The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair. (The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1815 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. The Senate will now consider the consideration of H.R. 2653, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2653) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. I thank the Chair.

Mr. President, I come to the Chamber today to discuss amendments to promote our success in Iraq as quickly as possible, consistent with accomplishing our mission there, to hold those in charge for implementing our strategy in Iraq accountable for its success, and to do right by those bearing the burden of that conflict on our behalf, our brave military personnel and their loving families.

These amendments are designed to increase the flow of armored vehicles for our troops in the field and to promote and to protect their families financially at home but, even more important, to provide a clear picture of what we are doing in Iraq and a way to measure our progress there so that we can bring our troops home with their mission accomplished.

Last week, Generals Casey and Abizaid came to Congress to inform us that the administration had finally heeded bipartisan calls from this body to develop a plan for success, a plan that goes way beyond merely asking the American people to stay the course.

During their testimony before the Armed Services Committee and in private briefings for Senators, the generals talked about the plan and how it was developed jointly with Iraqi leadership. Essentially, if the plan is to be successful, it will lead to a reduction of American forces next year.

In a discussion with Senator MCCAIN, General Casey had the following to say:

General Casey: Are you planning on troop withdrawals for next year?

Senator MCCAIN: I just said that, Senator. Yes. This is a bipartisan goal that we all support. Creating a stable Iraq and bringing American men and women home safely as soon as possible with success is something that we all embrace.

The generals also said that they had developed specific guidelines to allow them to measure the success of this plan. I am pleased that a plan has been developed and measurements created to gauge its success, although belatedly so. But I also know that having a plan is not nearly enough. It is the effective implementation of a strategy that will determine our ultimate success and establishing benchmarks that allow us to determine the progress that is being made. We have already had far more of the development of a strategy and far less of the accountability for implementing the strategy so far in the Iraqi conflict. The time for changing that has come.

Successful execution of any plan includes two things that have been lacking so far—accountability and candor. My amendment brings both of these elements into the administration's war effort.

The amendment requires the Pentagon and the CIA to report to Congress and to the American people once a month on the progress they are making with regard to their own strategy and how it is faring on the measure-benchmarks they need to determine our success. It is their strategy, their benchmarks. If they are not being met, the administration should explain to the American people why. If no adequate explanation exists, those responsible must be held accountable. That is the way you run any business or any State, and that is the least we can expect when waging war.

These benchmarks are crucial to gauging our progress and are vital to achieving our success. They were included in an unclassified document provided to the Congress this last week, the title of which is “Transitional Readiness Assessment.” It provides seven different measurements to determine how we are doing in Iraq: first, overall readiness; second, the number of Iraqi personnel; third, their command and control capability; fourth, the level and effectiveness of their training; fifth, the sustainment and logistics of those Iraqi units; sixth, the level of their equipment; and seventh, the by leadership. It is vitally important that we share our progress or lack thereof in meeting these objectives with the American people. The American people are paying for this conflict with their money and their blood. They deserve to know how we are doing.

One of the challenges of any military effort is to build and maintain public support. To date, the administration has provided rosy assessments that conflict so clearly with the reports from Iraq and the images on television. It is no surprise that the public's patience is growing thin.

The American people can withstand adversity. What they won't stand for—and rightly so—is being kept in the dark or being misled. That is why it is so critical that we provide the American people with an accurate assessment of our current situation, to plan for our success and let our people know and let them evaluate the progress we are achieving toward making that success.

I hope this amendment can be a bipartisan one. It seeks to achieve the twin goals of accountability and candor that I have heard embraced by our colleagues from both sides of the aisle.

In addition to this amendment, I have also introduced an amendment to provide our troops fighting in Iraq with the equipment they need in the field and the support their families deserve at home.

The Army has chronically underestimated—nine consecutive times, in fact—the need for up-armored vehicles in the Iraqi theater. Nine consecutive times they have gotten it wrong. They no longer deserve the benefit of the doubt. Regrettably, Walter Reed Hospital and our other military hospitals in this Nation are filled with too many of the young men and women who have paid the consequence for these errors. We must do everything humanly possible to make sure no further errors take place.

My armor amendment will provide enough funding to rebuild the Army stocks of up-armored HMMWVs as well as the armored vehicles needed for cargo and troop transportation. With it, the military's depleted stock of armored vehicles will be made whole, ensuring that all of our troops have the protection they need while serving in both Iraq and Afghanistan—no more pleas to end hillbilly armor. One of the lessons learned in Iraq, along with the tragic Hurricane Katrina, is that when lives are at stake, it is incumbent upon us to err on the side of doing more rather than less. Let us get it right this time.

For the families of our loved ones serving in harm's way, we must ensure that no one faces financial hardship because of their service overseas. Yet there is a growing body of evidence suggesting that the financial rights of service men and women are being abused or ignored. That must stop.

Guard members who are called to active duty often face what I call a patriotism penalty—a pay cut representing the difference between their civilian and Active-Duty pay. As a result, many families struggle to meet their mortgage payments or pay their heating
bills. My amendment would eliminate this patriot penalty and ensure that no one takes a pay cut for serving their country.

Some families struggling with bills have even faced eviction or foreclosure despite their desires to put a stop to this odious practice. Financial institutions say they are not aware of these special protections, but ignorance is no excuse. My amendment would enable the regulators who oversee our financial laws to put a stop to this outrageous practice. Financial institutions must learn the law, and they must follow it. My amendment will force the administration to educate our troops about their rights and punish those who wrongfully take away our troops’ homes.

When we send troops into battle, we are asking them and their families to be willing to make the ultimate sacrifice. They are giving us everything. Giving them a realistic plan for success, along with the equipment they will need in the field to accomplish that success and the support their families deserve at home, is the least we can do for them. We owe it to them to do it right. That is what these amendments and all the others then taken together, will accomplish.

I thank the Chair and my colleagues for their patience.


The PRESIDING OFFICER. It would require unanimous consent to take up those amendments en bloc.

Mr. BAYH. Mr. President, I ask unanimous consent to call the amendments up en bloc.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, reserving the right to object, we would like to first examine those amendments.

Mr. BAYH. By all means.

The PRESIDING OFFICER. Does the Senator object?

Mr. STEVENS. I suggest the absence of a quorum.

Mr. BAYH. I object. The Senator from Indiana that we would like to discuss the substance of the amendments and to work on the issues regarding any of them. I have been advised to call up my amendment No. 1933, which is an appropriate, alternative amendment.

Mr. STEVENS. Mr. President, if the Senator from Indiana were to confer with us, I find that one of the amendments he has offered is not an amendment to the Armed Services Committee amendment but is, in fact, an amendment to the bill itself. We will be happy to discuss that with the Senator. I again urge him not to pursue this at this time.

AMENDMENT NO. 1933

Mr. BAYH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senate from Indiana (Mr. BAYH) proposes an amendment numbered 1933.

Mr. BAYH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by $360,800,000 amounts appropriated by title IX for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan or to reconstitute Army Prepositioned Stocks-5 and the Joint Readiness Training Center at Fort Polk, Louisiana, and to increase by $5,000,000 amounts appropriated by title IX for Research, Development, Test and Evaluation, Defense-Wide, for industrial preparation for the procurement of a collaborative ballistics engineering research center)

On page 238, between lines 4 and 5, insert the following:

SEC. 9014. (a)(1) The amount appropriated by this title under the heading “Other Procurement, Army” is hereby increased by $360,800,000.

(b) Of the amount appropriated by this title under the heading “Other Procurement, Army”, as increased by paragraph (1)—

(A) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(B) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan:

(i) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks-5; and

(ii) $137,700,000 may be available for the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(iii) $5,000,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

(b)(1) The amount appropriated by this title under the heading “Research, Development, Test and Evaluation, Defense-Wide, is hereby increased by $5,000,000:

(B) Of the amount appropriated by this title under the heading “Research, Development, Test and Evaluation, Defense-Wide, as increased by paragraph (A), $5,000,000 may be available for the establishment of the ballistics engineering research center under paragraph (2)."
agree with the Senator in terms of the need, and that is why we have already added money, as I mentioned before.

I hope the Senator will look at what we have already done.

Mr. BAYH. Mr. President, I would be delighted to discuss this matter with the Senator.

The heart of my concern is that there has been a consistent pattern of underestimating our need, and the depletion of the stockpile means if they yet again underestimated the need, it would not be available for quick deployment in the theater, which would leave our troops short again. That is the basis of my concern. We would be delighted to discuss it with the Senator.

