerned in a lump sum or in installments.

“(f) Continued Entitlement to Bonus Payments.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, dur-
ing that period of active duty, any amount of the bonus
that becomes payable to the member during that period
of active duty.

“(g) Repayment for Failure to Commence or
Complete Obligated Service.—(1) An individual who,
after being paid all or part of a bonus under an agreement
under subsection (a) or (c), does not commence to serve
in the Selected Reserve or does not satisfactorily partici-
pate in the Selected Reserve for the total period of service
specified in such agreement shall repay to the United
States the amount of such bonus so paid, except as other-
wise prescribed under paragraph (2).

“(2) The Secretary concerned shall prescribe in regu-
lations whether repayment of an amount otherwise re-
quired under paragraph (1) shall be made in whole or in
part, the method for computing the amount of such repay-
ment, and any conditions under which an exception to re-
quired repayment would apply.

“(3) An obligation to repay the United States im-
posed under paragraph (1) is for all purposes a debt owed
to the United States. A discharge in bankruptcy under
title 11 that is entered less than five years after the termi-
nation of an agreement entered into under subsection (a)
or (c) does not discharge the individual signing the agree-
ment from a debt arising under such agreement or under paragraph (1).

“(h) Termination of Bonus Authority.—No bonus may be paid under this section with respect to any agreement entered into under subsection (a) or (c) after December 31, 2006.”.

(b) Repeal of Superseded Affiliation Bonus Authority.—Section 308e of such title is repealed.

(e) Clerical Amendments.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking the item relating to section 308c and inserting the following new item:

“308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.”;

and

(B) by striking the item relating to section 308e.

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to agreements entered into under section 308c of title 37, United States Code (as amended by subsection (a)), on or after that date.
SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY
FOR ENLISTED MEMBERS OF THE SELECTED
RESERVE ASSIGNED TO CERTAIN HIGH PRI-
ORITY UNITS.

(a) Eligibility for Pay.—Subsection (a) of section
308d of title 37, United States Code, is amended by strik-
ing “an enlisted member” and inserting “a member”.

(b) Amount of Pay.—Such subsection is further
amended by striking “$10” and inserting “$50”.

(e) Conforming and Clerical Amendments.—

(1) Conforming Amendment.—The heading
of such section is amended to read as follows:

“§308d. Special pay: members of the Selected Re-
serve assigned to certain high priority
units”.

(2) Clerical Amendment.—The table of sec-
tions at the beginning of chapter 5 of such title is
amended by striking the item relating to section
308d and inserting the following new item:

“308d. Special pay: members of the Selected Reserve assigned to certain high priority units.”.

(d) Effective Date.—The amendments made by
this section shall take effect on October 1, 2005, and shall
apply to inactive-duty training performed on or after that
date.
SEC. 619. RETENTION INCENTIVE BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR SPECIALTY.

(a) Bonus Authorized.—

(1) In general.—Chapter 5 of title 37, United States Code, is amended by inserting after section 308j the following new section:

"§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty

"(a) Retention Bonus Authorized.—An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

"(1) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

"(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member’s enlistment in the Selected Reserve for a period of at least 2 years; or

"(3) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years."
“(b) ELIGIBLE MEMBERS.—Subject to subsection (d), an officer or enlisted member is eligible for a bonus under this section if the member—

“(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

“(2) agrees to train or retrain in a military skill or specialty so designated as critical.

“(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES.—The Secretary of Defense shall designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section.

“(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may not be paid under subsection (a) to a member of the armed forces who—

“(1) has completed more than 25 years of qualifying service under section 12732 of title 10; or

“(2) will complete the member’s twenty-fifth year of qualifying service under section 12732 of title 10 before the end of the period of service for which the bonus is being offered.

“(e) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member’s enlistment, more than once to receive a bonus under this section. However, a
member may not receive a total of more than $100,000 in payments under this section.

“(f) PAYMENT METHODS.—(1) A bonus under subsection (a) may be paid in a single lump sum or in installments.

“(2) In the case of a member who agrees to train or retrain in a military skill or specialty designated as critical under subsection (b)(2), no payment may be made until the member successfully completes the training or retraining and is qualified in such skill or specialty.

“(g) RELATIONSHIP TO OTHER INCENTIVES.—A bonus paid to a member under subsection (a) is in addition to any other pay and allowances to which the member is entitled under any other provision of law.

“(h) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after receiving all or part of the bonus under an agreement, or a reenlistment or voluntary extension of enlistment, referred to in subsection (a), does not commence to serve in the Selected Reserve, or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, or under such reenlistment or voluntary extension of enlistment, as applicable, shall repay to the United States such bonus, except under conditions established by the Secretary concerned.
“(2) The Secretary concerned shall establish, in accordance with the regulations prescribed under subsection (i)—

“(A) whether repayment of a bonus under paragraph (1) is required in whole or in part;

“(B) the method for computing the amount of such repayment; and

“(C) the conditions under which an exception to repayment otherwise required under that paragraph would apply.

“(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under subsection (a), or a reenlistment or voluntary extension of enlistment under subsection (a), does not discharge the individual signing the agreement, reenlisting, or voluntarily extending enlistment, as applicable, from a debt arising under paragraph (1).

“(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

“(j) TERMINATION OF AUTHORITY.—No bonus may be paid under this section with respect to any agreement,
reenlistment, or voluntary extension of enlistment in the armed forces entered into after December 31, 2006.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308j the following new item:

“308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 620. TERMINATION OF LIMITATION ON DURATION OF PAYMENT OF IMMINENT DANGER SPECIAL PAY DURING HOSPITALIZATION.

(a) TERMINATION OF LIMITATION.—Section 310(b) of title 37, United States Code, is amended by striking “not more than three additional months” and inserting “any month, or any portion of a month,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IMMINENT DANGER SPECIAL PAY.

Section 310 of title 37, United States Code, is amended—
(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) DATE OF COMMENCEMENT OF PAYMENT OF IMMINENT DANGER PAY.—Payment of special pay under this section to a member covered by subsection (a)(2)(D) may be made from any date, as determined by the Secretary of Defense, on or after which such member was assigned to duty in a foreign area determined by the Secretary to be covered by such subsection.”.

SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PROFICIENCY PAY TO MEMBERS ON ACTIVE DUTY AS A BONUS.

(a) AUTHORITY TO PAY.—Section 316 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “OR BONUS” after “SPECIAL PAY”; and

(B) by inserting “or a bonus” after “monthly special pay”;

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and
(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The amount of the bonus paid under subsection (a) may not exceed $12,000 for the one-year period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period.”; and

(3) in subsection (f)(1)(C), by inserting “or a bonus” after “special pay”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§327. Incentive bonus: transfer between armed forces

“(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve component of an armed force who executes a written agreement—
“(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

“(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

“(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

“(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

“(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

“(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

“(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.
“(d) Amount and Payment of Bonus.—(1) A bonus under this section may not exceed $2,500.

“(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

“(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

“(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

“(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

“(e) Relationship to Other Pay and Allowances.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

“(f) Repayment of Bonus.—(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the pe-
period which such member failed to serve bears to the total period for which the bonus was paid.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).

“(g) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

“(h) Termination of Authority.—No agreement under this section may be entered into after December 31, 2006.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

“327. Incentive bonus: transfer between armed forces.”.
Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CONNECTION WITH THE REPATRIATION OF SERVICEMEMBERS OR CIVILIAN EMPLOYEES HELD CAPTIVE.

(a) MILITARY CAPTIVES.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

“§ 411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive

“(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than 3 family members of a member described in subsection (b).

“(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—
“(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

“(B) no other family member who is eligible for travel and transportation under paragraph (1) is able to serve as an attendant for the family member.

“(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

“(b) COVERED MEMBERS.—A member described in this subsection is a member of the uniformed services who—

“(1) is serving on active duty;

“(2) was held captive, as determined by the Secretary concerned; and

“(3) is repatriated to a site inside or outside the United States.

“(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term ‘family member’ has the meaning given the term in section 411h(b) of this title.

“(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection
(a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

“(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of this title.

“(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of this title.

“(4) An allowance under this subsection may be paid in advance.

“(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.”.

(2) The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

“411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.”.
(b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive

“(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

“(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

“(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and
“(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

“(3) If no family member of an employee described in subsection (b) is able to travel to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

“(b) COVERED EMPLOYEES.—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

“(1) was held captive, as determined by the head of an agency concerned; and

“(2) is repatriated to a site inside or outside the United States.

“(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term ‘family member’ has the meaning given the term in section 411h(b) of title 37.

“(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the employee is located.
“(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of title 37.

“(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of title 37.

“(4) An allowance under this subsection may be paid in advance.

“(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.”.

(2) The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

“5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.”.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND LIFE INSURANCE BENEFITS FOR DEATHS FROM COMBAT-RELATED CAUSES OR CAUSES INCURRED IN COMBAT OPERATIONS OR AREAS.

(a) Increased Amount of Death Gratuities.
(1) IN GENERAL.—Section 1478 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "except as provided in subsection (c)" after "$12,000";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection (c):

"(c) The death gratuity payable under sections 1475 through 1477 of this title is $100,000 in the case of a death resulting from wounds, injuries, or illnesses that are—

"(1) incurred as described in section 1413a(e)(2) of this title; or

"(2) incurred in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense under section 1967(e)(1)(A) of title 38."

(2) CONFORMING AMENDMENT.—Subsection (a) of such section, as amended by paragraph (1), is further amended by striking "(as adjusted under subsection (c))" and inserting "(as adjusted under subsection (d))".
(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2005, immediately after the termination of the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), and shall apply with respect to deaths occurring on or after that date.

(b) SERVICEMEMBERS’ GROUP LIFE INSURANCE ENHANCEMENTS.—

(1) INCREASED MAXIMUM AMOUNT OF SGLI.—

Section 1967 of title 38, United States Code, is amended—

(A) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

“(i) In the case of a member—

“(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

“(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the
additional amount of insurance provided for the 
member by subsection (e); or

“(III) in the case of a member covered by 
subsection (e) who has made an election under 
paragraph (2)(A) not to be insured under this 
subchapter, the amount of insurance provided 
for the member by subsection (e).”; and

(B) in subsection (d), by striking 
“$250,000” and inserting “$400,000”.

(2) INCREMENTS OF DECREASED AMOUNTS 
electable by members.—Subsection (a)(3)(B) of 
such section is amended by striking “member or 
spouse” in the last sentence and inserting “member, 
be evenly divisible by $50,000 and, in the case of a 
member’s spouse”.

(3) ADDITIONAL AMOUNT FOR MEMBERS SERV-
ing in certain areas or operations.—

(A) INCREASED AMOUNT.—Section 1967 
of such title is further amended—

(i) by redesignating subsection (e) as 
subsection (f); and

(ii) by inserting after subsection (d) 
the following new subsection (e):

“(e)(1) A member covered by this subsection is any 
member as follows:
“(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary of Defense designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

“(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

“(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

“(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

“(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that
is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

“(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member’s pay; or

“(B) if deducted or withheld from the member’s pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.”.

(B) FUNDING.—Section 1969(b) of such title is amended—

(i) by inserting “(1)” after “(b)”; and

(ii) by adding at the end the following new paragraph:

“(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there may, at the election of the Secretary concerned under paragraph (4)(A) of such section, be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers’ Group Life Insurance which is traceable to the cost of providing insur-
ance for the member under section 1967 of this title in
the amount of $150,000.’’.

(4) CONFORMING AMENDMENT.—Section
1967(a)(2)(A) of such title is amended by inserting
before the period at the end the following: ‘‘, except
with respect to insurance provided under paragraph
(3)(A)(i)(III)’’.

(5) COORDINATION WITH VGLI.—Section
1977(a) of such title is amended—

(A) by striking ‘‘$250,000’’ each place it
appears and inserting ‘‘$400,000’’; and

(B) by adding at the end of paragraph (1)
the following new sentence: ‘‘Any additional
amount of insurance provided a member under
section 1967(e) of this title may not be treated
as an amount for which Veterans’ Group Life
Insurance shall be issued under this section.’’.

(6) REQUIREMENTS REGARDING ELECTIONS OF
MEMBERS TO REDUCE OR DECLINE INSURANCE.—
Section 1967(a) of such title is further amended—

(A) in paragraph (2), by adding at the end
the following new subparagraph:

‘‘(C) Pursuant to regulations prescribed by the Sec-
retary of Defense, notice of an election of a member with
a spouse not to be insured under this subchapter, or to
be insured under this subchapter in an amount less than
the maximum amount provided under paragraph
(3)(A)(i)(I), shall be provided to the spouse of the mem-
ber.”; and
(B) in paragraph (3), by adding at the end
the following new subparagraph:
“(D) Whenever a member who is not married elects
not to be insured under this subchapter, or to be insured
under this subchapter in an amount less than the max-
imum amount provided for under subparagraph (A)(i)(I),
the Secretary concerned shall provide a notice of such elec-
tion to any person designated by the member as a bene-
ficiary or designated as the member’s next-of-kin for the
purpose of emergency notification, as determined under
regulations prescribed by the Secretary of Defense.”.

(7) REQUIREMENT REGARDING REDESIGNATION
OF BENEFICIARIES.—Section 1970 of such title is
amended by adding at the end the following new
subsection:
“(j) A member with a spouse may not modify the ben-
eficiary or beneficiaries designated by the member under
subsection (a) without providing written notice of such
modification to the spouse.”.

(8) EFFECTIVE DATE.—This subsection and the
amendments made by this subsection shall take ef-
fect on October 1, 2005, immediately after the termin-
mination of the amendments made to sections 1967,
1969, 1970, and 1977 of title 38, United States
Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror,
and Tsunami Relief, 2005 (Public Law 109–13).

Subtitle E—Other Matters

SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE
ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) PAYMENT AUTHORIZED.—Chapter 101 of title
10, United States Code, is amended by inserting after sec-
tion 2007 the following new section:

“§ 2007a. Payment of expenses of members of the
to obtain professional cre-
dentials

“(a) PAYMENT AUTHORIZED.—Except as provided in
subsection (b), the Secretary of Defense may pay for—
“(1) expenses of members of the armed forces
to obtain professional credentials, including expenses
of professional accreditation, State-imposed and pro-
fessional licenses, and professional certification; and
“(2) examinations to obtain such credentials.
“(b) EXCEPTION.—The authority in subsection (a)
may not be exercised on behalf of any member of the
armed forces for expenses to obtain the basic qualifications for membership in a profession or officer community.

“(c) FUNDS AVAILABLE.—Funds appropriated or otherwise made available to the Secretary of Defense may be used to pay expenses under subsection (a).”.

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

“2007a. Payment of expenses of members of the armed forces to obtain professional credentials.”.

SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMED FORCES.

(a) PILOT PROGRAM REQUIRED.—During fiscal year 2006, the Secretary of the Army shall carry out within the Army a pilot program in order to assess the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces described in subsection (b) would—

(1) assist the Armed Forces in recruiting efforts; and

(2) assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is a member of the
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1 Armed Forces who is serving in the Armed Forces under
2 an initial enlistment for a period of not less than two
3 years.
4
5 (c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—
6
7 (1) IN GENERAL.—The Secretary of the Army
8 may make contributions to the Thrift Savings Fund
9 on behalf of any participant in the pilot program
10 under subsection (a) for any pay period during the
11 period of the pilot program.
12
13 (2) LIMITATIONS.—The amount of any con-
14 tributions made with respect to a member under
15 paragraph (1) shall be subject to the provisions of
16 section 8432(c) of title 5, United States Code.
17
18 (d) REPORT.—
19
20 (1) IN GENERAL.—Not later than February 1,
21 2007, the Secretary of Defense shall submit to the
22 congressional defense committees a report on the
23 pilot program under subsection (a).
24
25 (2) ELEMENTS.—The report shall include the
26 following:
27
28 (A) A description of the pilot program, in-
29 cluding the number of members of the Army
30 who participated in the pilot program and the
31 contributions made by the Army to the Thrift
Savings Fund on behalf of such members during the period of the pilot program.

(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

(i) would enhance the recruiting efforts of the Armed Forces; and

(ii) would assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

TITLE VII—HEALTH CARE
Subtitle A—Benefits Matters

SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ACTIVE DUTY FOLLOWING ISSUANCE OF ORDERS TO ACTIVE DUTY.

Section 1074(a)(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon the
SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT REQUIREMENTS FOR NURSING HOME RESIDENTS UNDER THE PHARMACY BENEFITS PROGRAM.

Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) In the case of a beneficiary who is a resident of a nursing home and who is required, by State law, to use nursing home pharmacy services utilizing pre-packaged pharmaceuticals, any deductible or copayment requirements for such pharmaceuticals under the cost sharing requirements may not exceed such deductible or copayment requirements as are applicable under the cost sharing requirements to a beneficiary who uses a network provider pharmacy under the pharmacy benefits program.”.

SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY SPOUSES OF DECEASED MEMBERS FOR ENROLLMENT AS DEPENDENTS IN A TRICARE DENTAL PLAN.

Section 1076a(k)(2) of title 10, United States Code, is amended—
(1) by striking “under subsection (f), or” and inserting “under subsection (f),”; and
(2) by inserting after “is not enrolled because the dependent is a child under the minimum age for enrollment,” the following: “or is not enrolled because the dependent is a spouse who did not qualify for enrollment on the date of the member’s death because the spouse was also on active duty for a period of more than 30 days on the date of the member’s death,”.

SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE PRIME COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

(a) Period of Eligibility.—Section 1079(g) of title 10, United States Code, is amended—
(1) by inserting “(1)” after “(g)”;
(2) by striking the second sentence; and
(3) by adding at the end the following new paragraph:
“(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member’s dependents who are receiving benefits under a
plan covered by subsection (a) shall continue to be eligible for benefits under TRICARE Prime during the three-year period beginning on the date of the member’s death, except that, in the case of such a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

“(A) Three years.