Mr. STEVENS. I would be happy to do that.

During the past recess the first part of September, along with Senator WARNER and Senator KERRY, I went to Iraq. We saw the vehicles there being up-armored as a matter of fact for some of the trucks that are being up-armored. We have, as I have indicated, since that time increased the amount of money that is available.

Further, we are asking the Army for a division of equipment requirements that are needed. The Army submitted a $6 billion list of requirements, and the funding sought with this amendment was not included in the list. We have already reprogrammed more money which far exceeds the Army's validated requirements. We did that before the end of September. I believe this amendment is unnecessary.

Further, it would be subject to a point of order. I am informed, under section 402 of the budget resolution that allows $350 billion for contingency operations spending for the year 2006. Title IX of this bill uses that entire $350 billion. Any funding in excess of that amount for the contingency operations would score and subsequently would add appropriations to title IX which would be subject to a point of order under section 302(f), far exceeding the committee's 302(b) allocation.

I urge the Senator to again confer with us because we have allocated money twice in this area since the trip we took to Iraq. I think we have provided more money than is necessary, as a matter of fact.

Mr. BAYH. I say to my friend and colleague, I look forward to conferring with you. It is neither his intentions nor his actions which I question; both his intentions and actions have been quite commendable. It is the advice of the Army which has consistently provided non to be wrong, which we are relying on, that I question. That is the nature of the discussion I look forward to having.

Mr. STEVENS. What is the status of the amendments at this time?

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the question be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 178

Mr. MCCAIN. Mr. President, I call up amendment No. 178, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. BIDEN, Mr. G RAHAM, Mr. LEAHY, and Mr. D EWINE, proposes an amendment numbered 178.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to pay salaries and expenses and other costs associated with reimbursing the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan)

At the appropriate place, insert the following:

| SEC. 2. None of the funds appropriated or otherwise made available in this Act may be obligated or expended during fiscal year 2006 for paying salaries and expenses or other costs associated with reimbursing or otherwise financially compensating the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan.

Mr. MCCAIN. Mr. President, this amendment is a pretty simple one. It would prohibit for 1 year the transfer of millions of dollars in cash to the Government of Uzbekistan; I believe $22 or $23 million.

I am pleased to be joined by Senators BIDEN, G RAHAM, LEAHY, and D EWINE, who have cosponsored the amendment. The Pentagon notified the Congress this summer that it intends to pay $23 million in "coalition support funds" to Uzbekistan, designed to cover past costs associated with the use of the K2 base there. If you have seen this base in the news lately, it is because it is the location from which the Government of Uzbekistan recently evicted all U.S. personnel. Uzbekistan was at one point a partner in the war on terror. It is no longer. And turning over "coalition support funds," at this point, devalues the meaning of the term "coalition."

The amendment I am proposing would prohibit this payment for 1 year at which point the Congress can decide whether to renew the prohibition or make the payment.

America keeps its promises to our coalition partners, but we also expect our partners to keep their promises to us. We are not in the business of paying dictatorial, repressive, brutal governments.

Let me review a few of the more egregious examples of Uzbekistan's relationship with us and their abuse of human rights. In May, the Government launched a brutal crackdown in the city of Andijan after protestors stormed a prison and local government headquarters. Eye witnesses estimated the dead at somewhere between 500 and 1,000 and said that the vast majority were young men, children protesting the Government's corruption, lack of opportunity, and continued oppression. In addition to those killed, many others were wounded, and at least 500 fled across the border into Kyrgyzstan.

The Government has rejected all calls for an independent international inquiry into the massacre. The entire European Union has demanded an investigation into the massacre. They have put the official death toll at just 187 and blamed a foreign conspiracy for the protest. It even placed blame on the United States for the events saying that rebels received money from the U.S. Embassy in Tashkent.

The Uzbek Government launched a campaign of anti-American propaganda after its massacre, staging rallies to denounce the United States and accusing the United States of fomenting Islamism to promote democracy.

President Karimov—and I use the term "president" loosely—President Karimov suggested that the United States was behind both the events in Andijan and the "colored revolutions" in other countries.

I remind my colleagues that Uzbekistan agreed to host U.S. forces on its soil to support continuing coalition combat efforts in Afghanistan. Insurgents in Afghanistan are still fighting the Taliban. Insurgents have killed hundreds of people, including dozens of Americans, in the last few months. Yet with this going on and with our mission clearly unfinished, in July Uzbekistan ordered the United States to leave the country.

Just last week, the Washington Post ran an article entitled "Uzbeks Stop Working With U.S. Against Terrorism," which describes how Tashkent has decided to abridge its 2002 agreement with President Bush and terminate its counterterrorism cooperation with America. One sentence in this article bears particular notice: "The Bush administration," the article reads, "has concluded that Karimov fears democracy more than terrorism, officials said."

This is the same country that Pentagon officials were describing quite recently as a "very valuable partner and ally in the global war on terror." But Uzbekistan is not a valuable partner and ally; it is part of the problem. This week, the European Union announced that it will impose sanctions...
against the Uzbek Government for its refusal to accept an international inquiry into the Andijan massacre. This is the kind of response we should be considering to these outrageous actions, not the best way to transfer $23 million in funds from the U.S. Treasury.

The Pentagon wants to pay Tashkent on the principle that America pays its bills for services rendered. I support that principle, but so, too, do I support America's stand up for itself in the world and spending taxpayers' money wisely, avoiding the misimpression that we overlook massacres, and avoiding cash transfers to the treasury of a dictator just months after he permanently evicts American soldiers from his country.

I intend to have printed in the Record the assessment of every human rights organization in the world of this brutal oppression—its dilution. This is a person who just orchestrated a massacre of somewhere, estimates are, around 1,000 of its citizens. This is a government that is illegitimate in that Karimov keeps himself in power through terror and intimidation. It is a corrupt government in that there is continued repression and oppression of human rights.

Mr. President, I suggest that if the Government of Uzbekistan allowed a full-scale investigation by the European Union and the results are known, then maybe at that time it would be appropriate to give them this money.

Also, let's keep in mind what this brutal and oppressive dictator will do with that $23 million of American money. His prisons are full. There is no free press. There is no freedom of movement. It is an oppressive, repressive regime of the old Stalinist style.

I am not saying the United States should have fired on and killed in the most wanton fashion. It is a corruption of the sentiment in that there is continued repression and oppression of human rights.

Meeting in Luxembourg, the foreign ministers of European Union states approved the sanctions for an initial period of one year, allowing for a review in 2006 of Uzbekistan’s willingness to “adhere to the principles of respect for human rights, rule of law, and fundamental freedoms.”

The trade ban covers weapons and ammunition, as well as dozens of items that could be used in crackdowns and police work, including helmets and certain types of body armor, vehicles equipped with armor, leg irons, shackles, tear gas, water cannons, riot shields, fingerprint equipment, search lights, allowing for a review in 2006 of Uzbekistan’s willingness to “adhere to the principles of respect for human rights, rule of law and fundamental freedoms.”

Human Rights Watch, the New York-based organization, which has investigated the crackdown and repression in the months since, hailed that move, saying it was the first of its kind in the European Union’s history.

But although the sanctions mark a clear rebuke of the Central Asian state, they have a limited ability to undermine Uzbekistan’s military or police capacity.

While Uzbekistan has often accepted Western security aid, its military, intelligence and police forces are overwhelmingly equipped with Soviet-era military hardware, which continues to be manufactured and sold by Russia, China and other states outside of the European Union.

Moreover, Russia has made clear it will not honor the embargo, which may create fresh trade opportunities for its arms industry, a sector that has been a recent years under prodding from President Vladimir V. Putin.

"There are no restrictions on weapons supplied to Uzbekistan," deputy defense minister, Sergei Ivanov, said last week in anticipation of the embargo, according to the
The Bush administration has concluded that Karimov fears democracy more than terrorism, officials said. The threat to his government is the Islamic Movement of Uzbekistan, which a State Department report says has been involved in attacks on U.S. forces in Afghanistan and has plotted attacks on U.S. diplomatic facilities in Central Asia. Karimov, the Pentagon said, is a liability of millions of U.S. tax dollars.

The Pentagon recently agreed to pay $23 million for past use of the K-2 air base.

The U.S. military will vacate a military air base in Uzbekistan it has used since 2001 without further discussion, as demanded by the Uzbek authorities, a senior U.S. official confirmed on Sept. 27. The official said the United States would be removing its air base in Uzbekistan.

The eviction notice came after Washington imposed new sanctions on Uzbekistan for failing to allow an independent international inquiry into the Andijan incidents. The measures included arms and arms training.

Because of the internal Uzbek crackdown, the European Union has made a broader strategic decision to move beyond the K-2 agreement made with President Bush after the Sept. 11, 2001, attacks and is cooling relations with Europe as well, the officials said.

The moves follow tough criticism from Washington and the European Union over Uzbekistan’s crackdown on protesters in May in Andijan province, where human rights and opposition groups say hundreds died.


The eviction notice came after Washington called for an international investigation into last May’s crackdown in the eastern city of Andijan that the government said left 187 people dead but which human rights groups said amounted to a massacre of civilians.

Once a staunch ally in America’s war on terrorism, relations between the two countries have soured over Andijan. On Monday, the U.S. vowed not to trade democratic reforms and halting the sale of weapons.

PK barbarous and, if not, we will draw conclusions," said Fried. "We were given money by the U.S. embassy to achieve our goals," Tavakkalb Hovijey, one of the alleged insurgents, reportedly told the court.

EU diplomats reportedly said the sanctions would include redirecting EU funds from the Uzbek government to grassroots organisations, banning senior Uzbek government figures from visiting European countries and halting the sale of weapons.

Moving to Tajikistan, Tajik President Emomali Rahmonov on Tuesday told a conference on coordinating donor aid to protect the Tajik-Afghan border that the situation with regard to drug proliferation was in hand.

Despite a lack of military equipment, Tajik border guards had proved they could protect their 1,266 km border on their own, he said. The departure of EU troops in the area in June, the president claimed. The country has become a major route for drugs
One day earlier, U.S. Ambassador to Tajikistan Richard Hoagland and Minister of Foreign Affairs Kurmanbek Nazarov signed a Letter of Agreement for U.S. $9 million to assist the country’s border guards. According to an embassy statement, the funding would provide for the improvement of border outposts, development, transportation and other necessary equipment for the guards.

The funding is part of the U.S. Department of State’s Bureau of Narcotics and Law Enforcement Affairs continuing support for Tajikistan’s border guards, the Tajik Drug Control Centre and Ministry of Interior. Since December 2004, Washington has provided or is in the process of providing over $16 million worth of assistance to the former Soviet states for law enforcement agencies.

Pending is the ratification by the U.S. Senate of a treaty signed by President Akajev last July. Since November 2005, the U.S. has been negotiating with the Tajik government on the legal framework for the joint border control system.

Meanwhile in Kazakhstan, Reporters Without Borders (RSF) on Wednesday condemned the closure of Vremia Print in unilaterally terminating contracts to print seven opposition newspapers on Monday. Vremia Print media had proven the only source of independent news in Central Asia.

According to the AP, many lawmakers, including ministers and the head of the migration service, have been dismissed.

On 1 September, parliament approved Felix Kulov as prime minister. Kulov was a former security chief who had been jailed by Akajev for alleged corruption, the report said.

Uzbekistan—Victims of the Andijon events are demanding capital punishment for defendants in court in Tashkent. Capital punishment is executed by firing squad in Uzbekistan.

Giving testimony, Odijhon Mansurov, director of a transport company, said that his car had been stopped by a group of people in the early morning of 12 May, and that he had been taken to the regional administration building.

According to him, terrorists tried to take as many hostages as possible. “First they wanted to exchange us for our supporters held in prison, but they later decided to use us as ‘human shields’ against law-enforcement officers,” Mansurov said.

He also said that hostages had been beaten up, and that two law enforcement officers had been killed before his eyes.

“They said they were acting in the name of religion and [to protect their] business interests, and that their goals were very different. They cannot be forgiven,” he said.

DEFENDANTS PIN THE BLAME ON THE AMERICANS AND JOURNALISTS

Yesterday, the U.S. Department of State denounced the accusations that the U.S. Embassy in Uzbekistan had allegedly orchestrated the uprising in Andijon. Defendants standing trial for participation in the revolt announced that the conspiracy against the Uzbek authorities had been arranged by the Americans, journalists, and human rights activists. This newspaper contacted some of the “conspirators” who managed to escape from Uzbekistan.

The United States was first accused in the trial in Tashkent by defendant Tavakkol Khodzhiyev. Khodzhiyev on Monday told the Supreme Court that the revolt in Andizhan had been financed by the U.S. Embassy. “We got money from the U.S. Embassy.” Khodzhiyev confessed to ordering an armed group considered a “terrorist organization” to provoke a “color revolution” and disrupt the constitutional system of Uzbekistan.

Dwelling on the so-called conspiracy, defendants still do not say how much the Americans had invested in the coup d’etat and concentrated on its details instead. According to defendant Husanzhon Turabekov, one Kelly (a citizen of the United States) was in contact with the Akramians. She drove a red Jeep and was always accompanied by human rights activists and journalists.

Turabekov said that Azamatova and experts on human rights and international law became the main agitators and instigators. “When the Andizhan khokimijat was overrun, they made speeches in the square all day long, condemning the power—that-be and urging rebels to hold on. They said that help was coming.”

Pleading guilty and demanding capital punishment for themselves at the very first meeting of the Supreme Court, the defendants became prosecutors. They go on confessing and exposing the anti-Uzbek conspiracy by Washington, international terrorists, journalists, and human rights activists. The defendants maintain that they are treated properly in prison and that they are
shocked by how outrageously media outlets and human rights activists spread lies about the Uzbek regime. The prosecution, Deputy Prosecutor General Anvar Nabiyev, had praised the media for their coverage similar to that of the Associated Press. The trial was just beginning. Nabiyev called journalists “jackals” and “carrion eaters.” The deputy prosecutor general put on the list of enemies of Uzbekistan IWPR Tashkent Division Director Galima Bukharbayeva, Ferghana. Ru correspondent Aleksi Volosevich, KR correspondent Andrey Uskty, and ADB correspondent Tashkent, as well as media sources that had depicted terrorists as freedom fighters and promoters of democracy. The prosecutors announced that it was an attempt to spread prejudiced lies on what was happening on the orders from certain external forces.

Mr. McCAIN. Mr. President, let me tell you what the Uzbek Government did. They arrested some people. Here is what happened. This is Reuters:

Uzbekistan: Defendants in Andijon Trial Reiterate Guilt, Blame Others. The defendants... the May uprising in the eastern Uzbek town of Andijon are confessing to the charges and saying foreign countries initiated the revolt.

Mr. President, here is the old Stalinist trial tactic: Take somebody, torture him, and then blame the U.S. Embassy in Tashkent, and we are going to give them 23 million bucks?

As I said: . . . the U.S. Embassy in Tashkent financially supported the uprising.

Parpiev was among the protesters who seized the regional administration building in Andijon on May 13. He escaped when Uzbek forces fired on protesters. It goes on and on. It is the age-old Stalinist tactic: Take somebody, torture them, and force them to confess. And they are blaming the United States of America.

This is the Karimov Government that we are going to give $25 million and of alleging that the United States of America not only was responsible for this uprising in Andijon, but the “colored revolutions” all over the world—Lebanon, Georgia, Kyrgyzstan, Ukraine.

Former hostages and other witnesses testified Wednesday in the trial of 15 alleged participants in a May uprising that was brutally suppressed by Uzbek government troops.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Yesterday, President Bush announced that he will nominate White House Counsel Harriet Miers to the Supreme Court. I congratulate Ms. Miers on this high honor, and I pledge that Senate Democrats will work in good faith to ensure a dignified and thorough confirmation process. It is now well known that I suggested to the President that Harriet Miers would be worthy of the President’s consideration. The President has chosen her as a replacement for retiring Supreme Court Justice Sandra Day O’Connor. I am grateful that the President took account of my views.

Over the coming days and weeks, we will learn more about Harriet Miers. The Judiciary Committee will hold comprehensive hearings. I do not intend to make up my mind about whether to support or oppose confirmation of this nominee until after the committee hearings, and I hope everyone in the Senate will follow that. I think the hearings that were held previously in the Roberts nomination were dignified. I thought that Senator Specter and Leahy did a remarkably good job. I am confident that they will do it in this matter, also.

The reason that we must proceed in the manner that we did in the Roberts nomination is that the Supreme Court is the final guardian of the rights and liberties of all Americans. With so much at stake, we should not rush to judgment about this or any other nominee.
But even at this early stage of the confirmation process, I will say that I am impressed by what I know about Harriet Miers. She overcame difficult family circumstances to become the managingpartner of a successful 400-lawyer Dallas law firm. And she was the first woman president of the Dallas Bar Association and then the first woman President of the Texas State bar association.