“(B) The period ending on the date on which such dependent attains 21 years of age.

“(C) In the case of such a dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member’s death, in fact dependent on the member for over one-half of such dependent’s support, the period ending on the earlier of the following dates:

“(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

“(ii) The date on which such dependent attains 23 years of age.
“(3) For the purposes of paragraph (2)(C), a dependent shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the dependent’s completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

“(4) The terms and conditions under which health benefits are provided under this chapter to a dependent of a deceased member under paragraph (2) shall be the same as those that would apply to the dependent under this chapter if the member were living and serving on active duty for a period of more than 30 days.

“(5) In this subsection, the term ‘TRICARE Prime’ means the managed care option of the TRICARE program.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.
Subtitle B—Planning,
Programming, and Management

SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE REGIONAL OFFICES.

(a) COORDINATOR IN EACH REGIONAL OFFICE.—

(1) IN GENERAL.—In each TRICARE Regional Office there shall be a position the responsibilities of which shall be the monitoring, oversight, and improvement of the TRICARE Standard option in the TRICARE region concerned.

(2) DESIGNATION.—The position under paragraph (1) in a TRICARE Regional Office shall be filled by an individual in such Regional Office designated for that purpose.

(b) DUTIES OF POSITION.—

(1) IN GENERAL.—The specific duties of the positions required under subsection (a) shall be as set forth in regulations prescribed by the Secretary of Defense, in consultation with the other administering Secretaries.

(2) ELEMENTS.—The duties shall include—

(A) identifying health care providers who will participate in the TRICARE program and provide the TRICARE Standard option under that program;
(B) communicating with beneficiaries who receive the TRICARE Standard option;

(C) outreach to community health care providers to encourage their participation in the TRICARE program; and

(D) publication of information that identifies health care providers in the TRICARE region concerned who provide the TRICARE Standard option.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plans to implement the requirements of the section.

(d) DEFINITIONS.—In this section:

(1) The terms “administering Secretaries” and “TRICARE program” have the meaning given such terms in section 1072 of title 10, United States Code.

(2) The term “TRICARE Standard” means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.
SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENEFITS THROUGH MILITARY HEALTH CARE SYSTEM.

(a) REPORT REQUIRED.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the delivery of health care benefits through the military health care system.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An analysis of the organization and costs of delivering health care benefits to current and retired members of the Armed Forces and their families.

(2) An analysis of the costs of ensuring medical readiness throughout the Armed Forces in support of national security objectives.

(3) An assessment of the role of health benefits in the recruitment and retention of members of the Armed Forces, whether in the regular components or the reserve components of the Armed Forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military and civilian medical and dental personnel, whether in the regular components or the reserve components.
of the Armed Forces, in light of military and civilian medical manpower requirements.

(5) A description of requirements for graduate medical education for military medical care providers and options for meeting such requirements, including civilian medical training programs.

(e) RECOMMENDATIONS.—In addition to the matters specified in subsection (b), the report under subsection (a) shall also include such recommendations for legislative or administrative action as the Secretary considers necessary to improve efficiency and quality in the provision of health care benefits through the military health care system, including recommendations on—

(1) the organization and delivery of health care benefits;

(2) mechanisms required to measure costs more accurately;

(3) mechanisms required to measure quality of care, and access to care, more accurately;

(4) other improvements in the efficiency of the military health care system; and

(5) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.
SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS FOR HEALTH CARE FOR CHILDREN DEPENDENTS UNDER TRICARE.

(a) Study.—The Comptroller General of the United States shall conduct a study of the effectiveness of the current system of differential payments to children’s hospitals for health care services for severely ill dependent children of members of the uniformed services under the TRICARE program in achieving the objective of securing adequate health care services for such dependent children under that program.

(b) Elements of Study.—The study required by subsection (a) shall include the following:

(1) A description of the current participation of children’s hospitals in the TRICARE program.

(2) An assessment of the current system of differential payments to children’s hospitals for health care services described in that subsection, including an assessment of—

(A) the extent to which the calculation of such differential payments takes into account the complexity and extraordinary resources required for the provision of such health care services;
(B) the extent to which such differential payments provide appropriate compensation to such hospitals for the provision of such services; and

(C) any obstacles or challenges to the development of future modifications to the system of differential payments.

(3) An assessment of the adequacy of the access of dependent children described in that subsection to specialized hospital services for their illnesses under the TRICARE program.

(c) REPORTS.—Not later than May 1, 2006, the Comptroller General shall submit to the Secretary of Defense and the congressional defense committees a report on the study required by subsection (a), together with such recommendations, if any, as the Comptroller General considers appropriate for modifications of the current system of differential payments to children’s hospitals in order to achieve the objective described in that subsection.

(d) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than November 1, 2006, the Secretary of Defense shall transmit to the congressional defense committees the report submitted by the Comptroller General to the Secretary under subsection (c).
(2) IMPLEMENTATION OF MODIFICATIONS.—If the report under paragraph (1) includes recom-
ommendations of the Comptroller General for modi-
fications of the current system of differential pay-
ments to children’s hospitals, the Secretary shall 
transmit with the report—

(A) a proposal for such legislative or ad-
ministration action as may be required to im-
plement such modifications; and

(B) an assessment and estimate of the 
costs associated with the implementation of
such modifications.

(e) DEFINITIONS.—In this section:

(1) DIFFERENTIAL PAYMENTS TO CHILDREN’S 
HOSPITALS.—The term “differential payments to
children’s hospitals” means the additional amounts
paid to children’s hospitals under the TRICARE
program for health care procedures for severely ill
children in order to take into account the additional
costs associated with such procedures for such chil-
dren when compared with the costs associated with
such procedures for adults and other children.

(2) TRICARE PROGRAM.—The term
“TRICARE program” has the meaning given that
term in section 1072(7) of title 10, United States Code.

SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER

GENERAL REVIEWS OF CERTAIN DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS PROJECTS ON SHARING OF HEALTH CARE RESOURCES.

(a) JOINT INCENTIVES PROGRAM.—Section 8111(d) of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).


(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in paragraph (2) of subsection (h), as so redesignated, by striking “based on recommendations” and all that follows and inserting “as determined by the Secretaries based on information available to the Secretaries to warrant such action.”.
SEC. 715. SURVEYS ON TRICARE STANDARD.

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1532; 10 U.S.C. 1073 note) is amended by adding at the end the following new paragraph:

“(4) The surveys required by paragraph (1) shall include questions designed to determine from health care providers participating in such surveys whether such providers are aware of the TRICARE program, what percentage of the current patient population of such providers receive any benefit option under the TRICARE program, and whether such providers accept patients under the medicare program or new patients under the medicare program.”.

SEC. 716. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORT REQUIREMENTS.

Section 723(e) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) Quality measures, including structure, process, and outcomes concerning—

“(A) patient safety;

“(B) timeliness and accessibility of care;

“(C) patient satisfaction; and
“(D) the use of evidence-based practices.

“(2) Population health.

“(3) Biosurveillance.”.

SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO PATIENT CARE REPORTING AND MANAGEMENT SYSTEM.

(a) REPEAL OF REQUIREMENT TO LOCATE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–196) is amended by striking “within the Armed Forces Institute of Pathology”.

(b) RENAMING OF MEDTEAMS PROGRAM.—The caption of subsection (d) of such section is amended by striking “MEDTEAMS” and inserting “MEDICAL TEAM TRAINING”.

Subtitle C—Other Matters

SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCIATED WITH USE OF ANTI-MALARIAL DRUGS.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study of adverse health events that
may be associated with use of anti-malarial drugs, including mefloquine.

(2) Participation of certain researchers.—The Secretary shall ensure the participation in the study of epidemiological and clinical researchers of the Federal Government outside the Department of Defense, and of epidemiological and clinical researchers outside the Federal Government.

(b) Matters Covered.—The study required by subsection (a) shall include the following:

(1) A comparison of adverse health events that may be associated with different anti-malarial drugs, including mefloquine.

(2) An analysis of the extent to which mefloquine may be a risk factor contributing to suicides among members of the Armed Forces.

(c) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a).
SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) Pilot Projects Required.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) Pilot Project Requirements.—

(1) Mobilization–Demobilization Facility.—

(A) In General.—One of the pilot projects under subsection (a) shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) Elements.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diag-
nose and treat Post Traumatic Stress Disorder
in a manner that avoids the referral of patients
to specialty care by a psychiatrist or other men-
tal health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot
projects under subsection (a) shall be carried
out at the location of a National Guard or Re-
serve unit or units that are located more than
40 miles from a military medical facility and
whose personnel are served primarily by civilian
community health resources.

(B) ELEMENTS.—The pilot project under
this paragraph shall be designed—

(i) to evaluate approaches for pro-
viding evidence-based clinical information
on Post Traumatic Stress Disorder to civil-
ian primary care providers; and

(ii) to develop educational materials
and other tools for use by members of the
National Guard or Reserve who come into
contact with other members of the Na-
tional Guard or Reserve who may suffer
from Post Traumatic Stress Disorder in
order to encourage and facilitate early re-
porting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREAT-
MENT.—One of the pilot projects under subsection
(a) shall be designed to evaluate—

(A) Internet-based automated tools avail-
able to military and civilian health care pro-
viders for the early diagnosis and treatment of
Post Traumatic Stress Disorder, and for track-
ing patients who suffer from Post Traumatic
Stress Disorder; and

(B) Internet-based tools available to family
members of members of the Armed Forces in
order to assist such family members in the
identification of the emergence of Post Trau-
matic Stress Disorder.

(c) REPORT.—Not later than June 1, 2006, the Sec-
retary shall submit to the congressional defense commit-
tees a report on the pilot projects to be carried out under
this section. The report shall include a description of each
such pilot project, including the location of the pilot
projects under paragraphs (2) and (3) of subsection (b),
and the scope and objectives of each such pilot project.
SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

(a) Inspector General Reviews and Determinations.—

(1) In general.—For each non-defense agency of the Federal Government that procured property or services in excess of $100,000,000 on behalf of the Department of Defense during fiscal year 2005, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2006, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and
(ii) the administration of those poli-
cies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compli-
ant with defense procurement require-
ments;

(ii) such non-defense agency is not
compliant with defense procurement re-
quirements, but made significant progress
during 2005 toward ensuring compliance
with defense procurement requirements; or

(iii) neither of the conclusions stated
in clauses (i) and (ii) is correct in the case
of such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINA-
TIONS.—If the Inspectors General determine under
paragraph (1) that the conclusion stated in clause
(ii) or (iii) of subparagraph (B) of such paragraph
is correct in the case of a non-defense agency, those
Inspectors General shall, not later than March 15,
2007, jointly—

(A) conduct a second review, as described
in paragraph (1)(A), regarding such non-de-
fense agency’s procurement of property or serv-
ices on behalf of the Department of Defense in fiscal year 2006; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) Compliance with Defense Procurement Requirements.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if such non-defense agency’s procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency’s compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) Memoranda of Understanding Between Inspectors General.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each non-defense agency referred to in subsection (a) shall enter into a memorandum of understanding with each other to carry out the
reviews and make the determinations required by this section.

(2) Scope of Memoranda.—The Inspector General of the Department of Defense and the Inspector General of a non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate government-wide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraphs (1) and (2) of subsection (a), as applicable, with respect to each such separate review.

(d) Limitations on Procurements on Behalf of Department of Defense.—

(1) Limitation during review period.—After March 15, 2006, and before March 16, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency for which a determination described in para-
graph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) LIMITATION AFTER REVIEW PERIOD.—After March 15, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a particular non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a non-defense
agency under paragraph (1) is in effect for the pe-
period, not in excess of one year, that the Under Sec-
retary of Defense for Acquisition, Technology, and
Logistics shall specify in the written determination.
The Under Secretary may extend from time to time,
for up to one year at a time, the period for which
the written determination remains in effect.

(f) Termination of Applicability of Limita-
tions.—Subsection (d) shall cease to apply to a non-de-
defense agency on the date on which the Inspector General
of the Department of Defense and the Inspector General
of that agency jointly—

(1) determine that such non-defense agency is
compliant with defense procurement requirements;
and

(2) notify the Secretary of Defense of that de-
termination.

(g) Identification of Procurements Made
During a Particular Fiscal Year.—For the purposes
of subsection (a), a procurement shall be treated as being
made during a particular fiscal year to the extent that
funds are obligated by the Department of Defense for that
procurement in that fiscal year.

(h) Inapplicability to Certain GSA Con-
tracts.—This section does not apply as follows:

(2) To any purchase through the multiple award schedules established by the Administrator of General Services, as described in section 2302(2)(C) of title 10, United States Code, unless such purchase is made through—

(A) a non-defense agency other than the General Services Administration; or

(B) a business unit of the General Services Administration that is not responsible for administering the multiple award schedules program.

(i) DEFINITIONS.—In this section:

(1) The term “non-defense agency” means a department or agency of the Federal Government outside the Department of Defense, except as excluded under subsection (h).

(2) The term “governmentwide acquisition contract”, with respect to a non-defense agency, means a task or delivery order contract that—
(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.

(a) Establishment.—

(1) Organization; duties.—Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 197. Contract Support Acquisition Centers


“(2) The Secretary of each military department shall establish a Contract Support Acquisition Center for that military department.

“(b) Director.—(1) The Director of a Contract Support Acquisition Center is the head of the Center.

“(2)(A) The Secretary of Defense shall appoint the Director of the Defense Contract Support Acquisition Center.
“(B) The Secretary of a military department shall appoint the Director of the Contract Support Acquisition Center of that department.

“(3) The Director of a Contract Support Acquisition Center shall be selected from among commissioned officers of the armed forces on active duty and senior civilian officers and employees of the Department of Defense who have substantial experience in the acquisition of contract services.

“(c) DUTIES REGARDING ACQUISITIONS.—(1)(A) The Director of the Defense Contract Support Acquisition Center shall act as the executive agent within the Department of Defense for each acquisition of contract services in excess of the simplified acquisition threshold for the Department of Defense, other than an acquisition referred to in subparagraph (B).

“(B) The Director of the Contract Support Acquisition Center of a military department shall act as the executive agent within that military department for each acquisition of contract services in excess of the simplified acquisition threshold for such military department.

“(2) In carrying out paragraph (1), the Director of a Center shall—

“(A) develop and maintain policies, procedures, and best practices guidelines addressing the acquisi-
tion of contract services for the Secretary appointing
the Director, including policies, procedures, and best
practices guidelines for—

“(i) acquisition planning;
“(ii) solicitation and contract award;
“(iii) requirements development and man-
agement;
“(iv) contract tracking and oversight;
“(v) performance evaluation; and
“(vi) risk management;
“(B) assign responsibility for carrying out the
acquisition of contract services to employees of the
Center and other appropriate organizational ele-
ments under the jurisdiction of that Secretary;
“(C) dedicate fulltime commodity managers to
coordinate the acquisition of key categories of serv-
ices;
“(D) ensure that contract services being ac-
quired to meet the Secretary’s requirements for
those services are acquired by means of a contract,
or a task or delivery order, that—
“(i) is in the best interests of the Depart-
ment of Defense or, in the case of the Director
of the Center for a military department, the
best interests of that military department; and
“(ii) is entered into or issued, and is managed, in compliance with applicable laws, regulations, and directives, and other applicable requirements;

“(E) ensure that competitive procedures and performance-based contracting are used to the maximum extent practicable for the acquisition of contract services for that Secretary; and

“(F) monitor data collection under section 2330a of this title and periodically conduct a spending analysis to ensure that funds expended for the acquisition of contract services for the Secretary are being expended in the most rational and economical manner practicable.

“(d) Duties Regarding Acquisition Personnel.—The Directors of the Contract Support Acquisition Centers shall work with appropriate officials of the Department of Defense—

“(1) to identify the critical skills and competencies needed to carry out the acquisition of contract services on behalf of the Department of Defense; and

“(2) to develop a comprehensive strategy for recruiting, training, and deploying employees to meet the requirements for those skills and competencies.
“(e) SCOPE OF AUTHORITY.—The authority of the Director of a Contract Support Acquisition Center under this section applies to acquisitions in excess of the simplified acquisition threshold.

“(f) EXCLUSIVITY OF AUTHORITY.—(1) After September 30, 2009, no officer or employee of the Federal Government outside the Defense Contract Support Acquisition Center may, without the prior written approval of the Director of the Center or the Secretary of Defense, engage in a procurement action for the acquisition of contract services for the Department of Defense that is valued in excess of the simplified acquisition threshold, other than a procurement action covered by paragraph (2).

“(2) After September 30, 2009, no officer or employee of the Federal Government outside the Contract Support Acquisition Center of a military department may, without the prior written approval of the Director of the Center, the Secretary of Defense, or the Secretary of that military department, engage in a procurement action for the acquisition of contract services for that military department that is valued in excess of the simplified acquisition threshold.

“(3) In this subsection, the term ‘procurement action’ includes the following actions:
“(A) Entry into a contract or any other form of agreement.

“(B) Issuance of a task order, delivery order, or military interdepartmental purchase request.

“(g) STAFF AND SUPPORT.—(1) The Secretary appointing the Director of a Contract Support Acquisition Center shall ensure that the Director of the Center is provided a staff and administrative support that are adequate for the Director to perform the duties of the position under this section effectively.

“(2) The Secretary of Defense may transfer to the Defense Contract Support Acquisition Center any personnel within the Department of Defense whose principal duty is the acquisition of contract services for the Department of Defense.

“(3) The Secretary of a military department may transfer to the Contract Support Acquisition Center of that military department any personnel within such military department whose principal duty is the acquisition of contract services for that military department.

“(h) TRANSFERS OF NONDEFENSE ORGANIZATIONS.—(1) Except as provided in paragraph (5), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any of the Contract Support Acquisition Cen-
ters of all or part of any organizational unit of such other
department or agency that is primarily engaged in the ac-
quisition of contract services if, during the most recent
year for which data are available before such transfer,
more than 50 percent of the contract services acquired by
such organizational unit (determined on the basis of cost)
were acquired on behalf of the Department of Defense.

“(2) The head of a department or agency outside the
Department of Defense may transfer in accordance with
this section an organizational unit that is authorized to
be accepted under paragraph (1).

“(3) A transfer under this subsection may be made
and accepted only pursuant to a memorandum of under-
standing that is entered into by the head of the depart-
ment or agency making the transfer and the Secretary of
Defense.

“(4) A transfer of an organizational unit under this
section shall include the transfer of the personnel of such
organizational unit, the assets of such organizational unit,
and the contracts of such organizational unit, to the extent
provided in the memorandum of understanding governing
the transfer of the unit.

“(5) This section does not authorize a transfer of the
multiple award schedule program of the General Services
Administration described in section 2302(2)(C) of this title.

“(i) Simplified Acquisition Threshold.—In this section, the term ‘simplified acquisition threshold’ has the meaning given that term in section 2302(7) of this title.”.

(2) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“197. Contract Support Acquisition Centers.”.

(b) Implementation.—

(1) Phased Implementation of Director’s Authority to Act as Executive Agent.—Notwithstanding subsections (c)(1) and (e) of section 197 of title 10, United States Code (as added by subsection (a)), the authority of the Director of a Contract Support Acquisition Center to act under such section as executive agent for acquisitions of contract services before October 1, 2009, applies only with respect to—

(A) contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) any other acquisitions of contract services that, as designated by the Secretary who appointed the Director, are to be carried out for that Secretary by the Director.
(2) PROCUREMENT MANAGEMENT STRUCTURE.—The Secretary of Defense shall implement section 2330 of title 10, United States Code (relating to a management structure for the procurement of services for the Department of Defense), by designating each Director of the Contract Support Acquisition Center appointed under section 197 of such title (as added by subsection (a)) to act as executive agent for the management of the procurements of services carried out for the Secretary appointing such Director with respect to—

(A) all contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) all contracts in excess of the simplified acquisition threshold (as defined in section 2302(7) of such title) that are entered into after September 30, 2009.

Support Acquisition Center appointed by that Secretary to act as the executive agent of that Secretary to review and approve the use of a contract for the acquisition of contract services that—

(A) is entered into after September 30, 2006, by a department or agency outside the Department of Defense; and

(B) if entered into—

(i) before October 1, 2009, is valued in excess of $10,000,000; or

(ii) after September 30, 2009, is valued in excess of the simplified acquisition threshold (as defined in section 2302(7) of title 10, United States Code).

SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.

(a) Acquisition Agreements.—Section 2341(1) of title 10, United States Code, is amended by striking “of which the United States is a member”.

(b) Cross-Servicing Agreements.—Section 2342(a)(1)(C) of such title is amended by striking “of which the United States is a member”.

(c) Conforming Amendment.—Section 2344(b)(4) of such title is amended by striking “of which the United States is a member”.

SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS.

(a) Requirement for Authorization.—

(1) In General.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2379. Requirement for authorization for procurement of major weapon systems as commercial items

“(a) Requirement for Authorization.—A major weapon system of the Department of Defense may be treated as a commercial item, or purchased under proce-
dures established for the procurement of commercial items, only if specifically authorized by Congress.

“(b) Treatment of Subsystems and Components as Commercial Items.—A subsystem or component of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items if such subsystem or component otherwise meets the requirements for treatment as a commercial item.

“(c) Major Weapon System Defined.—In this section, the term ‘major weapon system’ means a weapon system acquired pursuant to a major defense acquisition program (as that term is defined in section 2430 of this title).”.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 140 of such title is amended by adding at the end the following new item:

“2379. Requirement for authorization for procurement of major weapon systems as commercial items.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered on or after such date.
SEC. 805. REPORT ON SERVICE SURCHARGES FOR PURCHASES MADE FOR MILITARY DEPARTMENTS THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES.

(a) Reports by Military Departments.—For each of fiscal years 2005 and 2006, the Secretary of each military department shall, not later than 60 days after the last day of that fiscal year, submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the service charges imposed on such military department for purchases in amounts greater than the simplified acquisition threshold that were made for that military department during such fiscal year through a contract entered into by an agency of the Department of Defense other than that military department. The report shall specify the amounts of the service charges and identify the services provided in exchange for such charges.

(b) Analysis of Military Department Reports.—Not later than 90 days after receiving a report of the Secretary of a military department for a fiscal year under subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the service charges delineated in such report for the acquisitions covered by the report and the services provided in exchange for such charges and shall compare those charges with the costs of the alternative means for making
such acquisitions. The analysis shall include the Under Secretary’s determinations of whether the imposition and amounts of the service charges were reasonable.

(c) REPORT TO CONGRESS.—Not later than April 1, 2006 (for reports for fiscal year 2005 under subsection (a)), and not later than April 1, 2007 (for reports for fiscal year 2006 under subsection (a)), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the reports submitted by the Secretaries of the military departments under subsection (a), together with the Under Secretary’s determinations under subsection (b) with regard to the matters set forth in those reports.

(d) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term “simplified acquisition threshold” has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.

(a) REVIEW BY DEFENSE ACQUISITION UNIVERSITY.—The Defense Acquisition University, acting under the direction and authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the acquisition structure of the Depart-
ment of Defense, including the acquisition structure of the following:

(1) Each military department.

(2) Each defense agency.

(3) Any other element of the Department of Defense that has an acquisition function.

(b) ELEMENTS.—

(1) IN GENERAL.—In reviewing the acquisition structure of an organization under subsection (a), the Defense Acquisition University shall—

(A) determine the current structure of the organization;

(B) review the evolution of the current structure of the organization, including the reasons for each reorganization of the structure, and identify any acquisition structures or capabilities that have been divested from the organization during the last 15 years;

(C) identify the capabilities needed by the organization to fulfill its function and assess the capacity of the organization, as currently structured, to provide such capabilities; and

(D) identify any gaps, shortfalls, or inadequacies relating to acquisitions in the current structure of the organization.
(2) \textbf{Emphasis in review}.—In conducting the review of acquisition structures under subsection (a), the University shall place special emphasis on consideration of—

(A) structures and processes for joint acquisition, including actions that may be needed to improve such structures and processes; and

(B) actions that may be needed to improve acquisition outcomes.

(c) \textbf{Priority on completion of review of acquisition structure of Department of Air Force}.—In conducting the review of acquisition structures under subsection (a), the Defense Acquisition University shall give a priority to a review of the acquisition structure of the Department of the Air Force.

(d) \textbf{Funding}.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the Defense Acquisition University the funds required to conduct the review under subsection (a).

(e) \textbf{Reports}.—

(1) \textbf{Interim report on structure of Department of Air Force}.—Not later than one year after the date of the enactment of this Act, the Defense Acquisition University shall submit to the congressional defense committees an interim report ad-
dressing the acquisition structure of the Department
of the Air Force.

(2) **Final report on review.**—Not later
than 180 days after the completion of the review re-
quired by subsection (a), the University shall submit
to the Under Secretary of Defense for Acquisition,
Technology, and Logistics a report on the review.
The report shall include a separate annex on the ac-
ququisition structure on each organization covered by
the review, which annex—

(A) shall address the matters specified
under subsection (b) with respect to such organ-
ization; and

(B) may include such recommendations
with respect to such organization as the Univer-
sity considers appropriate.

(3) **Transmittal of final report.**—Not
later than 90 days after the receipt of the report
under paragraph (2), the Under Secretary shall
transmit to the congressional defense committees a
copy of the report, together with the comments of
the Under Secretary on the report.

(f) **Defense Acquisition University Defined.**—

In this section, the term “Defense Acquisition University”
means the Defense Acquisition University established pur-
suant to section 1746 of title 10, United States Code.

Subtitle B—Defense Industrial
Base Matters

SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMER-
ICAN REQUIREMENTS FOR PROCUREMENT
OF PERISHABLE FOOD FOR ESTABLISH-
MENTS OUTSIDE THE UNITED STATES.

Section 2533a(d)(3) of title 10, United States Code,
is amended by inserting “, or for,” after “perishable foods
by”.

SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR
CONTENT REQUIREMENTS FOR CERTAIN
COUNTRIES WITH RECIPROCAL DEFENSE
PROCUREMENT AGREEMENTS WITH THE
UNITED STATES.

(a) AUTHORITY FOR ANNUAL WAIVER.—Subchapter
V of chapter 148 of title 10, United States Code, is
amended by adding at the end the following new section:

“§2539c. Domestic source or content requirements:
one-year waiver for certain countries
with reciprocal defense procurement
agreements with the United States

“(a) WAIVER AUTHORITY.—Subject to subsection
(g), upon making a determination under subsection (b)
that a foreign country described by that subsection has not qualitatively or quantitatively increased exports of defense items, as determined by the Secretary of Defense for purposes of this section, to the People’s Republic of China during the fiscal year in which such determination is made, the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (c) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured in such foreign country during the fiscal year following the fiscal year in which such determination is made.

“(b) Annual Determinations.—Not later than September 30 each fiscal year, the Secretary of Defense may determine whether or not a foreign country with which the United States had in force during such fiscal year a reciprocal defense procurement memorandum of understanding or agreement qualitatively or quantitatively increased exports of defense items to the People’s Republic of China during such fiscal year. Each such determination shall be in writing.

“(c) Covered Requirements.—For purposes of this section:

“(1) A domestic source requirement is any requirement under law that the Department of De-
fense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

“(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

“(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver of the application of any domestic source requirement or domestic content with respect to a foreign country under subsection (a) shall be effective only for the fiscal year following the fiscal year in which is made the determination on which such waiver is based.

“(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Deputy Secretary of Defense or the Under Sec-
“(f) CONSULTATIONS.—The Secretary of Defense may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

“(g) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:


“(3) Section 2533a of this title.

“(4) Sections 7309 and 7310 of this title.

“(h) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

“(i) CLARIFICATION OF RELATIONSHIP WITH BUY AMERICAN ACT.—Nothing in this section shall be construed to alter in any way the applicability of the Buy
American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

“(j) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment of such law.”.

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

“2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States.”.

SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.
SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND
DEVELOPMENT EFFORT FOR PURPOSES OF
SMALL BUSINESS INNOVATION RESEARCH
PROGRAM.

(a) Revision and Update of Criteria and Procedures of Identification.—The Secretary of Defense shall, not less often than once every four years, revise and update the criteria and procedures utilized to identify areas of the research and development effort of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program.

(b) Utilization of Plans.—The criteria and procedures described in subsection (a) shall be developed through the use of the most current versions of the following plans:

(2) The Defense Technology Area Plan of the Department of Defense.
(3) The Basic Research Plan of the Department of Defense.

(c) Input in Identification of Areas of Effort.—The criteria and procedures described in sub-
section (a) shall include input in the identification of areas of research and development effort described in that sub-
section from Department of Defense program managers (PMs) and program executive officers (PEOs).

(d) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—

(1) IN GENERAL.—The Secretary of each military department shall identify research programs that have successfully completed Phase II of the Small Business Innovation Research Program and that have the potential for rapid transitioning to Phase III and into the acquisition process.

(2) LIMITATION.—No research program may be identified under paragraph (1) unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report setting forth the research programs identified under paragraph (1). The report shall include a description of the requirements intended to be met by each program identified in the report.
(c) Small Business Innovation Research Program Defined.—In this section, the term “Small Business Innovation Research Program” has the meaning given that term in section 2500(11) of title 10, United States Code.

Subtitle C—Defense Contractor Matters

Sec. 821. Requirements for Defense Contractors Relating to Certain Former Department of Defense Officials.

(a) Requirements.—

(1) In general.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§2410p. Defense contractors: requirements concerning former Department of Defense officials

“(a) In General.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).”
“(b) REPORT INFORMATION.—A report by a contractor under subsection (a) shall—

“(1) list the name of each person who—

“(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces; and

“(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor—

“(i) not more than two years after such officer, employee, or member left service in the Department of Defense; and

“(ii) not more than two years before the date on which the report is required to be submitted; and

“(2) in the case of each person listed under paragraph (1)—

“(A) identify the agency in which such person was employed or served on active duty during the last two years of such person’s service with the Department of Defense;

“(B) state such person’s job title and identify each major defense system, if any, on which such person performed any work with the De-
department of Defense during the last two years
of such person’s service with the Department;
and

“(C) state such person’s current job title
with the contractor and identify each major de-
fense system on which such person has per-
formed any work on behalf of the contractor.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 141 of such title
is amended by adding at the end the following new
item:

“2410p. Defense contractors: requirements concerning former Department of
Defense officials.”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) shall take effect on the date of the enact-
ment of this Act, and shall apply with respect to contracts
entered into on or after that date.

SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MAT-
TERS.

(a) IN GENERAL.—The Secretary of Defense shall,
in consultation with the Director of the Office of Govern-
ment Ethics and the Administrator for Federal Procure-
ment Policy, conduct a review of the ethics considerations
raised by the following:
(1) The performance by contractor employees of functions closely associated with inherently governmental functions.

(2) The performance by contractor employees of other functions historically performed by Government employees in the Federal workplace.

(b) OPTIONS TO BE ADDRESSED.—The review under subsection (a) shall include the consideration of a broad range of options for addressing the ethics considerations described in that subsection, including—

(1) amending the Federal Acquisition Regulation to address ethics and personal conflict of interest concerns for contractor employees;

(2) implementing the Federal Acquisition Regulation, as so amended, through the incorporation of appropriate provisions in Federal agency contracts and in the solicitations for such contracts;

(3) requiring such contracts and solicitations to state that contractor employees will be bound by certain ethics standards, whether contractor-imposed or Government-imposed;

(4) encouraging Federal agency personnel to consider including provisions in contracts and solicitations that address conflict of interest issues and
require contractor personnel to receive training on
Government ethics rules; and

(5) continuing to identify and mitigate conflicts
and ethics concerns involving contractor personnel
on a case-by-case basis.

(c) Report.—

(1) In general.—Not later than 6 months
after the date of the enactment of this Act, the Sec-
retary shall submit to the congressional defense com-
mittees a report setting forth the findings and rec-
ommendations of the Secretary as a result of the re-
view under subsection (a) and the consideration of
options under subsection (b).

(2) Additional views.—The report under
paragraph (1) shall set forth the views, if any, of the
Director of the Office of Government Ethics and the
Administrator for Federal Procurement Policy on
the matters covered by the report.

(d) Functions Closely Associated With Inher-
ently Governmental Functions Defined.—In this
section, the term “functions closely associated with inher-
etly governmental functions” has the meaning given such
term in section 2383(b)(3) of title 10, United States Code.
SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.

(a) RISK ASSESSMENT TEAM.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish a risk assessment team to assess the vulnerability of Department of Defense contracts to fraud, waste, and abuse.


(3) The risk assessment team shall—

(A) review the contracting systems and internal controls of the Department of Defense and the systems and controls of prime contractors of the Department of Defense to identify areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse; and

(B) prepare a report on the results of its review.

(4) Not later than six months after the date of the enactment of this Act, the chairman of the risk assessment team shall submit the report prepared under paragraph (3)(B) to the Secretary of Defense and the congressional defense committees.
(b) Comptroller General Review.—(1) Not later than 60 days after the date on which the report of the risk assessment team is submitted under subsection (a)(4), the Comptroller General of the United States shall—

(A) review the methodology used by the risk assessment team and the results of the team’s review; and

(B) submit a report on the Comptroller General’s review to the congressional defense committees.

(2) The report under paragraph (1)(B) shall include the Comptroller General’s findings and any recommendations that the Comptroller considers appropriate.

(c) Action Plan.—Not later than three months after receiving the report of the risk assessment team under subsection (a)(4), the Secretary of Defense shall develop and submit to the congressional defense committees a plan of actions for addressing the areas of vulnerability identified in the report. If the Secretary determines that no action is necessary with regard to an area of vulnerability, the report shall include a discussion of the rationale for that determination.
Subtitle D—Defense Acquisition

Workforce Matters

SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORKFORCE TRAINING FUND FOR DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

(a) AVAILABILITY OF DEPARTMENT OF DEFENSE CONTRACT FEES FOR DEFENSE ACQUISITION UNIVERSITY.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended—

(1) in subsection (a), by striking “This section” and inserting “Except as otherwise provided, this section”; and

(2) in subsection (h)(3)—

(A) in subparagraph (B), by striking “(other than the Department of Defense)” in the first sentence;

(B) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively;

(C) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) The Administrator of General Services shall credit to the Defense Acquisition University fees collected in accordance with subparagraph (B) from the Department of De-
defense. Amounts so credited shall be used to develop and expand training for the defense acquisition workforce.”; and

(D) in subparagraph (E), as so redesignated, by striking “the purpose specified in subparagraph (A)” and inserting “the purposes specified in subparagraphs (A) and (D)”.


SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) LIMITATION.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2006, 2007, and 2008, below the level of that workforce as of September 30, 2004, determined on the basis of full-time employee equivalence, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) INCREASE AND REALIGNMENT OF WORKFORCE.—(1)(A) During fiscal years 2006, 2007, and 2008, the Secretary of Defense shall increase the number
of persons employed in the defense acquisition and support workforce as follows:

(i) During fiscal year 2006, to 105 percent of the baseline number (as defined in subparagraph (B)).

(ii) During fiscal year 2007, to 110 percent of the baseline number.

(iii) During fiscal year 2008, to 115 percent of the baseline number.

(B) In this paragraph, the term “baseline number”, with respect to persons employed in the defense acquisition and support workforce, means the number of persons employed in such workforce as of September 30, 2004 (determined on the basis of full-time employee equivalence).