In those roles, she advocated the importance of race and gender diversity in the legal profession and was a strong supporter of legal services for the poor. Ms. Miers has not been a judge, but I regard that as a strength of her nomination, not a weakness. In my view, the Supreme Court would benefit from the addition of a Justice who has real experience as a practicing lawyer. A nominee with relevant nonjudicial experience would bring a different and a useful perspective to the Court. The nomination of Harriet Miers bears similarity to the nomination of Lewis Powell. At the time he was nominated by President Nixon in 1971, Powell had never been a judge. He had been a pillar of the Richmond, VA, bar just as Ms. Miers was a pillar of the Dallas, TX, bar. But as President Kennedy’s choice, she served as President of the American Bar Association just as Ms. Miers served as President of the Dallas and Texas bar associations.

Mr. President, I have been told that about 45 percent of all Justices who served on the Supreme Court have had no judicial experience before they were chosen by a President. I think that speaks volumes about the need to diversify the Supreme Court. I had lunch at the Supreme Court 6 weeks ago or thereabouts—I do not recall exactly when—and at the little table at which I was seated were three Supreme Court Justices. I will not mention their names, other than to say one was a woman and two were men. So it was Justice Ginsburg or Sandra Day O’Connor, one of them. And they were very clear in saying that they agreed that there should be strong consideration given to someone who had not been a judge. I have been told that Byron White, who was selected by President Kennedy, had no judicial experience. He had a qualification I am not sure we are going to find in many lawyers out there, but he was an All-American football player. If you look at the qualifications of our current Justices, I think that is important, but remember these people sit in their offices usually alone writing opinions. Three of my sons have clerked for Federal judges. Those jobs are very lonely and very confining. They don’t see much of the real world, in my opinion. I am not a football player. I would welcome a return to the days when distinguished practicing lawyers and bar leaders are recognized as suitable candidates for high judicial offices.

In recent years, Supreme Court Justices have been chosen exclusively from the ranks of Federal courts of appeal. The judges on the courts of appeal are often very smart, well credentialed, but the life of a Federal appeals judge, as I have indicated, is insular and isolated. They know the law in an abstract way but don’t appreciate the impact of the law on the lives of real people.

I asked Harriet Miers in one of the first conversations I had with her, “Have you ever tried a case?” She was a trial lawyer. That is what she did. She is a little different kind of trial lawyer than I was. She was a corporate lawyer who picked corporate problems. But she stated to me in a conversation that I had with her that she did divorce work.

I believe that is so important, that in the future we try to make our Presidents aware that the Supreme Court does not have to have all appellate judges to go into their ranks. Federal judges are often wise, but there is a different kind of wisdom that comes from the day-to-day practice of law where they argue cases to juries, where they argue cases to a jury, and where they talk to clients about fees they are going to charge. They participate in the community doing work for the poor.

In any event, certainly room for both kinds of judicial nominees on the Supreme Court—those with judicial experience and those without judicial experience. I hope in the years to come we look favorably upon both—not just someone with appellate experience.

One thing we certainly need on the Supreme Court is independent thinking. Ms. Miers has been George Bush’s lawyer for more than a decade. He is her friend. I have no problem at all with her being his friend. I think that speaks well of both of them—that they have confidence in each other, so to speak. But she needs to demonstrate to the Senate that she will put those close ties aside and stand in judgment of a President who has elevated her to this Court.

In the press conference today, just a few hours ago, President Bush said, “Harriet Miers knows the kind of judge I am looking for.” But if she is confirmed, I say Ms. Miers must become the kind of judge the American people are looking for—a judge committed to fundamental rights and freedom. I look forward to the Judiciary Committee to determine whether she deserves an additional seat on the historic Supreme Court.

I remind the Senate that the nomination of Harriet Miers will not reach the floor for some time, and we are going to cooperate fully, as I have indicated, as we did with Judge Roberts. The Democrats want the process to move forward expeditiously but fairly. After a few weeks break from the week-long recess that will start this Friday, we will have 5 weeks. We have a lot of things to do during that 5-week period. We have many pressing pieces of legislation that need to be dealt with in this period of time.

After the failures of Katrina—I should not say the failures of Katrina, Katrina did pretty well on its own as a storm, but what happened afterward was the worst natural disaster in our Nation’s history and that we understand it is not time to cut Medicaid, a program that was set up years ago to protect the poorest of the poor with their medical problems. We can’t cut education. Why would we do that? So the administration can spend more on tax breaks for multi-interests and multimillionaires? In calling for spending cuts, the President talked like a fiscal conservative, but in his 5 years in office, he has spent like a fiscal wreck. While our deficits were mounting, he had no problem spending trillions of dollars on tax breaks for
the few. But now, in the wake of this disaster, when the Federal Government begins to help rebuild the lives of Americans who have lost everything, he says he is interested in fiscal discipline. Yet whose benefits would he cut?

Just weeks after the economic and social divide in our country had been ripped open for all to see, it is proposing deep cuts in the crucial services that help American families get ahead. Around the gulf coast, some of America’s most neediest families suffered the most. Why? Simply because they were poor. Now, while continuing to push for tax breaks for special interests, financed with more debt, the President wants Katrina’s survivors and other vulnerable Americans to pay for reconstruction also. America can do better. We must do better. And Democrats are committed to leading the way.

There is another area where we will not give up the fight—helping Katrina victims. Today, the President made a point of mentioning how he wants to pay for “rebuilding the gulf,” but let us not forget that we still have to do the work that I call rebuilding lives.

The President was also asked about relief efforts and whether families are getting what they need. He said things are going “pretty good.” But anyone who has seen the news would question that is the case. On Sunday, newspapers all over the country had different titles. But the Washington Post ran an article titled, “Housing Promises Made to Evacuees Have Fallen Short.” That is an understatement. This article talks about tens of thousands of evacuees still living in hotel rooms, if they are lucky, and facing the possibility of eviction in less than 2 weeks. That is not pretty good.

Another story over the weekend explained that FEMA is stopping its assistance program for hurricane survivors. When that happens, many victims will have only unemployment insurance to turn to, if they are lucky. Those who didn’t have a job when Katrina hit won’t be eligible for unemployment, and those who are eligible will find their benefits grossly inadequate.

Is this just a term I am using, “grossly inadequate”? Let us look at it. For example, a formerly self-employed person in Houston can expect to receive $86 a week to meet his or her family’s needs. That is not “pretty good.” If you lost your home, your job, and all your possessions, would you be feeling “pretty good” about $86 a week? I don’t think so. America can do better than that.

For weeks, Democrats have been trying to get victims the relief they need. Unfortunately, too many of my colleagues on the other side of the aisle have not shared our sense of urgency.

Days after the storm, Democrats proposed a plan for comprehensive emergency relief. It was introduced as S. 1637, the Katrina Emergency Relief Act of 2005. This legislative package was designed to get families assistance in four areas: housing, health care, education, and financial relief. Here it is more than a month later while Senators Grassley and DeWine have torn up a Democratic plan and Republican chairman and ranking member of our Finance Committee, have been working hard. This Republican Senate has made virtually no progress. In fact, most of the Senate’s time has been taken up by legislation that is helpful for the victims. Last spring, Republicans in Congress and the President moved mountains in the middle of the night to intervene in one Florida family’s tragedy. But today, when thousands of displaced families are struggling to survive, Republicans are sitting on their hands.

America can do better. We can start tomorrow by finally addressing the needs of Katrina’s victims in a comprehensive manner.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF HARRIET MIERS

Mr. McCONNELL. Mr. President, today I rise to commend President Bush for his choice of Harriet Miers to be the Nation’s next Associate Justice of the Supreme Court. Ms. Miers has an exemplary record of service to our country. She will bring to the Court a lifetime of experience in various levels of government and at the highest levels of the legal profession. She is a woman of tremendous ability and very sound judgment.

Ms. Miers received her bachelor’s degree and law degree from Southern Methodist University in her native Texas. Upon graduation, she clerked for District Judge Joe Estes in the early 1970s. Ms. Miers has an accomplished career as one of the foremost lawyers in this country. She served has a role model for women lawyers everywhere. After clerking with Judge Estes for 2 years, Harriet was the first woman to lead the distinguished career as one of the foremost lawyers in this country. She served has a role model for women lawyers everywhere. After clerking with Judge Estes for 2 years, Harriet was the first woman to lead the distinguished career as one of the foremost lawyers in this country. She served as partner of the renowned Dallas law firm of Locke Purnell Rain Harrell in 1972. By 1978, she had made partner. And 24 years after first entering the firm’s doors, her colleagues elected her to be the first female president.