(C) The Secretary of Defense may waive a requirement in subparagraph (A) and, subject to subsection (a), employ in the defense acquisition and support workforce a lesser number of employees if the Secretary determines and certifies to the congressional defense committees that the cost of increasing such workforce to the larger size as required under that subparagraph would exceed the savings to be derived from the additional oversight that would be achieved by having a defense acquisition and support workforce of such larger size.
(2) During fiscal years 2006, 2007, and 2008, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) HIGHER PRIORITY POSITIONS.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include system engineering.

(2) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(3) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(4) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.
(5) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A–76.

(6) Any other positions in the defense acquisition and support workforce that the Secretary of Defense identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) STRATEGIC ASSESSMENT AND PLAN.—(1) The Secretary of Defense shall—

(A) assess the extent to which the Department of Defense can recruit, retain, train, and provide professional development opportunities for acquisition professionals over the 10-fiscal year period beginning with fiscal year 2006; and

(B) develop a human resources strategic plan for the defense acquisition and support workforce that includes objectives and planned actions for improving the management of such workforce.

(2) The Secretary shall submit to Congress, not later than April 1, 2006, a report on the progress made in—

(A) completing the assessment required under paragraph (1); and
(B) completing and implementing the strategic plan required under such paragraph.

(c) **DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.**—In this section, the term “defense acquisition and support workforce” means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

**SEC. 833. TECHNICAL AMENDMENTS RELATING TO DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.**

Section 1732 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “(b)(2)(A) and (b)(2)(B)” each place it appears in paragraphs (1) and (2) and inserting “(b)(1)(A) and (b)(1)(B)”;

(B) by striking paragraph (3); and

(2) in subsection (d)(2), by striking “(b)(2)A)(ii)” and inserting “(b)(1)(A)(ii)”. 
Subtitle E—Other Matters

SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Section 2323(k) of title 10, United States Code, is amended by striking “2006” both places it appears and inserting “2009”.

SEC. 842. CODIFICATION AND MODIFICATION OF LIMITATION ON MODIFICATION OF MILITARY EQUIPMENT WITHIN FIVE YEARS OF RETIREMENT OR DISPOSAL.

(a) Codification and Modification of Limitation.—

(1) In general.—Chapter 141 of title 10, United States Code, as amended by section 821(a)(1) of this Act, is further amended by adding at the end the following new section:

“§ 2410q. Modification of equipment within five years of retirement or disposal

“(a) In General.—Except as provided in subsection (b), a military department may not modify an aircraft, vessel, weapon, or other item of equipment if the military department plans to retire or otherwise dispose of such equipment within 5 years of the date of the completion of such modification.
“(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to any modification as follows:

“(1) A modification for safety purposes.

“(2) Any other modification but only if the aggregate cost of all such modifications for the aircraft, vessel, weapon, or other item of equipment concerned during any fiscal year, including any procurement, installation, or removal costs, is less than $100,000.

“(c) WAIVER.—The Secretary of a military department may waive the prohibition in subsection (a) with respect to a modification referred to in that subsection if such Secretary—

“(1) determines that the waiver is in the national security interests of the United States; and

“(2) notifies the congressional defense committees of such determination in writing.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 821(a)(2) of this Act, is further amended by adding at the end the following new item:

“2410q. Modification of equipment within five years of retirement or disposal.”.

(b) REPEAL OF SUPERSEDED LIMITATION.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C. 2241 note) is repealed.
SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.

(a) Scope of Authority.—Subsection (e) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) by striking “combat capability” each place it appears; and

(2) by striking “fatalities” each place it appears and inserting “casualties”.

(b) Delegation of Authority.—Such subsection is further amended in paragraph (1) by inserting “below the Deputy Secretary of Defense” after “delegation”.

(c) Waiver Authority.—Subsection (d)(1) of such section is further amended—

(1) in subparagraph (B), by striking “or”;

(2) in subparagraph (C), by striking the period and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(D) domestic source or content restrictions that would inhibit or impede the rapid acquisition of the equipment.”.
SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)—

(A) by striking “The Director” and inserting “(1) Subject to paragraph (2), the Director”; and

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

“(2) The authority of this section—

“(A) does not extend to any prototype project that is expected to cost in excess of $100,000,000; and

“(B) may be exercised for a prototype project that is expected to cost in excess of $20,000,000 only upon a written determination by the senior procurement executive for the agency (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) that—

“(i) the requirements of subsection (d) will be met; and

“(ii) the use of a standard contact, grant, or cooperative agreement for such project is not feasible or appropriate.”;
(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

“(h) APPLICABILITY OF PROCUREMENT ETHICS REQUIREMENTS.—An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).”.

SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT
Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.

(a) Redesignation of existing positions and offices.—(1) Each of the following positions within the Department of Defense is redesignated as the Director of Small Business Programs:

(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(2) Each of the following offices within the Department of Defense is redesignated as the Office of Small Business Programs:

(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense.
(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(3) Any reference in any law, regulation, document, paper, or other record of the United States to a position or office redesignated by paragraph (1) or (2) shall be deemed to be a reference to the position or office as so redesignated.

(b) DEPARTMENT OF DEFENSE POSITION AND OFFICE.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133b the following new section:

“§ 133c. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

“(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense is the office that is established within the Office of the Secretary of Defense under section 15(k) of the
Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

“133c. Director of Small Business Programs.”.

(e) DEPARTMENT OF THE ARMY POSITION AND OFFICE.—(1) Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 3024. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

“(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the De-
partment of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) Duties and Powers.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3024. Director of Small Business Programs.”.

(d) Department of the Navy Position and Office.—(1) Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 5028. Director of Small Business Programs

“(a) Director.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

“(b) Office of Small Business Programs.—The Office of Small Business Programs of the Department of
the Navy is the office that is established within the Department of the Navy under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“5028. Director of Small Business Programs.”.

(d) DEPARTMENT OF THE AIR FORCE POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

§ 8024. Director of Small Business Programs

“(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.
“(b) Office of Small Business Programs.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

“(c) Duties and Powers.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

“(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“8024. Director of Small Business Programs.”.

SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPABILITIES TO DEFEND THE HOMELAND AGAINST CRUISE MISSILES AND OTHER LOW-ALTITUDE AIRCRAFT.

(a) Designation of Executive Agent.—The Secretary of Defense shall designate an official within the De-
partment of Defense to act as executive agent to manage
the acquisition of capabilities necessary to defend the
homeland against cruise missiles, unmanned aerial vehi-
cles, and other low altitude aircraft that may be launched
against the United States.

(b) COORDINATION OF ACTIVITIES.—The official des-
ignated as executive agent under subsection (a) shall, in
order to promote commonality and limit duplication of ef-
fort, coordinate in the acquisition of capabilities described
in that subsection with appropriate officials of the fol-
lowing:

(1) The Missile Defense Agency.

(2) The Joint Theater Air and Missile Defense
Organization.

(3) The United States Northern Command.

(4) The United States Strategic Command.

(5) Such other elements of the Department of
Defense, and of other departments and agencies of
the United States Government, as the Secretary con-
siders appropriate for purposes of this section.

(c) PLAN FOR DEFENSE AGAINST ATTACK.—

(1) PLAN REQUIRED.—Not later than 180 days
after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the congressional
defense committees a plan for the defense of the
United States against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(2) FOCUS OF PLAN.—In developing the plan, the Secretary shall focus on the role of Department of Defense components in the defense of the United States against an attack described in paragraph (1), but shall also address the role, if any, of other departments and agencies of the United States Government in that defense.

(3) ELEMENTS.—The plan shall include the following:

(A) An identification of the capabilities required by the Department of Defense in order to fulfill its mission to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft, and an identification of any current shortfalls in such capabilities.

(B) A schedule for implementing the plan.

(C) A statement of the funding required to implement the Department of Defense portion of the plan.

(D) An identification of the roles and missions, if any, of other departments and agencies
of the United States Government in contributing to the defense of the United States against attack described in subparagraph (A).

(4) Scope of plan.—The plan shall be coordinated with Department of Defense plans for defending the United States against attack by short-range to medium-range ballistic missiles.

Subtitle B—Space Activities

SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DEFENSE REQUIREMENTS FOR SPACE CONTROL.

(a) Advisory Committee Required.—

(1) In general.—The Secretary of Defense shall provide for an advisory committee to review and assess Department of Defense requirements for space control.

(2) New or existing advisory committee.—The Secretary may carry out paragraph (1) through the establishment of a new advisory committee, or the utilization of a current advisory committee, meeting the requirements of subsection (b)(1).

(b) Membership and Administration of Advisory Committee.—
(1) Membership.—The advisory committee under subsection (a) shall consist of individuals from among officers and employees of the Federal Government, and private citizens of the United States, with knowledge and expertise in national security space policy.

(2) Administration.—The Secretary shall establish appropriate procedures for the administration of the advisory committee for purposes of this section, including designation of the chairman of the advisory committee from among its members.

(3) Security clearances.—All members of the advisory committee shall hold security clearances appropriate for the work of the advisory committee.

(4) First meeting.—The advisory committee shall convene its first meeting for purposes of this section not later than 30 days after the date on which all members of the advisory committee have been selected for such purposes.

(c) Duties.—The advisory committee shall conduct a review and assessment of the following:

(1) The requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements.
(2) Whether or not the Department of Defense is allocating appropriate resources to fulfill the current space control mission of the Department when compared with the allocation by the Department of resources to other military space missions.

(3) The plans of the Department of Defense to meet its future space control mission.

(d) Information from Federal and State Agencies.—

(1) In general.—The advisory committee may secure directly from the Department of Defense, from any other department or agency of the Federal Government, and any State government any information that the advisory committee considers necessary to carry out its duties under this section.

(2) Liaison.—The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense and at least one general or flag officer of an Armed Force to serve as liaison between the Department, the Armed Forces, and the advisory committee for purposes of this section.

(e) Report.—

(1) In general.—Not later than 6 months after the date of the first meeting of the advisory committee under subsection (b)(4), the advisory
committees shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the review and assessment under subsection (c).

(2) ELEMENTS.—The report shall include—

(A) the findings and conclusions of the advisory committee on the requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements; and

(B) any recommendations that the advisory committee considers appropriate regarding the best means by which the Department may fulfill such requirements.

(f) TERMINATION.—The advisory committee shall terminate for purposes of this section 10 months after the date of the first meeting of the advisory committee under subsection (b)(4).

(g) SPACE CONTROL MISSION.—In this section, the term “space control mission” means the mission of the Department of Defense involving the following:

(1) Space situational awareness.

(2) Defensive counterspace operations.

(3) Offensive counterspace operations.
(h) FUNDING.—Amounts authorized to be appropriated to the Department of Defense shall be available to the Secretary of Defense for purposes of the activities of the advisory committee under this section.

Subtitle C—Other Matters

SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) Authority To Accept.—

(1) In general.—Section 2611 of title 10, United States Code, is amended to read as follows:

“§ 2611. Regional centers for security studies: acceptance of gifts and donations

“(a) Authority To Accept Gifts and Donations.—Subject to subsection (c), the Secretary of Defense may, on behalf of any Department of Defense regional center for security studies, any combination of such centers, or such centers generally, accept from any source specified in subsection (b) any gift or donation for purposes of defraying the costs, or enhancing the operation, of such center, combination of centers, or centers generally, as the case may be.

“(b) Sources.—The sources from which gifts and donations may be accepted under subsection (a) are the following:
“(1) The government of a State or a political subdivision of a State.

“(2) The government of a foreign country.

“(3) A foundation or other charitable organization, including a foundation or charitable organization this is organized or operates under the laws of a foreign country.

“(4) Any source in the private sector of the United States or a foreign country.

“(c) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if acceptance of the gift or donation would compromise or appear to compromise—

“(1) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

“(2) the integrity of any program of the Department, or of any person involved in such a program.

“(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift
or donation would have a result described in subsection (c).

“(e) CREDITING OF FUNDS.—(1) There is established on the books of the Treasury of the United States an account to be known as the ‘Regional Centers for Security Studies Account’.

“(2) Gifts and donations of money accepted under subsection (a) shall be credited to the Account, and shall be available until expended, without further appropriation, to defray the costs, or enhance the operation, of the regional center, combination of centers, or centers generally for which donated under that subsection.

“(f) GIFT OR DONATION DEFINED.—In this section, the term ‘gift or donation’ means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2611 and inserting the following new item:

“2611. Regional centers for security studies: acceptance of gifts and donations.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law...
1 103–337; 108 Stat. 2892) is amended by striking
2 subsection (a).
3
4 (2) Section 1065 of the National Defense Au-
5 thorization Act for Fiscal Year 1997 (10 U.S.C. 113
6 note) is amended—
7 (A) by striking subsection (a); and
8 (B) by redesignating subsections (b) and
9 (c) as subsections (a) and (b), respectively.
10 (e) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on October 1, 2005.

12 SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTEL-
13 LIGENCE AGENCY.
14 (a) PROTECTION OF OPERATIONAL FILES OF DE-
15 FENSE INTELLIGENCE AGENCY.—(1) Title VII of the Na-
16 tional Security Act of 1947 (50 U.S.C. 431 et. seq.) is
17 amended by adding at the end the following new section:
18 “OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE
19 AGENCY
20 “Sec. 705. (a) EXEMPTION OF OPERATIONAL FILES.—The Director of the Defense Intelligence Agency,
21 in coordination with the Director of National Intelligence,
22 may exempt operational files of the Defense Intelligence
23 Agency from the provisions of section 552 of title 5,
24 United States Code, which require publication, disclosure,
25 search, or review in connection therewith.
“(b) Operational Files Defined.—(1) In this section, the term ‘operational files’ means—

“(A) files of the Directorate of Human Intelligence of the Defense Intelligence Agency (and any successor organization of that directorate) that document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; and

“(B) files of the Directorate of Technology of the Defense Intelligence Agency (and any successor organization of that directorate) that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

“(2) Files that are the sole repository of disseminated intelligence are not operational files.

“(c) Search and Review for Information.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning:

“(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the
provisions of section 552 or 552a of title 5, United States Code.

“(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

“(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive Order, or Presidential directive, in the conduct of an intelligence activity:

“(A) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

“(B) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

“(C) The Intelligence Oversight Board.

“(D) The Department of Justice.

“(E) The Office of General Counsel of the Department of Defense or of the Defense Intelligence Agency.


“(G) The Office of the Director of the Defense Intelligence Agency.
“(d) Information Derived or Disseminated From Exempted Operational Files.—(1) Files that are not exempted under subsection (a) and contain information derived or disseminated from exempted operational files shall be subject to search and review.

“(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) shall not affect the exemption under subsection (a) of the originating operational files from search, review, publication, or disclosure.

“(3) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

“(4) Records from exempted operational files that have been disseminated to and referenced in files that are not exempted under subsection (a) and that have been returned to exempted operational files for sole retention shall be subject to search and review.

“(e) Allegation; Improper Withholding of Records; Judicial Review.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, alleges that the Defense Intelligence Agency has withheld records improperly because of failure to comply with any provision
of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(2) Judicial review shall not be available in the manner provided under paragraph (1) as follows:

“(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Defense Intelligence Agency, such information shall be examined ex parte, in camera by the court.

“(B) The court shall determine, to the fullest extent practicable, issues of fact based on sworn written submissions of the parties.

“(C) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

“(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Defense Intelligence Agency shall meet its burden under sec-
tion 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in subsection (b).

“(ii) The court may not order the Defense Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Defense Intelligence Agency’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(E) In proceedings under subparagraphs (C) and (D), the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36.

“(F) If the court finds under this subsection that the Defense Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order the Defense Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such
records, or portions thereof, available in accordance
with the provisions of section 552 of title 5, United
States Code, and such order shall be the exclusive
remedy for failure to comply with this section (other
than subsection (f)).

“(G) If at any time following the filing of a
complaint pursuant to this paragraph the Defense
Intelligence Agency agrees to search the appropriate
exempted operational file or files for the requested
records, the court shall dismiss the claim based upon
such complaint; and

“(H) Any information filed with, or produced
for the court pursuant to subparagraphs (A) and
(D) shall be coordinated with the Director of Na-
tional Intelligence before submission to the court.

“(f) DECENNIAL REVIEW OF EXEMPTED OPER-
ATIONAL FILES.—(1) Not less than once every 10 years,
the Director of the Defense Intelligence Agency and the
Director of National Intelligence shall review the exem-
tions in force under subsection (a) to determine whether
such exemptions may be removed from a category of ex-
empted files or any portion thereof. The Director of Na-
tional Intelligence must approve any determinations to re-
move such exemptions.
“(2) The review required by paragraph (1) shall in-
clude consideration of the historical value or other public
interest in the subject matter of the particular category
of files or portions thereof and the potential for declas-
sifying a significant part of the information contained
therein.

“(3) A complainant that alleges that the Defense In-
telligence Agency has improperly withheld records because
of failure to comply with this subsection may seek judicial
review in the district court of the United States of the
district in which any of the parties reside, or in the Dis-
trict of Columbia. In such a proceeding, the court’s review
shall be limited to determining the following:

“(A) Whether the Defense Intelligence Agency
has conducted the review required by paragraph (1)
before the expiration of the 10-year period beginning
on the date of the enactment of this section or be-
fore the expiration of the 10-year period beginning
on the date of the most recent review.

“(B) Whether the Defense Intelligence Agency,
in fact, considered the criteria set forth in paragraph
(2) in conducting the required review.”.

(2) The table of contents for that Act is amended
by inserting after the item relating to section 704 the fol-
lowing new item:

“Sec. 705. Operational files of the Defense Intelligence Agency.”.
(b) Search and Review of Certain Other Operational Files.—The National Security Act of 1947 is further amended—

(1) in section 702(a)(3)(C) (50 U.S.C. 432(a)(3)(C)), by adding the following new clause:

“(vi) The Office of the Inspector General of the National Geospatial-Intelligence Agency.”;

(2) in section 703(a)(3)(C) (50 U.S.C. 432a(a)(3)(C)), by adding at the end the following new clause:

“(vii) The Office of the Inspector General of the NRO.”; and

(3) in section 704(c)(3) (50 U.S.C. 432b(e)(3)), by adding at the end the following subparagraph:

“(H) The Office of the Inspector General of the National Security Agency.”.

SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF THE GENERAL COUNSEL AND THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

No funds authorized to be appropriated by this Act may be obligated or expended to implement or enforce either of the following:
(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled “Functions and Duties of the General Counsel and the Judge Advocate General”.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Department of the Air Force in reliance upon the order referred to in paragraph (1).

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

**SEC. 1001. TRANSFER AUTHORITY.**

(a) Authority to Transfer Authorizations.—

(1) Authority.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) Aggregate Limitation.—The total amount of authorizations that the Secretary may
transfer under the authority of this section may not exceed $3,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany its report on the bill S. 1042 of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this Act.
(b) Construction With Other Provisions of Act.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) Limitation on Use of Funds.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) Distribution of Classified Annex.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2006.

(a) Fiscal Year 2006 Limitation.—The total amount contributed by the Secretary of Defense in fiscal year 2006 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).
(b) **TOTAL AMOUNT**.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2005, of funds appropriated for fiscal years before fiscal year 2006 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) **AUTHORIZED AMOUNTS**.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $763,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $238,364,000 for the Military Budget.

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

(1) **COMMON-FUNDED BUDGETS OF NATO**.—The term “common-funded budgets of NATO” means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).
(2) Fiscal year 1998 baseline limitation.—
The term “fiscal year 1998 baseline limitation” means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) Reduction.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $1,300,000,000.

(b) Source of Savings.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the annual review of the budget conducted by the Congressional Budget Office.
(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I or chapter 2 of title IV of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).
SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2034) is amended by striking "$3,500,000,000" and inserting "$6,185,000,000".

SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX VOLUNTARILY WITHHELD FROM RETIRED OR RETAINER PAY.

Section 1045(a) of title 10, United States Code, is amended—

(1) by striking “quarter” the first place it appears and inserting “month”; and

(2) by striking “during the month following that calendar quarter” and inserting “during the following calendar month”.

SEC. 1008. REESTABLISHMENT OF LIMITATION ON PAYMENT OF FACILITIES CHARGES ASSESSED BY DEPARTMENT OF STATE.

(a) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—Funds appropriated for the Department of Defense may be transferred to the Department of State as remittance for a fee charged to the Department of Defense by the Department of State for any year for the maintenance, upgrade, or construction of

*S 1042 PCS
United States diplomatic facilities only to the extent that
the amount charged (when added to other amounts pre-
viously so charged for that fiscal year) exceeds the total
amount of the unreimbursed costs incurred by the Depart-
ment of Defense during that fiscal year in providing goods
and services to the Department of State.

(b) Construction of Limitation.—The provisions
of subsection (a) shall be applicable without regard to the
following provisions of law:

(1) The provisions of subsection (e) of section
604 of the Secure Embassy Construction and
Counterterrorism Act of 1999, as added by section

(2) The provisions of section 630 of the Depart-
ments of Commerce, Justice, and State, the Judici-
ary, and Related Agencies Appropriations Act, 2005
2921)).

(e) Effective Date.—This section shall take effect
as of October 1, 2005.
Subtitle B—Naval Vessels and Shipyards

SEC. 1021. TRANSFER OF BATTLESHIP.

(a) Transfer of Battlehip Wisconsin.—The Secretary of the Navy is authorized—

(1) to strike the Battlehip U.S.S. WISCONSIN (BB–64) from the Naval Vessel Register;

and

(2) subject to section 7306b of title 10, United States Code, to transfer the ship by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the U.S.S. WISCONSIN in the Commonwealth of Virginia.

(b) Inapplicability of Certain Authority To Transfer.—Notwithstanding paragraph (2) of subsection (a), the cost of the transfer authorized by subsection (a) may not be shared by the United States pursuant to section 7306b(d) of title 10, United States Code, but shall be borne by the transferee under subsection (a).

(e) Inapplicability of Certain Requirements Related to Transfer Authority.—The transfer authorized by subsection (a) may be made without regard to the following provisions of law:


SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Atlantic Marine Property Holding Company (in this section referred to as the “Company”) all right, title, and interest of the United States in and to Navy Drydock No. AFDM 7 (the SUSTAIN), located in Duval County, Florida. The Company is the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the drydock remain at the facilities of the Company until September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Company shall pay the Secretary an amount equal to the fair market value of the drydock as determined by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condi-
tions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle C—Counterdrug Matters

SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR UNITED STATES BORDER RECONNAISSANCE.

(a) In general.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 383. Use of unmanned aerial vehicles for United States border reconnaissance

“(a) In general.—The Secretary of Defense is authorized to use Department of Defense personnel and equipment to conduct aerial reconnaissance within the area of responsibility of the United States Northern Command with unmanned aerial vehicles in order to conduct, for the purposes specified in subsection (b), the following:

“(1) The detection and monitoring of, and communication on, the movement of air and sea traffic along the United States border.

“(2) The detection and monitoring of, and communication on, the movement of surface traffic that is—

“(A) outside of the geographic boundary of the United States; or
“(B) inside the United States, but within not more than 25 miles of the geographic boundary of the United States, with respect to surface traffic first detected outside the geographic boundary of the United States.

“(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The purposes of activities authorized by subsection (a) are as follows:

“(1) To detect and monitor suspicious air, sea, and surface traffic.

“(2) To communicate information on such traffic to appropriate Federal law enforcement officials, State law enforcement officials, and local law enforcement officials.

“(c) FUNDS.—Amounts available to the Department of Defense for counterdrug activities shall be available for activities authorized by subsection (a).

“(d) LIMITATIONS.—Any limitations and restrictions under this chapter with respect to the use of personnel, equipment, and facilities under this chapter shall apply to the exercise of the authority in subsection (a).

“(e) ANNUAL REPORTS ON USE OF UNMANNED AERIAL VEHICLES.—(1) The Secretary of Defense shall submit to the congressional defense committees each year a report on the operation of unmanned aerial vehicles along
the United States border under this section during the preceding year. Each report shall include, for the year covered by such report, the following:

“(A) A description of the aerial reconnaissance missions carried out along the United States border by unmanned aerial vehicles under this section, including the total number of sorties and flight hours.

“(B) A statement of the costs of such missions.

“(C) A statement of the number of times data collected by the Department of Defense from such missions was communicated to other authorities of the Federal Government or to State or local authorities.

“(2) A report is not required under this subsection for a year if no operations of unmanned aerial vehicles along the United States border occurred under this section during such year.

“(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘suspicious air, sea, and surface traffic’ means any air, sea, or surface traffic that is suspected of illegal activities, including involvement in activities that would constitute a violation of any
provision of law set forth in or described under section 374(b)(4)(A) of this title.

“(2) The term ‘State law enforcement officials’ includes authorized members of the National Guard operating under authority of title 32.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

“383. Use of unmanned aerial vehicles for United States border reconnaissance.”.

SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN COUNTERTERRORISM OPERATIONS.

(a) Authority To Use Funds.—In conjunction with counterdrug activities authorized by law, the Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for drug interdiction and counterdrug activities in fiscal years 2006 and 2007 for the detection, monitoring, and interdiction of terrorists, terrorism-related activities, and other related transnational threats along the borders and within the territorial waters of the United States.

(b) Construction With Other Authority.—The authority provided by subsection (a) is in addition to the authority provided in section 124 of title 10, United States Code.
SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES THROUGH BASES OF OPERATION AND TRAINING FACILITIES IN AFGHANISTAN.

In providing support for counterdrug activities under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary of Defense may, in accordance with a request under subsection (a) of such section, provide through or utilizing bases of operation or training facilities in Afghanistan—

(1) any type of support specified in subsection (b) of such section for counter-drug activities; and

(2) any type of support for counter-drug related Afghan criminal justice activities.

Subtitle D—Reports and Studies

SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) Submittal of Joint Warfighting Science and Technology Plan.—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is amended by striking “(a) ANNUAL PLAN REQUIRED.—On March 1 of each year,” and inserting “Not later than March 1 of each year through 2006, and March 1 every two years thereafter,”.

(b) Conforming Amendment.—The heading of such section is amended by striking “ANNUAL”.

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SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE ACT INSURANCE.

(a) In General.—The Secretary of Defense shall, in coordination with the Director of the Office of Management and Budget and appropriate officials of the Department of Labor, the Department of State and the United States Agency for International Development, review current and future needs, options, and risks associated with Defense Base Act insurance.

(b) Matters To Be Addressed.—The review under subsection (a) shall address the following matters:

(1) Cost-effective options for acquiring Defense Base Act insurance.

(2) Methods for coordinating data collection efforts among agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved communication and coordination within and among agencies on the implementation of Defense Base Act insurance.

(4) Actions to be taken to address difficulties in the administration of Defense Base Act insurance, including on matters relating to cost, data, enforcement, and claims processing.

(c) Report Required.—Not later than one year after the date of the enactment of this Act, the Secretary
shall submit to the congressional defense committees a report on the results of the review under subsection (a). The report shall set forth the findings of the Secretary as a result of the review and such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of the review.

(d) Defense Base Act Insurance Defined.—In this section, the term “Defense Base Act insurance” means workers’ compensation insurance provided to contractor employees pursuant to the Defense Base Act (42 U.S.C. 1651 et seq.).

SEC. 1043. COMPTROLLER GENERAL REPORT ON CORROSION PREVENTION AND MITIGATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—Not later than April 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the effectiveness of the corrosion prevention and mitigation programs of the Department of Defense.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) An assessment of the document of the Department of Defense entitled “Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on
the Military Equipment and Infrastructure of the

(2) An assessment of the adequacy for purposes
of the strategy set forth in that document of the
funding requested in the budget of the President for
fiscal year 2006, as submitted to Congress pursuant
to section 1105(a) of title 31, United States Code,
and the associated Future-Years Defense Program
under section 221 of title 10, United States Code.

(3) An assessment of the adequacy and effec-
tiveness of the organizational structure of the De-
partment of Defense in implementing that strategy.

(4) An assessment of the progress made as of
the date of the report in establishing throughout the
Department common metrics, definitions, and proce-
dures on corrosion prevention and mitigation.

(5) An assessment of the progress made as of
the date of the report in establishing a baseline esti-
mate of the scope of the corrosion problems of the
Department.

(6) An assessment of the extent to which the
strategy of the Department on corrosion prevention
and mitigation has been revised to incorporate the
recommendations of the October 2004 Defense
Science Board report on corrosion control.
(7) An assessment of the implementation of the corrosion prevention and mitigation programs of the Department during fiscal year 2006.

(8) Recommendations by the Comptroller General for addressing any shortfalls or areas of potential improvement identified in the review for purposes of the report.

Subtitle E—Technical Amendments

SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CERTAIN PROVISIONS OF ENVIRONMENTAL DEFENSE LAWS.

(a) Definition of “Military Munitions”.—Section 101(e)(4)(B)(ii) of title 10, United States Code, is amended by striking “explosives, and” and inserting “explosives and”.

(b) Defense Environmental Restoration Program.—Section 2703(b) of such title is amended by striking “‘unexploded ordnance’, ‘discarded military munitions’, and” and inserting “‘discarded military munitions’ and”.

Subtitle F—Military Mail Matters

SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL SYSTEM.

(a) Plan Required.—
(1) IN GENERAL.—The Secretary of Defense shall promptly develop and implement a plan to ensure that the mail within the military mail system is safe for delivery.

(2) SCREENING.—The plan under this subsection shall provide for the screening of all mail within the military mail system in order to detect the presence in such mail of biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail is delivered to its intended recipients.

(b) FUNDING FOR PLAN.—The budget justification materials that are submitted to Congress with the budget of the President for any fiscal year after fiscal year 2006, as submitted under section 1105(a) of title 31, United States Code, shall include a description of the amounts required in such fiscal year to carry out the plan under subsection (a).

(c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the safety of mail within the military mail system for delivery.
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(2) ELEMENTS.—The report shall include the following:

(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within such system is safe for delivery.

(B) The plan developed under subsection (a).

(C) An estimate of the time and resources required to implement the plan.

(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to that system in order to ensure the safety of such mail for delivery.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) MAIL WITHIN THE MILITARY MAIL SYSTEM DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term “mail within the military mail system”—
(A) means—

(i) any mail that is posted through
the Military Post Offices (including Army
Post Offices (APOs) and Fleet Post Of-
fices (FPOs)), Department of Defense mail
centers, military Air Mail Terminals, and
military Fleet Mail Centers; and

(ii) any mail or package posted in the
United States that is addressed to an un-
specified member of the Armed Forces;
and

(B) includes any official mail posted by the
Department of Defense.

(2) Exception.—The term does not include
any mail posted as otherwise described in paragraph
(1) that has been screened for safety for delivery by
the United States Postal Service before its posting
as so described.

SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERV-
ICE MEMBER.

(a) Program of Delivery of Mail.—The Sec-
retary of Defense shall carry out a program under which
mail and packages addressed to Any Service Member that
are posted in the United States shall be delivered to de-
ployed members of the Armed Forces overseas at or
through such Army Post Offices (APOs) and Fleet Post
Offices (FPOs) as the Secretary shall designate for pur-
poses of the program.

(b) SCREENING OF MAIL.—In carrying out the pro-
gram required by subsection (a), the Secretary shall take
appropriate actions to ensure that the mail and packages
covered by the program are screened in order to detect
the presence in such mail and packages of biological,
chemical, or radiological weapons, agents, or pathogens,
or explosive devices, before such mail and packages are
delivered to members of the Armed Forces.

(c) DISTRIBUTION.—The Secretary shall ensure that
mail and packages delivered under the program required
by subsection (a) are widely distributed on an equitable
basis among all the Armed Forces in their overseas areas.

(d) OUTREACH.—

(1) IN GENERAL.—The Secretary shall, in col-
laboration with the Postmaster General, take appro-
priate actions to provide information to the public on
the program required by subsection (a).

(2) OUTLETS.—Information shall be provided
to the public under this subsection through Depart-
ment of Defense facilities and communications out-
lets, Postal Service facilities, and such other means
as the Secretary and the Postmaster General consider appropriate.

(c) ANY SERVICE MEMBER DEFINED.—In this section, the term “Any Service Member” means an undesignated or unspecified member of the Armed Forces (often addressed on mail or packages as “Any American Service Member or Soldier”), rather than any particular or specified member of the Armed Forces.

Subtitle G—Other Matters

SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND BEHAVIORAL SCIENCE PERSONNEL IN INTERROGATION OF DETAINES.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish the policy of the Department of Defense on the role of military medical and behavioral science personnel in the interrogation of persons detained by the Armed Forces. The policy shall apply uniformly throughout the Armed Forces.

(b) REPORT.—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report on the policy established under subsection (a). The report shall set forth the policy, and shall include such additional matters on the policy as the Secretary considers appropriate.
SEC. 1072. CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS UNDER INTERNAL SECURITY ACT OF 1950.

Section 21(a) of the Internal Security Act of 1950 (Public Law 81–831; 64 Stat. 1005) is amended by inserting “or military or civilian director” after “military commander”.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking “September 30, 2005” and inserting “September 30, 2010”.

SEC. 1102. COMPENSATORY TIME OFF FOR NON-APPROPRIATED FUND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary of Defense may, on request of a Department of Defense employee paid from non-appropriated funds, grant such employee compensatory time off from duty instead of overtime pay for overtime work.”.
SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE

PAYMENTS IN LUMP SUMS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking “October 1, 2006” and inserting “October 1, 2010”.

SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking “October 1, 2006” and inserting “October 1, 2010”; and

(2) in clause (ii)—

(A) by striking “February 1, 2007” and inserting “February 1, 2011”; and

(B) by striking “October 1, 2006” and inserting “October 1, 2010”.

SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.


(1) in subsection (a)—

(A) by striking “(1)”; and
(B) by striking paragraph (2); and

(2) by striking “pilot” each place it appears.

(b) ASSISTANCE UNDER PROGRAM.—Such section is

further amended—

(1) in subsection (b)—

(A) by striking “(b)” and all that follows

through “a scholarship” and inserting “(b) As-

sistance.—(1) Under the program under this

section, the Secretary of Defense may award a

scholarship or fellowship”;

(B) in paragraph (1)(B), by inserting “ac-

credited” before “institution of higher edu-

cation”;

(C) in paragraph (2)—

(i) by inserting “or fellowship” after

“scholarship”;

(ii) by inserting “equipment ex-

penses,” after “laboratory expenses,”; and

(iii) by striking the second sentence;

and

(D) by adding at the end the following new

paragraph:

“(3) Any assistance payable to a person under this

subsection may be paid directly to the person awarded
such assistance or to an administering entity that shall

disburse such assistance to the person.”; and

(2) in subsection (e)(2)—

(A) by striking “a scholarship” and inserting “financial assistance”;

(B) by striking “the financial assistance

provided under the scholarship” and inserting

“such financial assistance”; and

(C) by striking “the scholarship.” and in-
serting “such financial assistance.”.

(e) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

Such section is further amended—

(1) by redesignating subsections (d), (e), (f),
(g), and (h) as subsections (e), (f), (g), (h), and (i),
respectively; and

(2) by inserting after subsection (e) the fol-
lowing new subsection (d):

“(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

(1) The Secretary of Defense may—

“(A) appoint or retain a person participating in

the program under this section in a position on an

interim basis during the period of such person’s pur-
suit of a degree under the program and for a period

not to exceed 2 years after completion of the degree,

but only if, during such periods—
“(i) there is no readily available appropriate permanent position for such person; and

“(ii) there is an active and ongoing effort to identify and assign such person to an appropriate permanent position as soon as practicable; and

“(B) if there is no appropriate permanent position available after the end of the periods described in subparagraph (A), separate such person from employment with the Department without regard to any other provision of law, in which event the service agreement of such person under subsection (c) shall terminate.