That is a remarkable rise and a testament to her ability to lead and, for that matter, to inspire others.

Further evidence of her administrative skill came when her firm merged with another firm to become the larger Locke Liddell & Sapp, LLP, and Ms. Miers became the managing partner, overseeing 400 lawyers. As an accomplished litigator, Ms. Miers has skillfully represented clients as varied as Microsoft, Walt Disney, and SunGuard Data Systems. Her peers have recognized her many talents, as the National Law Journal has repeatedly honored her as one of the top lawyers in our country.

Complex corporate litigation is a notoriously challenging practice area. Ms. Miers’ ability to master a wide range of substantive legal issues has served her well time and time again, both in government and in the private sector.

In 1985, Harriet Miers became the first woman president of the Dallas Bar Association, and in 1992, she became the first woman president of the State Bar of Texas. She has played a large role in the American Bar Association, serving in various leadership positions in various organizations, including as chair of the board of editors of the prestigious ABA Bar Journal.

Ms. Miers has great experience in government, as well as at the local, State, and Federal levels. In 1989, she was elected to the Dallas City Council. From 1995 to 2000, she volunteered to serve as chairwoman of the Texas Lottery Commission, while fulfilling her time-consuming duties as a leader in a prestigious law firm. She was a powerful advocate for the fair and honest administration of the State lottery which had previously suffered from scandal.

In an editorial, the Dallas Morning News commended her for her meritorious service and for her integrity.

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In an editorial, the Dallas Morning News commended her for her meritorious service and for her integrity.

Ms. Miers has great experience in the Federal Government, as we all know, serving as assistant to the President and staff secretary, Deputy Chief of Staff to the President, and in her current role as Counsel to the President, where I and others have had a good deal of dealings with her over the last few months. She succeeded Attorney General Gonzalez as White House Counsel. All of my dealings with her have been of the highest order. I really couldn’t compliment her more, both for her personality and for her legal skills. My interaction with her could not have gone better in every respect.

In these duties, she has grappled with the challenging job of making a face not only the White House but our entire country these days. She is an accomplished lawyer who has won the respect of Republicans and Democrats alike. She understands the role of a judge is not simply to legislate, but to interpret the law. She will bring to the Supreme Court her broad experiences in the worlds of government and the law. She is well qualified to join our Nation’s highest court and the President’s proposed trial lawyer. Ms. Miers believes with the great majority of us in the Senate, has made an outstanding nomination. She will make a fine addition.
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to the Supreme Court, and I look forward to her confirmation.

Now that we have a nominee, it is the Senate's responsibility to provide advice and consent in a fair, dignified, and responsible manner. We did that on the Senate floor, I fully expect the Senate to conduct itself in the same way on the Miers nomination.

In doing so, we should follow three basic principles: We should treat Harriet Miers respectfully. We should have a full and fair debate and we should complete our process with an up-or-down vote in a timely manner.

I suggest the absence of a quorum. "The PRESIDING OFFICER. The clerk will call the roll."

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. REED. Madam President, I also ask the pending amendment be laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

**AMENDMENT NO. 193**

Mr. REED. I ask to call up amendment No. 194.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposed the following amendment —

The amendment is as follows:

(Purpose: To transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Defense-Wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006)

At the appropriate place, insert the following:

**SRC.** 2,527,520,000. (a) ADDITIONAL AMOUNTS FOR INCREASED PERSONNEL STRENGTHS FOR ARMY AND MARINE CORPS FOR FISCAL YEAR 2006.

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, ARMY” is hereby increased by $1,081,640,000.

(2) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, MARINE CORPS” is hereby increased by $3,431,000.

(3) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” is hereby increased by $221,397,000.

(4) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL, ARMY.—The amount appropriated by title I under the heading “MILITARY PERSONNEL, ARMY” is hereby increased by $2,527,520,000.

(5) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL, MARINE CORPS.—The amount appropriated by title I under the heading “MILITARY PERSONNEL, MARINE CORPS” is hereby increased by $170,571,000.

(b) OFFSETS FROM SUPPLEMENTAL AMOUNTS FOR IRAQ, AFGHANISTAN, AND GLOBAL WAR ON TERRORISM.—

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by title IX under the heading “MILITARY PERSONNEL, ARMY” is hereby reduced by $2,527,520,000.

(2) MILITARY PERSONNEL, MARINE CORPS.—The amount appropriated by title IX under the heading “MILITARY PERSONNEL, MARINE CORPS” is hereby reduced by $170,571,000.

(3) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by title IX under the heading “OPERATION AND MAINTENANCE, ARMY” is hereby reduced by $1,081,640,000.

(4) OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title IX under the heading “OPERATION AND MAINTENANCE, MARINE CORPS” is hereby reduced by $3,431,000.

(5) OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title IX under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” is hereby reduced by $221,397,000.
Hurricane Katrina which is creating demand for forces, particularly National Guard forces. As we understand, the National Guard is the first responders. They have in some respects a dual capacity. They serve the Governors of States as the State military, as a State force, and then they have a Federal role. So these demands on military forces right now, including individual units, including demands in the planning process, are a third issue that is increasing the end strength numbers and, I would argue also argue strongly for regularly paying for these forces.

Now even before General Schoomaker made his announcement in 2004 of an increase temporarily in end strength, Senator Hagel and I were arguing that we needed more troops and we needed them for a considerable length of time. I think, as I have tried to suggest, this need is even more obvious today than several years ago when Senator Hagel and I first took the floor. Yet surprisingly, President’s fiscal year 2006 budget request did not ask for any additional troops in terms of end strength. They were operating on this emergency mechanism but, as I said initially, I am delighted and pleased to see the Appropriations Committee, under the leadership of Senator Stevens and Senator Inouye, has recognized the need to formally increase end strength. What I am asking is that this formal increase of 40,000 Army troops and 3,000 marines be also complemented by including their funding in the regular baseline of these forces and not through an emergency supplemental.

This issue of funding is the purpose of my amendment. An end-strength increase of 40,000 soldiers and 3,000 marines will cost approximately $3.9 billion for 1 year of paid training, housing, and equipment. This bill funds the cost through supplemental funding, a mechanism the Department of Defense agrees with. They have always been supportive of this, but I would argue again the assumptions that they have articulated of a temporary spike, do not consider, I think, fully the demands of transformation, and the other external demands of supporting foreign deployments and domestic operations such as Hurricane Katrina.

This funding mechanism is not the best because there are several problems with it. The first problem is that supplemental funding is supposed to be reserved for unforeseen or emergency events. The Army and marines have required more troops than their authorized end strengths for the past 2 years and it is likely this trend will continue for at least 4 more years. That should not be a surprise to anyone. These soldiers and marines are clearly not an unforeseen happenstance today. So I would argue it should be included in the regular budget and not through emergency supplemental funding.

The second problem is that to continue with supplemental funding creates a potentially unhealthy pattern. We pass supplemental funding many times. This funding runs out quickly before the end of the year—usually in about 9 months—and we are presented with a second supplemental bill. But these extra soldiers and marines will be in the field, we know, beyond 9 months; in fact, as I have suggested, probably for several years in terms of their total end strength.

But the Department of Defense is caught in this cycle of asking for supplemental funds, running out of money and asking for another supplemental. Again, I think with respect to this issue of predictable increases in end strength of several years, we can avoid that through regular funding.

Another problem with supplements is the growing concern and uneasiness of the American public with respect to funding some of our operations. Congress, to date, has appropriated $218 billion for the war in Iraq. That does not go unnoticed by the American people. All of this funding has been through supplements—in effect, deficit spending.

The Congressional Budget Office points out that we will run a deficit in 2005 of about $331 billion—again, a fact not escaping the American public. This deficit number does not include the significant costs associated with Hurricane Katrina and Hurricane Rita. In an AP poll conducted 2 weeks ago, 42 percent of those polled stated that they prefer the Hurricane relief by cutting spending in Iraq.

That is potentially an ominous note with respect to the priority that the American people are suggesting in this poll. Only 14 percent, by the way, were willing to continue to add to the Federal debt to pay for our operations overseas and our operations in the gulf coast with respect to recovery from Katrina and Rita.

My concern is that the time we can come up and automatically fill all the needs of our military forces in Iraq through supplemental bills may be drawing to a close. It will be increasingly more difficult to move these supplemental bills to fully pay for our forces as the American public begins to be more and more concerned with both the deficit and the unexpected increasing costs of contingencies and the cost of our operations.

I believe, if this happens, there is a real potential for both the Army and Marine Corps to be caught short having troops in the field which they must pay, equip, train, support, and also their families at home, but yet being squeezed because supplemental funding will not be sufficient. That will require them to look within their own budget to cut programs, to cut training, to cut modernization, which is very critical not only to their present posture but also to their future posture as the world’s most formidable land force. If these supplemental can’t resolve the personnel costs of additional troops, the Army will have to look for $3.5 billion within their budget, and the Marine Corps would have to look at $400 million.

These are significant numbers for these services. They would put excruciating pressure upon our military forces that are already under excruciating pressure, and we can see that reflected in many different dimensions.

Recently, we read about the recruiting shortfall. I believe Secretary Harvey of the Army announced today that they are going to increase the category of enlistees they would accept that do not meet the previous standards that we have been increasing the lower category of enlistees.

That is a reflection of the difficulty we have to man the force, at least at the recruitment level. Retention is good. But once again, if this pattern of operations persists for a few years and we see soldiers who have served with magnificent valor and dedication to the country faced with a third or fourth deployment into Iraq or into Afghanistan, those problems will build.

I believe very strongly that not only should we follow the lead in the Appropriations Committee by formally increasing the end strength, but that we should begin to think seriously about and in fact begin to pay for these forces through the regular account.

My amendment moves the appropriate amount of money from the Army and Marine Corps personnel and operations and maintenance accounts included in the bridge supplemental, and moves them to the Army and Marine Corps personnel and operations and maintenance accounts in the underlying bill. The funding move will, I hope, ensure several things. First, it will let us see much more clearly how we are paying for our operations overseas with respect to the Army and Marines Corps. Secondly, it will enable us to better ensure that these funds will be available if, in fact, it becomes more difficult in terms of both climate and the overall opinion climate in the country to send up on a regular basis very substantial supplemental appropriations bills for our consideration.

I think we should do it today. I urge my colleagues to support this measure. I thank my colleague, Senator Hagel, for joining me in this effort.

I yield the floor.

The PRESIDING OFFICER (Mr. Vanden Heuvel). The Senator from Alaska.

Mr. STEVENS. Mr. President, this is a difficult situation.

I have great respect for the Senator from Rhode Island. We know his background as a graduate of West Point and work on the Armed Services Committee.

Our subcommittee doesn’t disagree with the intent of the Senator’s amendment. It is our feeling that right now it would cause much disruption because of the way we have handled these funds since the beginning of the Afghanistan and Iraq wars and the war on terror.
Senator REED's amendment would move funding for additional Army and Marine Corps end strength from the emergency portion of this bill to the regular portion of the bill, and it would not have a corresponding offset.

Over the years, we have been involved, we have, for both the Army and the Marine Corps, requested temporary increases in their end strength to fight the war on terrorism, which to me includes both Afghanistan and Iraq. But we have done so because of the argument of the Armed Services Committee that these increases should be provided from supplemental emergency funding rather than regular appropriations because regular appropriations tend to invade the money that is necessary to maintain the regular forces and the total confirmation of the Department. If we force the DOD to pay these war-related bills out of regular appropriations, the net result, unless there are some changes, would be to punish the Army and Marine Corps because it would have to be offset from other moneys. Only moneys in the bill of this large amount and of this magnitude would be from the acquisition programs, and that right now would be very disruptive.

We can't take the money from O&M because that is where the regular end strength is. I am sure that we can't offset on the one hand and add on the other. It would just balance out. So we feel this money should come from the reserve fund.

That was the recommendation to us from the Armed Services Committee in the bill last year. Again, this year, the bill contains emergency funding for the global war on terrorism.

Our current bill is consistent with the budget resolution for 2006, which Congress approved, and provides $50 billion in emergency spending to cover these costs involved in the wars we are carrying out today.

The additional soldiers and marines that are needed to fight in Iraq and Afghanistan should be in our bill and are paid from those supplemental emergency funds. We have a bill that is very tightly put together, very carefully done.

We realigned $3.9 billion to pay for war-related military end strength and associated operations and maintenance, and if we have to take that out of the bill itself, as I said, it is the acquisition programs that would be affected immediately.

That would be a major reduction.

We would have to take it from Navy shipbuilding accounts or from the Army's future combat system or the Air Force fighter aircraft or the space satellite programs. Just a few of those major programs, and it would take almost $4 billion from those programs in the bill.

As much as we agree with the Senator, and we have provided the funds, the Senator from Rhode Island and I aren't disagreeing over the funds or over the end strength. It is really how to pay for them at this time. This is something we have argued since the beginning of these engagements that we have been involved in.

I remind the Senate that I made those arguments in connection with President Clinton's move in Bosnia and Kosovo.

But that is the way Presidents have done it. They want us to pay for these funds out on an emergency basis. And, in some instances, administrations have borrowed money from the current fiscal year and forced us to have a supplemental later in the fiscal year. Under this President, we have had supplementals at the beginning of the fiscal year, and that is where we are today.

We have $50 billion in this bill to pay for these costs.

I urge the Senator not to pursue this amendment. We are not in disagreement over principle. We both support the end strength. It is a question of how to pay for it, and the bill now before us pays for that additional end strength out of the supplemental reserve account.

I urge him to continue to support that basis. As I said, the Armed Services Committee ended up supporting it once again this year. We hope we will find a way to come to an end of that process and not have to use emergency moneys to pay for end strength. It is a temporary increase in end strength; it is not a permanent increase. Therefore, it should be paid for out of the contingency funds that are set aside on this bill on an emergency basis.

I again want to say how much we appreciate the Senator's interest in the manpower situation—manpower requirements of the services. We look forward to working with him on that.

I hope he will not pursue this amendment.

Mr. REED. Mr. President, I have immense respect for the chairman. I appreciate the difficulty of the job in trying to balance all of Congress' requests for funds. He has done a tremendous job with this appropriations bill. Certainly, I will consider his advice with respect to the position of the legislation. I would like to consider it a little further. But I appreciate the difficulty that the committee has in trying to meet all these amendments.

I say, finally, that what I am trying to do now is avoid a situation next year or the following year, as the Chairman pointed out, where supplemental are not sufficient and the Army and Marine Corps have to look to their acquisition programs, cut combat systems, they have to look to other issues, quality of life for families, since these do keep these forces in uniform.

There is no disagreement, as the chairman pointed out, with respect to the need of these troops. There is no disagreement with respect to the fact that they are on the books if you will, for several years into the future.

I am pleased that the chairman and Senator INOUYE formally increased the end strength, as Senator WARNER and Senator LEVIN have done in the Defense authorization bill.

He is very right. The argument is how we pay for it. Do we pay for it through the emergency, or do we pay for them through the regular accounts?

I argue that a day of reckoning is coming when, if we don't face up to this by including it in the regular accounts, we will be dipping into acquisition and into other necessary programs on both the Army and Marine Corps.

But again, I will take the Senator's good advice very closely to mind, and I appreciate the fact that we agree on so much.

We are trying to figure out what is most appropriate—not just for the near term but in the long term—way to pay for these forces.

I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE are printed in today's RECORD under Morning Business.)

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, yesterday, in anticipation of the unanimous consent agreement, the Senator from Virginia, joined by the Senator from Michigan, Mr. LEVIN, the managers and chairman and ranking member of the Armed Services Committee, filed an amendment, which amendment is the entire authorization bill prepared by the Committee on Armed Services and reported out favorably earlier this year was the subject of floor debate for some time. Some 30 amendments were added.

I also filed a second amendment, which represented 80 amendments which had been reconciled by the Senate Appropriations Committees and placed into the amendment to constitute a managers' amendment.

In other words, we agree as managers that they should be accepted subject to a unanimous consent agreement, which is our convention, or a managers' amendment.

I now have with me today a third amendment, which represents another
16 amendments that the Senator from Michigan and I have agreed upon should be eventually added to our bill.

My first inquiry to the Chair is: Is it appropriate, at this time, given the unanimous consent that was agreed to this morning, to send to the desk an amendment representing another managers' amendment for 16 reconciled amendments?