“(2) The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (c).”.

(d) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c)(1) of this section, is amended to read as follows:

“(1)(A) A participant in the program under this section who is not an employee of the Department of Defense
and who voluntarily fails to complete the educational pro-
gram for which financial assistance has been provided
under this section, or fails to maintain satisfactory aca-
demic progress as determined in accordance with regu-
lations prescribed by the Secretary of Defense, shall refund
to the United States an appropriate amount, as deter-
mined by the Secretary.

“(B) A participant in the program under this section
who is an employee of the Department of Defense and
who—

“(i) voluntarily fails to complete the educational
program for which financial assistance has been pro-
vided, or fails to maintain satisfactory academic
progress as determined in accordance with regula-
tions prescribed by the Secretary; or

“(ii) before completion of the period of obli-
gated service required of such participant—

“(I) voluntarily terminates such partici-
pant’s employment with the Department; or

“(II) is removed from such participant’s
employment with the Department on the basis
of misconduct,

shall refund the United States an appropriate amount, as
determined by the Secretary.”.

(e) CONFORMING AMENDMENTS.—
(1) Subsection (f) of such section, as redesignated by subsection (c)(1) of this section, is further amended by striking “PILOT”.

(2) The heading of such section is amended to read as follows:

“SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.”.

(3) Section 3304(a)(3)(B)(ii) of title 5, United States Code, is—

(A) by striking “Scholarship Pilot Program” and inserting “Defense Education Program”; and

(B) by inserting “(10 U.S.C. 2912 note)” after “for Fiscal Year 2005”.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) Authority for Fiscal Years 2006 and 2007.—During fiscal year 2006 and fiscal year 2007, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $500,000,000 may be used in each such fiscal year to provide funds—
(1) for the Commanders’ Emergency Response Program; and

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

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(e) COMMANDERS’ EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term “Commanders’ Emergency Response Program” means the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people.
SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY TO PROVIDE HUMANITARIAN AND CIVIC ASSISTANCE.

(a) INCREASE IN AUTHORIZED EXPENSES ASSOCIATED WITH DETECTION AND CLEARANCE OF LANDMINES.—Subsection (c)(3) of section 401 of title 10, United States Code, is amended by striking "$5,000,000" and inserting "$10,000,000".

(b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS AND INFORMATION INFRASTRUCTURE UNDER AUTHORITY.—Such section is further amended—

(1) in subsection (c)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) Expenses covered by paragraph (1) also include expenses incurred in providing communications or information systems equipment or supplies that are transferred or otherwise furnished to a foreign country in furtherance of the provision of other assistance under this section.”;

and

(2) in subsection (e), by adding at the end the following new paragraph:

“(6) Restoring or improving the information and communications infrastructure of a country, in-
including activities relating to the furnishing of edu-
cation, training, and technical assistance with re-
spect to information and communications tech-
nology.”.

(c) EXPANSION OF AUTHORITY TO PROVIDE MED-
ICAL, DENTAL, AND VETERINARY CARE.—Subsection
(e)(1) of such section is amended by inserting before the
period the following: “, including education, training, and
technical assistance related to the care provided”.

(d) EFFECTIVE DATE.—The amendments made by
this section shall take effect on October 1, 2005.

SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON
PAYMENT OF PERSONNEL EXPENSES UNDER
BILATERAL OR REGIONAL COOPERATION
PROGRAMS.

Section 1051(b)(1) of title 10, United States Code,
is amended by striking “within the area” and all that fol-
lows through “developing country is located” and inserting
“to and within the area of responsibility of a unified com-
batant command (as such term is defined in section 161(c)
of this title)”.

SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION
LIAISON OFFICERS.

(a) AUTHORITY TO PAY CERTAIN TRAVEL EXP-
ENSES OF MILITARY OFFICERS ON COALITION MIS-
SIONS.—Subsection (b) of section 1051a of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Secretary may pay the travel expenses of a military officer of a developing country involved in coalition operations while temporarily assigned to the headquarters of a combatant command, component command, or subordinate operational command for the mission-related roundtrip travel of such officer, upon the direction of the commander of such command, from such headquarters to one or more locations specified by the commander of such command if such travel is determined to be in support of United States national interests.”.

(b) EXTENSION OF AUTHORITY TO PAY TRAVEL EXPENSES.—Subsection (e) of such section is amended by striking “September 30, 2005” and inserting “September 30, 2009”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October, 1, 2005.
TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) Fiscal Year 2006 Cooperative Threat Reduction Funds Defined.—As used in this title, the term "fiscal year 2006 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $415,549,000 authorized to be appropriated to the De-
partment of Defense for fiscal year 2006 in section
301(19) for Cooperative Threat Reduction programs, the
following amounts may be obligated for the purposes spec-
ified:

(1) For strategic offensive arms elimination in
Russia, $78,900,000.

(2) For nuclear weapons storage security in
Russia, $74,100,000.

(3) For nuclear weapons transportation security
in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet
Union, $40,600,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(6) For chemical weapons destruction in Rus-
sia, $108,500,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assess-
ments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF
FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Co-
operative Threat Reduction funds may be obligated or ex-
pended for a purpose other than a purpose listed in para-
graphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and
(B) 15 days have elapsed following the date of
the notification.

(3) The Secretary may not, under the authority pro-
vided in paragraph (1), obligate amounts for a purpose
stated in any of paragraphs (6) through (8) of subsection
(a) in excess of 125 percent of the specific amount author-
ized for such purpose.

SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE
OF FUNDS FOR THREAT REDUCTION IN
STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense
Authorization Act for Fiscal Year 2003 (Public Law 107–
314; 22 U.S.C. 5952 note) is amended—

(1) by striking subsections (e) and (d); and

(2) by redesignating subsection (e) as sub-
section (c).

SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPER-
ATIVE THREAT REDUCTION FUNDS OUTSIDE
THE FORMER SOVIET UNION.

(a) IN GENERAL.—Subsection (a) of section 1308 of
the National Defense Authorization Act for Fiscal Year
5963) is amended—

(1) by striking “the President may” and insert-
ing “the Secretary of Defense may”; and
(2) by striking “if the President” and inserting “if the Secretary of Defense, with the concurrence of the Secretary of State,”.

(b) Availability of Funds.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking “The President” and inserting “The Secretary of Defense”; and

(B) by striking “the President” and inserting “the Secretary of Defense, with the concurrence of the Secretary of State,”; and

(2) in paragraph (2)—

(A) by striking “10 days after” and inserting “15 days before”; and

(B) by striking “the President shall notify Congress” and inserting “the Secretary of Defense shall notify the congressional defense committees”.

SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMPTROLLER GENERAL ASSESSMENT OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted
into law by Public Law 106–398; 114 Stat. 1654A–341) is amended by striking subsection (e).

TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

SEC. 1401. PURPOSE.

The purpose of this title is to authorize supplemental appropriations for the Department of Defense for fiscal year 2006 for operations in Iraq, Afghanistan, and the global war on terrorism that are in addition to the amounts otherwise authorized to be appropriated for the Department of Defense by this Act.

SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.

Amounts appropriated pursuant to the authorizations of appropriations in this title are designated as an emergency requirement pursuant to section 402(b) of the conference report to accompany H. Con. Res. 95 (109th Congress).

SEC. 1403. ARMY PROCUREMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $70,300,000.
(2) For weapons and tracked combat vehicles, $27,800,000.

(3) For other procurement $271,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amounts authorized to be appropriated by subsection (a)(3), $120,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for
procurement for a purpose specified in para-
graph (1) based on a statement of urgent needs
from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days
after an allocation of funds is made under sub-
paragraph (A), the Secretary shall submit to
the congressional defense committees a report
describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appro-
priated for fiscal year 2006 for the procurement accounts
of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and tor-
pedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to
be appropriated for fiscal year 2006 for the procurement
account for the Marine Corps in the amount of
$89,200,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds
are hereby authorized to appropriated for fiscal year 2006
for the procurement account for ammunition for the Navy
and the Marine Corps in the amount of $104,500,000.
SEC. 1405. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $104,700,000.

(2) For other procurement, $51,900,000.

SEC. 1406. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,139,775,000, of which $200,000,000 may be made available for linguistic support operations in Iraq and Afghanistan.

(2) For the Navy, $1,944,300,000.

(3) For the Marine Corps, $1,808,231,000.

(4) For the Air Force, $2,635,555,000.

(5) For Defense-wide activities, $3,470,118,000.

SEC. 1407. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, the Defense Health Program, in the amount of $977,778,000, for operation and maintenance.
SEC. 1408. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 in amounts as follows:

(1) For military personnel of the Army, $9,517,643,000.

(2) For military personnel of the Navy, $350,000,000.

(3) For military personnel of the Marine Corps, $811,771,000.

(4) For military personnel of the Air Force, $916,559,000.

SEC. 1409. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund in the amount of $4,325,670,000.

(b) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNT.—Of the amount authorized to be appropriated by subsection (a), not less than $500,000,000 shall be available only for support of activities of the Joint Improvised Explosive Device Task Force.

(c) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:
(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until 5 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the au-
authority in paragraph (1) shall be deemed to increase
the amount authorized for such account by an
amount equal to the amount transferred.

SEC. 1410. TRANSFER AUTHORITY.

(a) Authority To Transfer Authorizations.—

(1) Transfer Authorized.—Upon determina-
tion by the Secretary of Defense that such action is
necessary in the national interest, the Secretary may
transfer amounts of authorizations made available to
the Department of Defense in this title for fiscal
year 2006 between any such authorizations for that
fiscal year (or any subdivisions thereof). Amounts of
authorizations so transferred shall be merged with
and be available for the same purposes as the au-
thorization to which transferred.

(2) Limitation on Aggregate Amount.—The
total amount of authorizations that the Secretary
may transfer under the authority of this section may
not exceed $2,500,000,000.

(3) Construction with Other Transfer
Authority.—The transfer authority provided in
this section is in addition to any other transfer au-
thority available to the Secretary of Defense.

(b) Other Limitations.—The authority provided
by this section to transfer authorizations—
(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(e) NOTICE AND WAIT.—A transfer may be made under the authority of this section only after the Secretary—

(1) consults with the Chairmen and Ranking Members of each of the congressional defense committees with respect to such transfer; and

(2) on a date after consultation under paragraph (1), but not later than five days before the date of such transfer, submits to the congressional defense committees written notice of such transfer.

(d) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.
**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2006”.

**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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$4,700,000</td>
</tr>
<tr>
<td></td>
<td>Fort Wainwright</td>
<td>$39,160,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Yuma Proving Ground</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Concord</td>
<td>$11,850,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$70,622,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$28,211,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gillem</td>
<td>$8,450,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$57,980,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Polakulao Training Area</td>
<td>$60,300,000</td>
</tr>
<tr>
<td></td>
<td>Schofield Barracks</td>
<td>$53,900,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$33,900,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$112,875,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$28,887,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>$4,450,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$73,350,000</td>
</tr>
<tr>
<td></td>
<td>United States Military Academy, West Point</td>
<td>$4,000,000</td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$289,850,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$5,850,000</td>
</tr>
<tr>
<td></td>
<td>McAlester Army Ammunition Plant</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Letterkenny Depot</td>
<td>$6,300,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$46,438,000</td>
</tr>
<tr>
<td></td>
<td>Fort Sam Houston</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Dugway Proving Ground</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>A.P. Hill</td>
<td>$2,700,000</td>
</tr>
<tr>
<td></td>
<td>Fort Belvoir</td>
<td>$18,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Eustis</td>
<td>$3,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Myer</td>
<td>$15,200,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Lewis</td>
<td>$99,949,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$1,195,122,000</td>
</tr>
</tbody>
</table>

(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 acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Grafenwoehr</td>
<td>$84,081,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Pisa</td>
<td>$5,254,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$99,162,000</td>
</tr>
<tr>
<td></td>
<td>Youngpyong</td>
<td>$1,450,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$189,947,000</td>
</tr>
</tbody>
</table>

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the
installations or locations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>State Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>117 Units</td>
<td>$49,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Wainwright</td>
<td>180 Units</td>
<td>$91,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>131 Units</td>
<td>$31,000,000</td>
</tr>
<tr>
<td></td>
<td>Yuma Proving Grounds</td>
<td>35 Units</td>
<td>$11,200,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>129 Units</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>96 Units</td>
<td>$19,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Monroe</td>
<td>21 Units</td>
<td>$6,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$231,700,000</strong></td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,536,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $300,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years
beginning after September 30, 2005, for military con-
struction, land acquisition, and military family housing
functions of the Department of the Army in the total
amount of $2,966,642,000 as follows:

(1) For military construction projects inside the
United States authorized by section 2101(a), $1,007,222,000.

(2) For military construction projects outside
the United States authorized by section 2101(b), $189,947,000.

(3) For unspecified minor military construction
projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services
and construction design under section 2807 of title
10, United States Code, $163,215,000.

(5) For military family housing functions:

(A) For construction and acquisition, plan-
ing and design, and improvement of military
family housing and facilities, $549,636,000.

(B) For support of military family housing
(including the functions described in section
2833 of title 10, United States Code), $812,993,000.


(8) For the construction of phase 2 of trainee barracks basic training complex 1 at Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $21,000,000.


(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $16,500,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, 10300 block, Fort Drum, New York).

(3) $31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 2nd Brigade, Fort Bragg, North Carolina).

(4) $77,400,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for DIVARTY, Fort Bragg, North Carolina).

(5) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 3rd Brigade, Fort Bragg, North Carolina).
(6) $13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road, Fort Belvoir, Virginia).

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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$3,637,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Station, Camp Pendleton</td>
<td>$1,400,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$90,437,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>$88,480,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, China Lake</td>
<td>$19,158,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Naval Submarine Base, New London</td>
<td>$4,610,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Jacksonville</td>
<td>$88,603,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>$8,710,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport</td>
<td>$10,750,000</td>
</tr>
<tr>
<td></td>
<td>Navy Diving and Salvage Training Center, Panama City</td>
<td>$9,678,000</td>
</tr>
<tr>
<td></td>
<td>Whiting Field</td>
<td>$4,670,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Albany Depot</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Navy Submarine Base, Kings Bay</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Marine Corps Air Station, Kaneohe Bay</td>
<td>$5,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Base, Pearl Harbor</td>
<td>$29,700,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Recruit Training Command, Great Lakes</td>
<td>$167,750,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Naval Warfare Center, Crane</td>
<td>$8,220,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Naval Shipyard, Portsmouth</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Air Warfare Center, Patuxent River</td>
<td>$5,800,000</td>
</tr>
<tr>
<td></td>
<td>United States Naval Academy, Annapolis</td>
<td>$51,720,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Air Station, Meridian</td>
<td>$10,450,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$27,147,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$44,590,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,840,000</td>
</tr>
</tbody>
</table>
Navy: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhode Island</td>
<td>Naval Station, Newport</td>
<td>$10,620,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Kingsville</td>
<td>$6,010,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Marine Corps Air Field, Quantico</td>
<td>$19,698,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Quantico</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Oceana</td>
<td>$11,680,000</td>
</tr>
<tr>
<td></td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$36,034,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Norfolk</td>
<td>$111,033,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Dahlgren</td>
<td>$9,960,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Station, Everett</td>
<td>$70,950,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, Bangor</td>
<td>$60,160,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$963,295,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Station, Guam</td>
<td>$55,473,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$55,473,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, for the purpose, and in the amount set forth in the following table:

Navy: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Station, Guam</td>
<td>126 Units</td>
<td>$43,495,000</td>
</tr>
</tbody>
</table>
Navy: Family Housing—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $178,644,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,918,465,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $761,751,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $25,584,000.
(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $1.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,507,000.

(5) For military family housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $222,139,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $593,660,000.

(6) For the construction of increment 2 of the Presidential Helicopter program support facility at Naval Air Warfare Station, Patuxent River, Maryland, authorized by section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $55,700,000.

(7) For the construction of increment 2 of the apron and hangar recapitalization at Naval Air Field, El Centro, California, authorized by section 2201(a) of the Military Construction Authorization
Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $18,666,000.


(10) For the construction of increment 2 of a White Side complex at Marine Corps Air Facility, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $34,730,000.

(11) For the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $43,424,000 (the balance of the amount authorized under section 2201(a) to replace a helicopter hangar, Naval Air Station, Jacksonville, Florida).

(3) $45,850,000 (the balance of the amount authorized under section 2201(a) to upgrade infrastructure, Recruit Training Command, Great Lakes, Illinois).

(4) $26,790,000 (the balance of the amount authorized under section 2201(a) for construction of the Wesley Brown Field House, United States Naval Academy, Annapolis, Maryland).
(5) $31,059,000 (the balance of the amount authorized under section 2201(a) to replace ship repair pier 3, Naval Station, Norfolk, Virginia).

(6) $21,000,000 (the balance of the amount authorized under section 2201(a) for construction of a bachelor enlisted quarters for the homeport ashore program, Naval Station, Everett, Washington).

(7) $33,421,000 (the balance of the amount authorized under section 2201(a) to perform reclamation and conveyance activities, Marine Corps Base, Camp Pendleton, California).

(8) $29,889,000 (the balance of the amount authorized under section 2201(b) to improve Alpha/Bravo wharves, Naval Station, Guam).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $92,354,000, which represents prior year savings.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (di-
vision B of Public Law 108–375; 118 Stat. 2106) is amended—

(1) in the item relating to Marine Corps Air Facility, Quantico, Virginia, by striking “$73,838,000” in the amount column and inserting “$74,470,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$952,687,000”.

(b) MODIFICATION OF UNSPECIFIED WORLDWIDE PROJECT.—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106) is amended—

(1) in the item relating to Unspecified Worldwide, by striking “$105,982,000” in the amount column and inserting “$95,200,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$95,200,000”.

(c) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (118 Stat. 2108) is amended—

(1) in paragraph (4), by striking “$34,098,000” and inserting “$34,730,000”; and
(2) in paragraph (7), by striking “$65,982,000” and inserting “$55,200,000”.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704) is amended—

(1) in the item relating to Naval Weapons Station, Earle, New Jersey, by striking “$123,720,000” in the amount column and inserting “$140,372,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “$1,352,524,000”.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act is amended by striking “$96,980,000” and inserting “$113,652,000”.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force
may acquire real property and carry out military construc-
tion projects for the installations or locations inside the
United States, and in the amounts, set forth in the fol-
lowing table:

### Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$14,900,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Clear Air Station</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Luke Air Force Base</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$14,200,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>$103,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>$42,500,000</td>
</tr>
<tr>
<td>California</td>
<td>Vandenberg Air Force Base</td>
<td>$16,845,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$20,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$12,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>United States Air Force Academy</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Cape Canaveral</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Keesler Air Force Base</td>
<td>$47,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Robins Air Force Base</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$13,378,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$9,835,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>$10,800,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$3,900,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$5,721,000</td>
</tr>
<tr>
<td>Montana</td>
<td>McEntire Air Force Base</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Offutt Air Force Base</td>
<td>$63,080,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Indian Springs Air Force Auxiliary</td>
<td>$60,724,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Nellis Air Force Base</td>
<td>$24,370,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$13,185,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$19,670,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>$13,300,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Vance Air Force Base</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base</td>
<td>$2,583,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Sheppard Air Force Base</td>
<td>$36,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Hill Air Force Base</td>
<td>$33,900,000</td>
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<tr>
<td>Utah</td>
<td>Laughlin Air Force Base</td>
<td>$38,665,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fairchild Air Force Base</td>
<td>$6,800,000</td>
</tr>
</tbody>
</table>

Total: $1,048,106,000
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$11,650,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$12,474,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Base</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$22,660,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>$44,188,000</td>
</tr>
<tr>
<td></td>
<td>Osan Air Base</td>
<td>$39,719,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field, Azores</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$5,780,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>$5,125,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force, Mildenhall</td>
<td>$3,500,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$185,596,000</td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>392 Units</td>
<td>$55,794,000</td>
</tr>
<tr>
<td>California</td>
<td>Edwards Air Force Base</td>
<td>226 Units</td>
<td>$59,699,000</td>
</tr>
<tr>
<td>Florida</td>
<td>MacDill Air Force Base</td>
<td>109 Units</td>
<td>$40,982,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>194 Units</td>
<td>$56,467,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>111 Units</td>
<td>$26,917,000</td>
</tr>
</tbody>
</table>
### Air Force: Family Housing—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>296 Units</td>
<td>$68,971,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>255 Units</td>
<td>$48,868,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>300 Units</td>
<td>$86,706,000</td>
</tr>
<tr>
<td></td>
<td>Minot Air Force Base</td>
<td>223 Units</td>
<td>$44,548,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base</td>
<td>10 Units</td>
<td>$15,935,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base</td>
<td>60 Units</td>
<td>$14,383,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Dyess Air Force Base</td>
<td>190 Units</td>
<td>$43,016,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>101 Units</td>
<td>$62,952,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>100 Units</td>
<td>$22,730,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>107 Units</td>
<td>$48,437,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>$696,405,000</td>
</tr>
</tbody>
</table>

(b) **Planning and Design.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $37,104,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $409,113,000.
SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR

FORCE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,116,982,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $923,106,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $185,596,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,719,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,142,622,000.
(B) For support of military family housing
(including functions described in section 2833
of title 10, United States Code), $766,939,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION
PROJECTS.—Notwithstanding the cost variations author-
ized by section 2853 of title 10, United States Code, and
any other cost variation authorized by law, the total cost
of all projects carried out under section 2301 of this Act
may not exceed the sum of the following:

(1) The total amount authorized to be appro-
priated under paragraphs (1), (2), and (3) of sub-
section (a).

(2) $30,000,000 (the balance of the amount au-
thorized under section 2301(a) for a C–17 mainte-
nance complex, Elmendorf Air Force Base, Alaska).

(3) $66,000,000 (the balance of the amount au-
thorized under section 2301(a) to replace the main
runway, Edwards Air Force Base, California).

(4) $29,000,000 (the balance of the amount au-
thorized under section 2301(a) for construction of a
joint intelligence center for Headquarters, Central
Command, MacDill Air Force Base, Florida).
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 2403(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 table:

<table>
<thead>
<tr>
<th>Defense Agencies: Inside the United States</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agency</strong></td>
</tr>
<tr>
<td>Defense Intelligence Agency</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
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<td>Defense Education Agency</td>
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<td>National Security Agency</td>
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<tr>
<td>Special Operations Command</td>
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</tbody>
</table>
Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lackland Air Force Base, Texas ........................................</td>
<td>$11,000,000</td>
<td></td>
</tr>
<tr>
<td>Naval Hospital, San Diego, California ..................................</td>
<td>$15,000,000</td>
<td></td>
</tr>
<tr>
<td>Nellis Air Force Base, Nevada ...........................................</td>
<td>$1,700,000</td>
<td></td>
</tr>
<tr>
<td>Uniformed Services University of the Health Sciences, Bethesda, Maryland</td>
<td>$10,350,000</td>
<td></td>
</tr>
<tr>
<td>Peterson Air Force Base, Colorado ......................................</td>
<td>$1,820,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$641,809,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Agency</td>
<td>Landstuhl, Germany ..................................</td>
<td>$6,543,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck, Germany ....................................</td>
<td>$2,323,000</td>
</tr>
<tr>
<td></td>
<td>Agana, Guam ...........................................</td>
<td>$40,578,000</td>
</tr>
<tr>
<td></td>
<td>Taegu, Korea .........................................</td>
<td>$8,231,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Rota, Spain .........................</td>
<td>$7,963,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Souda Bay, Greece ....................................</td>
<td>$7,089,000</td>
</tr>
<tr>
<td>Missile Defense Agency</td>
<td>Kwajalien Atoll, Kwajalien ..........................</td>
<td>$4,901,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Menwith Hall, United Kingdom ........................</td>
<td>$41,697,000</td>
</tr>
<tr>
<td>TRICARE Management Activity</td>
<td>Bahrain, SWA .........................................</td>
<td>$4,750,000</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong> ............................................</td>
<td><strong>$124,075,000</strong></td>
</tr>
</tbody>
</table>

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $60,000,000.
SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In general.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $2,973,914,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $641,809,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $123,104,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $15,736,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $135,081,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $60,000,000.
(7) For base closure and realignment activities funded through the account created pursuant to section 2906 of, and authorized by, the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $377,827,000.

(8) For base closure and realignment activities funded through the account created pursuant to section 2906A of, and authorized by, the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,504,466,000.

(9) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $46,391,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 2 of the hospital replacement at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division
B of Public Law 108–375; 118 Stat. 2100), $57,000,000.

(b) NOTICE AND WAIT REQUIREMENT APPLICABLE TO OBLIGATION OF FUNDS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES.—None of the funds authorized to be appropriated by subsection (a)(8) may be obligated until 21 days after the date on which the Secretary of Defense submits to the congressional defense committees a report describing the specific programs, projects, and activities for which such funds are to be obligated.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.
SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $206,858,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of facilities for the reserve components, and for contributions therefore, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $464,680,000; and

(B) for the Army Reserve, $121,077,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $50,226,000.

(3) For the Department of the Air Force—
(A) for the Air National Guard of the United States, $245,861,000; and

(B) for the Air Force Reserve, $79,260,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and con-
tributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), authorizations set forth in the tables in subsection (b), as provided in sections 2301, 2302, and 2401 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:
Air Force: Extension of 2003 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>Replace family housing (134 Units)</td>
<td>$15,906,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>Replace Family Housing Office</td>
<td>$597,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>Replace family housing (117 Units)</td>
<td>$16,505,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Randolph Air Force Base</td>
<td>Replace family housing (112 Units)</td>
<td>$14,311,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>Consolidate Area A–1 and A–2</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Operations Command.</td>
<td>Stennis Space Center, Mississippi</td>
<td>SOF Training Range</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

1 SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

2 (a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in sections 2101 and 2302 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.
(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 2002 Project Authorization**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Pohakuloa Training Facility</td>
<td>Land purchase</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

**Air Force: Extension of 2002 Project Authorization**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>Replace family housing (56 Units)</td>
<td>$7,300,000</td>
</tr>
</tbody>
</table>

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2005; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking “$1,500,000” and inserting “$2,500,000”; and
(2) by striking "$3,000,000" and inserting "$4,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005.

SEC. 2802. MODIFICATION OF COST VARIATION AUTHORITY.

(a) LIMITATION ON COST DECREASES RELATED TO MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “may be increased by not more than 25 percent” and inserting “may be increased or decreased by not more than 25 percent”; and

(B) by striking “if the Secretary concerned determines that such an increase in cost is required” and inserting “if the Secretary concerned determines that such revised cost is required”;

(2) in subsection (c)—

(A) by striking “limitation on cost increase” and inserting “limitation on cost variations”; and

(B) by striking “the increase” both place it appears and inserting “the variation”; and
(3) in subsection (d), by striking “limitation on cost increases” and inserting “limitation on cost variations”.

(b) ADDITIONAL INFORMATION REQUIRED FOR NOTIFICATION IN CONNECTION WITH WAIVER OF LIMITATIONS ON COST INCREASES.—Subsection (c)(2) of such section is further amended by inserting after “the reasons therefor” the following: “, including a description of the funds proposed to be used to finance any increased costs”.

(c) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§2853. Authorized cost and scope of work variations”.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

“2853. Authorized cost and scope of work variations.”.

SEC. 2803. DEPARTMENT OF DEFENSE HOUSING FUNDS.

(a) REQUIREMENT TO FUND CERTAIN ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING SOLELY THROUGH DEFENSE HOUSING FUNDS.—Subsection (e) of section 2883 of title 10, United States Code, is amended—

(1) by striking “The Secretary” and inserting “(1) The Secretary”; and
(2) by adding at the end the following new paragraph:

“(2) The Funds established under subsection (a) shall be the sole source of funds for activities carried out under this subchapter.”.

(b) Authority to Transfer Funds Appropriated for the Improvement of Military Family Housing to Defense Housing Funds.—Subsection (c)(1)(B) of such section is amended by striking “acquisition or construction” and inserting “acquisition, improvement, or construction”.

(c) Reporting Requirements Related to Department of Defense Housing Funds.—Section 2884 of such title is amended—

(1) in subsection (a)(2)(D), by inserting after “description of the source of such funds” the following: “, including a description of the specific construction, acquisition, or improvement projects from which funds were transferred to the Funds established under section 2883 of this title in order to finance the contract, conveyance, or lease”; and

(2) in subsection (b)(1)—

(A) by striking “a report” and inserting “a separate report”;
(B) by striking “covering the Funds” and inserting “covering each of the Funds”; and

(C) by striking the period at the end and inserting the following: “, including a description of the specific construction, acquisition, or improvement projects from which funds were transferred and the privatization projects or contracts to which those funds were transferred. Each report shall also include, for each military department or defense agency, a description of all funds to be transferred to such Funds for the current fiscal year and the next fiscal year.”.

SEC. 2804. TEMPORARY AUTHORITY TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) Thresholds on Construction Authorized.—The Secretary of Defense shall establish a program to carry out minor military construction projects under section 2805 of title 10, United States Code, to construct child development centers.

(b) Increased Maximum Amounts Applicable to Minor Construction Projects.—For the purpose of
any military construction project carried out under the au-

(1) the amount specified in the second sentence
of subsection (a)(1) of section 2805 of title 10,
United States Code, shall be deemed to be
$7,000,000;

(2) the amount specified in the third sentence
of subsection (a)(1) of such section shall be deemed
to be $8,000,000;

(3) the amount specified in subsection (b)(1) of
such section shall be deemed to be $5,000,000;

(4) the amount specified in subsection (c)(1)(A)
of such section shall be deemed to be $7,000,000;
and

(5) the amount specified in subsection (c)(1)(B)
of such section shall be deemed to be $5,000,000.

(c) PROGRAM REQUIREMENTS.—

(1) NOTIFICATION.—All notification require-
ments under such section shall remain in effect for
construction projects carried out under the authority
provided by this section.

(2) REVIEW AND APPROVAL.—The Secretary
shall establish procedures for the review and ap-
proval of requests from the Secretaries of military
departments to carry out construction projects under
the authority provided by this section.

(d) Report on Program.—

(1) Report Required.—Not later than March
1, 2007, the Secretary of Defense shall submit to
the congressional defense committees a report on the
program authorized under this section.

(2) Content.—The report shall include—

(A) a list and description of the construc-
tion projects carried out under the program, in-
cluding the location and cost of each such
project; and

(B) the assessment of the Secretary of the
advisability of extending or expanding the au-
thority for the program under this section.

(e) Expiration of Authority.—The authority pro-
vided by this section expires on September 30, 2007.

(f) Construction of Authority.—Nothing in this
section may be construed to limit any other authority pro-
voked by law for a military construction project at a child
development center.

(g) Child Development Center Defined.—In
this section, the term “child development center” includes
a facility, and the utilities to support such facility, the
function of which is to support the daily care of children
aged 6 weeks old through 5 years old for full-day, part-
day, and hourly service.

SEC. 2805. INAPPLICABILITY TO CHILD DEVELOPMENT
CENTERS OF RESTRICTION ON AUTHORITY
TO ACQUIRE OR CONSTRUCT ANCILLARY
SUPPORTING FACILITIES.

Section 2881(b) of title 10, United States Code, is
amended by inserting “, other than a project for the acqui-
sition or construction of a child development center,” after
“A project referred to in subsection (a)”.

SEC. 2806. AUTHORITY TO CARRY OUT EXCHANGES OF FA-
CILITIES INCLUDING ASSOCIATED UTILITIES,
EQUIPMENT, AND FURNISHINGS.

(a) In General.—Section 18240 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new subsection:

“(h) FACILITY DEFINED.—In this section, the term
‘facility’ includes—

“(1) any facility, as that term is defined in sec-
tion 18232(2) of this title; and

“(2) any associated utilities, equipment, and
furnishings required to be installed in any such facil-
ity.”.

(b) Temporary Authority Related to Cash
Equalization Payments.—Section 2809(e)(4) of the
Section 2807. Increase in Number of Family Housing Units in Korea Authorized for Lease by the Army at Maximum Amount.

Section 2828(e)(4) of title 10, United States Code, is amended by striking “2,400” and inserting “2,800”.

Subtitle B—Real Property and Facilities Administration

Section 2821. Authority to Lease Non-Excess Property of Department of Defense Field Activities.

Section 2667a of title 10, United States Code, is amended—

(1) by amending the heading to read as follows:
§ 2667a. Leases: non-excess property of Defense Agencies and Department of Defense Field Activities;

(2) in subsection (a)(1), by striking “Defense agency” and inserting “Defense Agency or Department of Defense Field Activity”; and

(3) in subsection (d)—

(A) by striking “Defense agency” and inserting “Defense Agency or Department of Defense Field Activity”; and

(B) by striking “a Defense agency’s special account” and inserting “the special account of a Defense Agency or Department of Defense Field Activity”.

SEC. 2822. MODIFIED CRITERIA FOR AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.

(a) MODIFIED CRITERIA.—Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or entities” after “entity”; and

(B) by striking “in the vicinity of a military installation” and inserting “in the vicinity
of, or ecologically related to, a military installation or the airspace of such installation’’;

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “An agreement with an eligible entity under this section may pro-
vide for” and inserting “An agreement with an eligible entity or entities under this section shall provide for”;  

(ii) in subparagraph (A), by inserting “or entities” after “entity”; and

(iii) by amending subparagraph (B) to read as follows:

“(B) the equal sharing by the Department of Defense and the entity or entities of the acquisition costs, whether by contribution of funding or like-kind exchange of property or lesser property interest.”;

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (4), (5), (6), and (7), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:
“(2) The Secretary concerned may waive the require-
ment in paragraph (1)(B) to equally share acquisition
costs if—

“(A) the Secretary determines that the agree-
ment is essential to accomplish the mission of the in-
 stallation;

“(B) the Secretary notifies the congressional
defense committees in writing of the determination
and the reasons for the determination; and

“(C) a period of 21 days has elapsed after the
date on which such notification is received by the
committees.

“(3) The acquisition cost of any lesser interest in the
property may not exceed 70 percent of the appraised value
of the property.”; and

(D) in paragraph (5), as redesignated by
subparagraph (B), by inserting “or entities”
after “entity”;

(3) by redesignating subsection (h) as sub-
section (i); and

(4) by inserting after subsection (g) the fol-
lowing new subsection:

“(h) ANNUAL REPORTS.—(1) Not later than March
15, 2006, and annually thereafter, the Secretary of De-
fense shall, in coordination with the Secretaries of the
military departments and the Director of the Department
of Defense Test Management Resource Center, submit to
the congressional defense committees a report on the im-
plementation of projects undertaken pursuant to this sec-
tion.

“(2) The reports submitted under paragraph (1) shall
include—

(A) a description of the status of such projects;

(B) an assessment of the effectiveness of such
projects and other actions undertaken pursuant to
this section as part of a long-range strategy to en-
sure the sustainability of military test and training
ranges, military installations, and associated air-
space;

(C) an evaluation of the methodology and cri-
teria used to select and prioritize projects under-
taken pursuant to this section;

(D) a description of the shared costs by the De-
partment of Defense and the eligible entity or enti-
ties under each agreement undertaken or proposed;

and

(E) recommendations for any legislation or
changes in regulations to increase the efficiency and
effectiveness of actions taken under this section.”.
(b) Applicability of Modified Criteria.—The requirement under subsection (d)(1)(B) of such section (as amended by subsection (a)(2)(A)(iii)) that an agreement under such section shall provide for the equal sharing of acquisition costs by the Department of Defense and an eligible entity or entities shall not apply to an agreement initiated before the date of the enactment of this Act.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2841. LAND CONVEYANCE, HELENA, MONTANA.

(a) Conveyance Authorized.—The Secretary of the Army may convey by quitclaim deed to the Helena Indian Alliance, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3.0 acres located at Sheridan Hall United States Army Reserve Center, 501 Euclid Avenue, Helena, Montana, including improvements thereon, for the purposes of supporting Native American health care, mental health counseling, and the operation of an education training center.

(b) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such sub-
section, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) Payment of Costs of Conveyance.—

(1) In general.—The Secretary shall require the Helena Indian Alliance to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Helena Indian Alliance in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Alliance.

(2) Reimbursement.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged
with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) Description of Real Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, ARMY RESERVE CENTER, BOTHELL, WASHINGTON.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Snohomish County Fire Protection District #10 (in this section referred to as the “Fire District”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1.0 acres located at the Army Reserve Center, Bothell, Washington, for the purpose of permitting the Fire District to operate a fire station on the property.
(b) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) Payment of Costs of Conveyance.—

(1) In General.—The Secretary may require the Fire District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Fire District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to Fire District.
(2) **Reimbursement.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **Description of Property.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the Fire District.

(e) **Additional Terms and Conditions.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**PART II—Air Force Conveyances**

**SEC. 2861. Acquisition of Build-To-Lease Family Housing at Eielson Air Force Base, Alaska.**

(a) **Acquisition Authorized.**—

(1) In general.—The Secretary of the Air Force may purchase the entire interest of the develop-
oper in the military family housing project at Eielson Air Force Base, Alaska, described in paragraph (2) if the Secretary determines that the purchase is in the best economic interests of the Air Force.

(2) Description of project.—The military family housing project referred to in this section is the 300-unit military family housing project at Eielson Air Force Base that was constructed by the developer and is leased by the Secretary under section 2835 of title 10, United States Code (in this section referred to as the “Eielson housing project”).

(b) Consideration.—The consideration paid by the Secretary under this section for the interest of the developer in the Eielson housing project may not exceed an amount equal to the fair market value of such interest, as determined by the Secretary.

(c) Time for purchase.—

(1) In general.—Subject to paragraph (2), the Secretary may make the purchase authorized by subsection (a) at any time after the end of the term of the lease for the Eielson housing project.

(2) Notice and wait requirement.—The Secretary may not make the purchase authorized by
subsection (a) until 30 days after notifying the con- 
gressional defense committees of the Secretary’s 
election to make such purchase.

**Subtitle D—Other Matters**

SEC. 2881. REORGANIZATION AND TECHNICAL IMPROVE-
MENT OF CODIFIED LAWS APPLICABLE TO 
REAL PROPERTY OF THE DEPARTMENT OF 
DEFENSE.

(a) CONSOLIDATION OF ACQUISITION AUTHORITY.— 
Section 2663 of title 10, United States Code, is amend-
ed—

(1) in the heading, by inserting “authority” 
after “Acquisition”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1), (2), 
and (3) as subparagraphs (A), (B), and (C), re-
spectively;

(B) by striking “(a) The Secretary” and 
inserting the following:

“(a) IN GENERAL.—(1) The Secretary”; and

(C) in paragraph (1)(C), as redesignated 
by this paragraph, by striking “clause (2)” and 
inserting “subparagraph (B)”;

(3) by redesignating subsections (b), (c), and 
(d), as paragraphs (2), (3), and (4), respectively;
(4) by striking “subsection (a)” each place it appears and inserting “paragraph (1)”; and

(5) by adding at the end the following new subsections:

“(b) LOW-COST INTERESTS IN LAND.—(1) The Secretary of a military department may acquire any interest in land that—

“(A) the Secretary determines—

“(i) is needed in the interest of national defense; and

“(ii) does not cost more than $750,000, exclusive of administrative costs and the amounts of any deficiency judgments; or

“(B) the Secretary determines—

“(i) is needed solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; and

“(ii) does not cost more than $1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.

“(2) This subsection does not apply to the acquisition, as part of the same project, of more than one parcel of land unless—
“(A) the parcels are noncontiguous; or

“(B) if the parcels are contiguous—

“(i) the total cost of such parcels is not more than $750,000 in the case of an acquisition under paragraph (1)(A); or

“(ii) the total cost of such parcels is not more than $1,500,000 in the case of an acquisition under paragraph (1)(B).

“(3) Appropriations available to the Department of Defense for operation and maintenance or for military construction may be used for the acquisition of land or interests in land under paragraph (1).

“(e) Interests in land when need is urgent.—(1) The Secretary of a military department may acquire any interest in land in any case in which the Secretary determines that—

“(A) the acquisition is needed in the interest of national defense;

“(B) the acquisition is required to maintain the operational integrity of a military installation; and

“(C) considerations of urgency do not permit the delay necessary to include the acquisition in an annual Military Construction Authorization Act.
“(2) Not later than 10 days after the date on which the Secretary of a military department determines to acquire an interest in land under the authority of this subsection, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notice containing a description of the property and interest to be acquired and the reasons for the acquisition.

“(3) Appropriations available for military construction may be used for the acquisition of land under this subsection.

“(d) Scope of Authority.—The authority to acquire interests in real property (including a temporary interest) under this section includes authority to—

“(1) make surveys; and

“(2) acquire interests in real property by gift, purchase, exchange of real property owned by the United States, or otherwise.”.

(b) Acquisition Limitations.—

(1) Transfer of Limitations.—Section 2676 of such title is—

(A) transferred to appear after section 2663 of such title; and

(B) redesignated as section 2664 of such title.
(2) **Stylistic and clerical amendments.**—

Section 2664 of such title, as redesignated by paragraph (1), is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively;

(C) in subsection (b), as redesignated by subparagraph (B)—

(i) by striking “determines (A) that such” and inserting the following: “determines that—

“(A) such”;

(ii) by striking “cost, and (B) that such” and inserting the following: “cost; and

“(B) that such”; and

(iii) by striking “subsection (d)” and inserting “subsection (c)”;

(D) in subsection (e), as so redesignated, by striking “subsection (c)” and inserting “subsection (b)”;

(E) in subsection (d), as so redesignated, by striking “subsections (c) and (d)” and inserting “subsections (b) and (c)”. 

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(c) 

Repeal of Consolidated Sections.—The following sections of chapter 159 of such title are repealed:

(1) Section 2672.

(2) Section 2672a.

(d) Clerical Amendments.—The table of sections at the beginning of such chapter is amended—

(1) by amending the item relating to section 2663 to read as follows:

“2663. Acquisition authority.”;

(2) by inserting after the item relating to section 2663 the following new item:

“2664. Acquisition: limitations.”; and

(3) by striking the items relating to sections 2672, 2672a, and 2676.

(e) 

Repeal of Obsolete Authority.—Section 2665 of such title is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (e), (d), (e), and (f) as subsections (a), (b), (c), (d), and (e), respectively;

(3) in subsection (b), as redesignated by paragraph (2), by striking “subsection (a) or (b)” and inserting “subsection (a)”; and

(4) in paragraph (2) of subsection (e), as so redesignated—
(A) by striking “subsections (a) and (b)” and inserting “subsection (a)”; 
(B) by striking “subsection (d)” and inserting “subsection (c)”; and 
(C) by striking “subsection (e)” and inserting “subsection (d)”. 

(f) Transfer of Ford Island Provision.—

(1) Transfer and redesignation.—Section 2814 of such title is—

(A) transferred to appear after section 7524 of such title; and 
(B) redesignated as section 7525 of such title. 

(2) Technical and Conforming Amendments.—Subsection (i) of section 7525 of such title, as transferred and redesignated by paragraph (1), is amended—

(A) in paragraph (2)—

(i) by striking “To extent” and inserting “To the extent; and 
(ii) by striking “this chapter” and inserting “chapter 169 of this title”; and 
(B) in paragraph (3)(B), by striking “this chapter” and inserting “chapter 169 of this title”. 

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(3) Clerical Amendments.—(A) The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2814.

(B) The table of sections at the beginning of chapter 645 of such title is amended by adding at the end the following new item:

“7525. Special authority for development of Ford Island, Hawaii.”

(g) Application of Real Property Management Authorities to Pentagon Reservation.—Section 2661 of such title is amended by adding at the end the following new subsection:

“(d) In this chapter, the terms ‘Secretary concerned’ and ‘Secretary of a military department’ include the Secretary of Defense with respect to the Pentagon Reservation.”

SEC. 2882. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO LEASED FACILITIES.

(a) Report Required.—Not later than May 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the application of Department of Defense Anti-Terrorism/Force Protection standards to all facilities leased by the Department of Defense or leased by the General Services Administra-
tion as an agent for the Department of Defense as of September 30, 2005.

(b) INFORMATION ON LEASED FACILITIES.—For each facility identified in the report submitted under subsection (a), the Secretary shall include the following:

(1) A description of the function of the leased facility, including the location, size, terms of lease, and the number of personnel housed within the facility.

(2) A description of the threat assessment and the joint security integrated vulnerability assessment for each leased facility.

(3) A description and cost estimate of any actions necessary to mitigate risk to an acceptable level in each leased facility.

(4) A description and cost estimate of the actions to be taken by the Secretary of Defense for each leased facility to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards.

(5) The total estimated cost of, and a proposed funding plan for, implementation of the force protection and anti-terrorism measures required to ensure the compliance of all leased facilities with Defense Anti-Terrorism/Force Protection standards.
(c) Information on Support Priorities.—The report submitted under subsection (a) shall also include a separate description of the procedures used by the Secretary of Defense to prioritize funding for the application of force protection and antiterrorism standards to leased facilities, including a description of any such procedures applicable to the entire Department of Defense.

(d) Applicability.—The reporting requirements under this section apply to any space or facility that houses 11 or more personnel in service to, or employed by, the Department of Defense.

SEC. 2883. CONSTRUCTION AT FORT BUCHANAN, PUERTO RICO, FOR RESERVE COMPONENTS.

Section 1507(b)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398, 114 Stat. 1654A–355) is amended to read as follows:

“(2) The construction, conversion, rehabilitation, extension, and improvement of reserve component and nonappropriated fund facilities.”.

SEC. 2884. AUTHORITY TO USE PAPAGO PARK MILITARY RESERVATION, ARIZONA, FOR GENERAL MILITARY PURPOSES.

Section 1 of the Act of April 7, 1930 (46 Stat. 142, chapter 107), is amended by striking “reserved for mili-
tary purposes for use of the National Guard of Arizona
as a rifle range” and inserting “reserved for military pur-
poses for use by the State of Arizona as a military installa-
tion known as Papago Park Military Reservation”.

SEC. 2885. ONE-YEAR EXTENSION OF DEPARTMENT OF DE-
FENSE LABORATORY REVITALIZATION PRO-
GRAM.

Section 2892(g) of the National Defense Authoriza-
tion Act for Fiscal Year 1996 (Public Law 104–106; 10
U.S.C. 2805 note), as amended by section 2891 of the
2154), is further amended by striking “September 30,
2005” and inserting “September 30, 2006”.

SEC. 2886. SENSE OF CONGRESS ON ESTABLISHMENT OF
BAKERS CREEK MEMORIAL.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) In 1943 and 1944, the United States
Armed Forces operated a rest and relaxation facility
in Mackay, Queensland, Australia, for troops serving
in the Pacific Theater during World War II.

(2) On June 14, 1943, a Boeing B–17C was
transporting 6 crew members and 35 servicemen
from Mackay to Port Moresby, New Guinea, to re-
turn the servicemen to duty after 10 days of rest and relaxation leave at an Army/Red Cross facility.

(3) The aircraft crashed shortly after take-off at Bakers Creek, Australia, killing all 6 crew members and 34 of the 35 servicemen being transported in what was at that point the worst crash in American air transport history, and what remains the worst air disaster in Australian history.

(4) Due to wartime censorship rules related to the movement of troops, the tragic crash and loss of life were not reported to the Australian or United States public.

(5) Many family members of those killed did not learn the circumstances of the troops deaths until they were contacted by the Bakers Creek Memorial Foundation beginning in 1992.

(6) As of May 2005, the Bakers Creek Memorial Foundation had contacted 36 of the 40 families that lost loved ones in the tragic crash, and was continuing efforts to locate the remaining four families to inform them of the true events of the crash at Bakers Creek.

(7) The Australian people marked the tragic crash at Bakers Creek with a memorial established
in 1992, but no similar memorial has been estab-
lished in the United States.

(b) Sense of Congress.—It is the sense of Con-
gress that the Secretary of the Army may establish an
appropriate marker, at a site to be chosen at the discretion
of the Secretary, to commemorate the 40 members of the
United States Armed Forces who lost their lives in the
air crash at Bakers Creek, Australia, on June 14, 1943.

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

TITLE XXXI—DEPARTMENT OF
ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security
Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINIS-
TRATION.

(a) Authorization of Appropriations.—Funds
are hereby authorized to be appropriated to the Depart-
ment of Energy for fiscal year 2006 for the activities of
the National Nuclear Security Administration in carrying
out programs necessary for national security in the
amount of $9,357,427,000, to be allocated as follows:
(1) For weapons activities, $6,590,319,000.

(2) For defense nuclear nonproliferation activities, $1,637,239,000.

(3) For naval reactors, $786,000,000.

(4) For the Office of the Administrator for Nuclear Security, $343,869,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 06–D–140, Readiness in Technical Base and Facilities Program (RTBF), project engineering and design, various locations, $19,113,000.

Project 06–D–402, replacement of Fire Stations Number 1 and Number 2, Nevada Test Site, Nevada, $8,284,000.

Project 06–D–403, tritium facility modernization, Lawrence Livermore National Laboratory, Livermore, California, $2,600,000.
Project 06–D–404, remediation, restoration, and upgrade of Building B–3, Nevada Test Site, Nevada, $16,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 06–D–160, Facilities and Infrastructure Recapitalization Program (FIRP), project engineering and design, various locations, $5,811,000.

Project 06–D–601, electrical distribution system upgrade, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 06–D–602, gas main and distribution system upgrade, Pantex Plant, Amarillo, Texas, $3,700,000.


(3) For naval reactors, the following new plant project:

Project 06–N–901, Central Office Building 2, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,000,000.
SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for environmental management activities in carrying out programs necessary for national security in the amount of $6,189,433,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,335,849,000.
(2) For defense environmental services, $853,584,000.

(b) Authorization of New Plant Project.—From funds referred to in subsection (a)(1) that are available for carrying out plant projects, the Secretary of Energy may carry out, for environmental management activities, the following new plant project:

Project 06–D–401, sodium bearing waste treatment project, Idaho National Laboratory, Idaho Falls, Idaho, $15,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for other defense activities in carrying out programs necessary for national security in the amount of $563,423,000.
SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $301,447,000.

Subtitle B—Other Matters

SEC. 3111. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report detailing plans for achieving compliance under the Design Basis Threat issued by the Department of Energy in 2004.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an implementation plan with associated funding requirements to achieve by September 30, 2007, compliance under the Design Basis Threat of all Department of Energy and National Nuclear Security Administration sites that contain nuclear weapons or special nuclear material; and

(2) an evaluation of options for applying security technologies and innovative protective force de-
ployment to increase the efficiency and effectiveness of efforts to protect against the threats postulated in the Design Basis Threat.

(c) FORM.—The report required under subsection (a) shall be submitted in classified form with an unclassified summary.

SEC. 3112. COST ESTIMATE FOR WASTE TREATMENT AND IMMOBILIZATION PLANT PROJECT, HANFORD SITE, RICHLAND, WASHINGTON.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees an independent cost estimate prepared by the Army Corps of Engineers for the Waste Treatment and Immobilization Plant project at the Hanford Site, Richland, Washington (in this section referred to as the “project”).

(b) CONTENT.—The cost estimate required under subsection (a) shall include estimates of the total cost and annual funding requirements, listed by year, to complete the project, assuming a completion date in each of 2011, 2012, 2013, 2014, and 2015.
SEC. 3113. REPORT ON INTERNATIONAL BORDER SECURITY PROGRAMS.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, the Secretary of State, and, as appropriate, the Secretary of Homeland Security, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the management by such Secretaries of border security programs in the countries of the former Soviet Union and other countries.

(b) Content.—The report required under subsection (a) shall include—

(1) a description of the roles and responsibilities of each department and agency of the United States Government in international border security programs;

(2) a description of the interactions and coordination among departments and agencies of the United States Government that are conducting international border security programs;

(3) a description of the mechanisms that exist to ensure coordination, avoid duplication, and provide a means to resolve conflicts or problems that might arise in the implementation of international border security programs;
(4) a discussion of whether there is existing interagency guidance that addresses the roles, interactions, and dispute resolution mechanisms for departments and agencies of the United States Government that are conducting international border security programs, and the adequacy of such guidance if it exists; and

(5) recommendations to improve the coordination and effectiveness of international border security programs.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2006, $22,032,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM NATIONAL DEFENSE STOCKPILE.

(a) Disposal Authority.—Section 3303(a)(5) of the Strom Thurmond National Defense Authorization Act

“(5) $900,000,000 by the end of fiscal year 2010.

“(6) $1,000,000,000 by the end of fiscal year 2013.”.

(b) ADDITIONAL DISPOSAL AUTHORITY.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 972; 50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C. 98d note), is amended by striking paragraph (4) and inserting the following new paragraphs:

“(4) $500,000,000 before the end of fiscal year 2010.

“(5) $600,000,000 before the end of fiscal year 2013.”.
A BILL

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

MAY 17, 2005

Read twice and placed on the calendar