The PRESIDING OFFICER. A third second-degree amendment may be filed.

Mr. WARNER. Then I do so at this time, and I ask it be assigned a number.

Mr. President, I have had the opportunity to consult with the distinguished manager and the ranking member. I have advised him of steps that I would like to take at this time. I now ask that amendment No. 1955, which is the authorization bill, be called up for the purpose of sending to the desk a modification to that amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

AMENDMENT NO. 1955

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes an amendment numbered 1955.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the Record of Monday, October 3, 2005, under "Text of Amendments.")

Mr. WARNER. Mr. President, I now send to the desk a modification to that amendment and ask that it be so modified.

The PRESIDING OFFICER. Is there objection to the modification? The amendment is so modified. The amendment (No. 1955), as modified, is as follows:

At the end, add the following:

SEC. 1. SHORT TITLE.
This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2006”.

TABLE OF CONTENTS.—The table of contents for the Act is as follows:
Sec. 1. Short title.
Sec. 2. Organization into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations
Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defensewide activities.

Subtitle B—Army Programs
Sec. 111. Multiyear procurement authority for AH-64D Apache attack helicopter block II conversions.
Sec. 504. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior noncommissioned military positions.

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 deenforcement of separation of reserve general and flag officer 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 examination 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 programs.

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 office of stalking.

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

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

Sec. 555. Retirement pay 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.

Sec. 562. Authority for promotion decisions by senior enlisted personnel.

Sec. 563. Clarification of leave accrual for members assigned to a deployable ship or mobile unit or other duty.

Sec. 564. Limitation on conversion of military medical and dental billets to civilian positions.

**Subtitle F—Defense Dependents Education Matters**

Sec. 581. Expansion and enhancement of scholarship programs for children of service members.

Sec. 582. Assistance to local educational agencies with significant enrollment increases in military dependent students due to troop relocations or creation of new units, and realignments under BRAC.

Sec. 583. Assistance to local educational agencies to 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 dependents.

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 reenlistment 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.

Sec. 596. Authority for National Defense University award of degree of master of science in joint campaign planning and strategy.

**TITLE VI—COMPENSATION AND OTHER 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 providers.

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 modifications of bonuses for affiliation or enlistment in the Selected Reserve.

Sec. 618. Expansion and enhancement of special pay for 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 based on a bonus.

Sec. 623. Incentive bonus for transfer between the 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.

**Subtitle D—Retired Pay and Survivor Benefits**

Sec. 641. Enhancement of death gratuity and life insurance benefits for deaths from combat-related causes or incurred in combat operations or areas.

Sec. 642. Improvement of management of Armed Forces Retirement Home.

**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.

Sec. 653. Modification of requirement for certain intermediaries under certain authorities relating to adoptions.

Sec. 654. Extension of effective date.

**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 deductibles and copayment requirements for nursing home residents under the pharmacy benefit program.

Sec. 703. Eligibility of surviving active duty spouses of deceased members for enrollment as dependents in a TRICARE 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.

Sec. 705. Expanded eligibility of members of the Selected Reserve under the TRICARE program.

**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 reports 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.
Subtitle B—Army Programs

Sec. 111. Multyear Procurement Author-
ity for AH-64D Apache Attack Helicopter Block II Conversion.

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 236b of title 10, United States Code, enter into one or more multyear contracts for procurement of AH-64D Apache attack helicopter block II conversions.

Sec. 112. Multyear Procurement Author-
ity for modernized target ac-
quisition 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 236b of title 10, United States Code, enter into one or more multyear contracts for procurement of modernized target acquisition designation/pilot night vision sensors for AH-64D Apache attack helicopters.

Title XIV—Authorization for Sup-
plemental Appropriations for Iraq, Afghanistan, and the Global War on Terrorism

Sec. 141. Purpose.

Sec. 142. Designation as emergency amounts.

Sec. 143. Army procurement.

Sec. 144. Navy and Marine Corps procurement.

Sec. 145. Air Force procurement.

Sec. 146. Funding in the Shipbuilding and Conversion, Navy, shall be available for construction with respect to the LHA Replacement (LHA(R)) ship.

(c) Contract Authority.—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.

(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.

(e) Funding as Increment of Full Fund-
ing.—The amounts authorized by subsections (a) and (b) for the LHA Replacement Ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

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, $1,483,563,000 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 (CVN-70).

(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. Multyear Procurement Author-
ity for C-17 aircraft.

(a) Multyear Procurement Author-
ity.—Beginning with the fiscal year 2006 program year, the Secretary of the Air Force may exercise the option on the existing multyear procurement contract for C-17 aircraft in order to enter into a multyear 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 236b of title 10, United States Code.

(b) Required Certification.—Prior to the exercise of the authority in subsection (a), the Secretary of Defense shall certify to the congressional defense committees that the additional aircraft capability to be provided by the C-17 aircraft to be procured under this 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 AIRCRAFT.

The Secretary of the Air Force may not retire any KC–135E aircraft of the Air Force in fiscal year 2006.

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

In addition to providing funds for a tanker acquisition program as specified in section 6332 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1001), funds in the Tanker Replacement Transfer Fund established by that section may be used for the modernization of existing tanker aircraft 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 required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–183; 117 Stat. 1413).

SEC. 134. PROHIBITION ON RETIREMENT OF F–117 AIRCRAFT.


SEC. 135. PROHIBITION ON RETIREMENT OF C–130H/F TACTICAL AIRLIFT AIRCRAFT.

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

SEC. 136. PROCUREMENT OF C–130J/KC–130J AIRCRAFT TO PROVIDE AERIAL REFUELING.

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 Acquisition 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 Acquisition 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 PROCURE.—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 evacuation services across the Pacific 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 service facilities, and such other facilities as the Secretary considers appropriate for the provision of aeromedical evacuation services.

(d) DESIGNATED 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 132 the Secretary of the Air Force may obligate for the procurement of up to two aircraft under this section.

Subtitle E—Defense-Wide Programs

SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.

(a) 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 recommends 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 Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Such recommendations as the Secretary considers appropriate regarding the continuance, 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 estimates and program baselines for the Advanced SEAL Delivery System program, which cost estimates shall be validated for purposes of the report by the Cost Analysis Improvement Group within the Office of the Secretary of Defense.

(4) A detailed acquisition strategy for the Advanced SEAL Delivery System, if the Secretary certifies to the Congress, in accordance with the 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 2006.

(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 schedules and cost projections for that program.

(C) To identify and evaluate any remaining factors that may contribute to potential future problems for the Advanced SEAL Delivery System program.

(d) REPORT.—The Comptroller General shall submit 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

Sec. 201. Authorization of Appropriations.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the research, development, test, and evaluation projects described in subsection (a) as follows:

(1) For the Army, $9,717,824,000.

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

(3) For the Air Force, $130,268,000.

(4) For Defense-wide activities, $19,011,754,000, of which $18,458,000 is authorized for the Director of Operational Test and Evaluation.


(a) AMOUNT FOR PROJECTS.—Of the amount authorized to be appropriated by section 201, $10,924,401,000 shall be available for research, development, test, and evaluation projects described in subsection (b) and (c) of section 201.

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

Sec. 203. Program Requirements, Restrictions, and Limitations

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

(a) JOINT FIELD EXPERIMENT REQUIRED.—The Secretary of Defense shall, in fiscal year 2008, carry out a joint field experiment to address matters relating to stability and support operations.

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

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

(2) To facilitate the development of recommendations for appropriate doctrine, training 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 within 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, on or before January 15, 2008, invite the participation in the joint field experiment of the following 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 Congress 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 to the field experiment.

SEC. 213. TOWED ARRAY HANDLER.
(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604553N for the design, development, and test of improved towed array handler is hereby increased by $5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.
(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow and stern towed array is hereby increased by $5,000,000.

SEC. 214. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.
Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Army, $1,000,000 may be available for Medical Advanced Technology (PE 0603602A) for the Telemedicine and Advanced Technology Research Center.

SEC. 215. CHEMICAL DEMILITARIZATION FACILITIES.
(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(2) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:
(1) Pueblo Army Depot, Colorado.
(2) Blue Grass Army Depot, Kentucky.
(b) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.
(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.
(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, commenced under the authority in subsection (a) after September 30, 2006, may continue to be carried out until such time as the Secretary determines that all purposes of the project have been satisfied.
(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

Subtitle C—Missile Defense Programs

SEC. 221. ONE-YEAR EXTENSION OF COMPRESSOR 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. 2341 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 2006”.
(b) MODIFICATION OF DATE.—Paragraph (2) of such section is further amended by striking “February 15” and inserting “March 15”.

SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE SYSTEMS CAPABILITIES.
(a) AUTHORITY TO USE FUNDS.—Funds referred to in subsection (a) may not exceed $500,000,000 for fiscal year 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 command, with the support of the Under Secretary of Defense for Acquisition, Technology, and Logistics shall 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 to 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 Secretary of 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) EXECUTION.—The Under Secretary shall, utilizing the Manufacturing Technology Program, undertake the development of prototypes and testbeds to promote the purposes of this section.

Subtitle E—Manufacturing Technologies

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 the technologies identified under section 231) from the research stage to utilization by manufacturers in the defense manufacturing base.
(2) COMMENCEMENT OF ROADMAPPING.—The Under Secretary shall—
(a) establish a memorandum of understanding among the Directorate for Research and Engineering, the 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 this paragraph.
(b) DEVELOPMENT OF TESTBEDS.——
(1) IN GENERAL.—The Under Secretary shall, utilizing the Manufacturing Technology Program, 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.

Subsection 2.b.—
(2) DETERMINATION 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 PROCESSES.—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 productivity and efficiency identified by reason of activities under this subsection 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 Extension Partnership Program under memorandum of agreement, cooperative pro-
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) 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 implementation of such with 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 205(k)(1) of title 10, United States Code.
(6) SMALL BUSINESS TECHNICAL TRANSFER PROGRAM.—The term ‘‘Small Business Transfer Program’’ has the meaning given that term in section 250(k)(2) 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.—Paraphrase (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 officials 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 2350a(g) of title 10, United States Code, is amended to read as follows:
(2) The duty of the Council shall be to support the Secretary of the Department of Defense 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 programs of the Department of Defense’s acquisition strategy to address such challenges, including—
(A) a description of any organizational barriers to technology transition between acquisition, acquisition development, and production 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 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 Secretary 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 prevention, mitigation, and treatment of blast injuries.
(b) GENERAL RESPONSIBILITY.—The executive agent designated under subsection (a) shall—
(1) establish, coordinate, and oversee the Department of Defense’s efforts to improve the prevention and treatment of blast 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 designated 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 blast injuries;
(2) establish requirements for such research efforts in order to enhance and accelerate such research efforts; and
(3) establish, coordinate, and oversee Department-wide research efforts on the prevention, mitigation, and treatment of such injuries; and
(d) ANNUAL REPORTS ON BLAST INJURY MATTERS.—
(1) REPORTS REQUIRED.—Not later than February 15, 2006, and annually thereafter through fiscal year 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 in the fiscal 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, mitigation, and treatment of blast injuries.

(C) A description of any gaps in the capabilities of the Department under its programs for the prevention, mitigation, and treatment of blast injuries, and a description 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 on prevention, mitigation, and treatment of blast injuries.

(E) A description of any efforts during the year preceding the report to disseminate findings 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 protective system that is effective in confronting blast, ballistic, and fire threats.

Sec. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subtitle A—Authorizations of Appropriations

TITLE III—OPERATION AND MAINTENANCE FUNDING

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) For the Army, $24,951,460,000.
(2) For the Navy, $33,547,460,000.
(3) For the Marine Corps, $1,842,926,000.
(4) For the Air Force, $31,425,919,000.
(5) For Defense-wide activities, $18,584,469,000.
(6) For the Army Reserve, $1,989,382,000.
(7) For the Naval Reserve, $1,245,695,000.
(8) For the Marine Corps Reserve, $599,594,000.
(9) For the Air Force Reserve, $2,559,686,000.
(10) For the Army National Guard, $4,529,019,000.
(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, $497,865,000.
(14) For Environmental Restoration, Navy, $935,275,000.
(15) For Environmental Restoration, Air Force, $800,000.
(16) For Environmental Restoration, Defense-wide, $28,107,000.
(17) For Environmental Restoration, Formerly Used Defense Sites, $261,921,000.
(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $61,546,000.
(19) 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, $375,319,000.
(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 Defense Health Program for fiscal year 2006, by inserting after subparagraph (C) the following new subparagraph:

"(D) A summary of fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal law 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 penalties for military installations inside and outside 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;";

(b) by redesignating paragraph (E) as paragraph (F);

(c) by inserting after paragraph (F) the following new subparagraph:

"(G) $156,527,000 is for Procurement."

Sec. 304. PAYMENT FOR ACTIVITIES AT FORMER DEFENSE PROPERTY THAT IS SUBJECT TO COWNET PROVISIONS.

Sec. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN ITEMS REQUIRED IN THE ANNUAL REPORT ON ENVIRONMENTAL ACTIVITIES, OTHER ENVIRONMENTAL ACTIVITIES.

Sec. 312. PAYMENT OF CERTAIN PRIVATE CLEAN-UP COSTS IN CONNECTION WITH THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.
(4) in paragraph (5), as redesignated by paragraph (2), by adding at the end the following new subparagraph:

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

(b) DESTRUCTION OF WEAPONS.—The term ‘National Defense Seafair Fund’ means the National Defense Seafair Fund established by section 2218 of title 10, United States Code.

SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS OVERSEAS.

(a) PURCHASE OF WEAPONS.—(A) AUTHORITY TO USE FUNDS.—(1) IN GENERAL.—(A) The Secretary of Defense may use appropriated funds for the purchase of any weapon overseas other than a nuclear weapon, a weapon of mass destruction, or a weapon of mass destruction delivery system.

(b) DESTRUCTION OF WEAPONS.—(A) Authority.—The Secretary of Defense may use funds for the destruction of weapons overseas other than a nuclear weapon, a weapon of mass destruction, or a weapon of mass destruction delivery system.

(c) E F FECTIVE DATE.—The amendments made by this section shall be in effect on October 1, 2005, and with respect to funds appropriated or otherwise made available for fiscal years after fiscal year 2005.

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

Section 2423(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.

(1) STRATEGIC.—The Secretary of the Army shall develop and implement a training strategy to ensure the readiness of brigade-based combat teams and functional support units.

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

(A) A statement of the purpose for 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 paragraph (B).

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

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

(b) REPORT.—(1) 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 requirements to be fulfilled in order to implement the training 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 description of performance goals and metrics developed under that subsection.

(B) Inclusion and description of the training range requirements necessary to implement the training strategy.

(C) A discussion and description of the training aids, devices, simulations, and simulators necessary to implement the training strategy.

(D) A list of the funding requirements, including by fiscal year, as specified in a format consistent with the future-years defense program 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 subparagraph (B).

(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.—

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

SEC. 328. IMPROVEMENTS TO THE NATIONAL CIVILIAN DEFENSE WORKFORCE.

The National Civilian Defense Workforce shall implement the training strategy developed under section 327.
TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active Army 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 LEVEL.

(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 RESERVES.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel as of September 30, 2006, as follows:

(1) The National Guard of the United States, 350,000.
(2) The Army Reserve, 265,000.
(3) The Navy Reserve, 4,300.
(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 component shall be proportionately reduced by:

(1) the total authorized strength of units organized 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 the Ready Reserve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation 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 strength of units in the Ready Reserve 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, 37,386.
(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.
(6) The Air Force Reserve, 2,290.

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, 7,699.
(2) For the Army National Guard of the United States, 25,563.
(3) For the Air Force Reserve, 9,856.
(4) For the Air National Guard of the United States, 22,971.

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

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c) 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, 350.
(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 695.

(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 for the Department of Defense for military personnel for fiscal year 2006 a total of $109,179,601,000. The authorization of appropriations (definite or indefinite) in this section supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2006.

SEC. 422. ARMED FORCES RETIREMENT HOME TRUST FUND.

There is hereby authorized to be appropriated for fiscal year 2006 to the Armed Forces Retirement Home Trust Fund the sum of $58,261,000 for the operation of the Armed Forces Retirement Home.

TITLE VI—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 OF 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 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 in paragraph (4) do not apply to general or flag officers on leave pending separation, retirement, or release
from active duty as described in section 522(e) of this title.

(2) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by striking ‘‘ Certain Reserve 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 ‘‘on the Joint Staff,’’ after ‘‘commander’’.

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 1406 of such title is amended by inserting ‘‘the date before’’ after ‘‘not later than’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to selection boards convened on or after that date.

SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS OF OFFICIAL PROFILES FOR PROMOTION TO CERTAIN SENIOR GRADES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 614(a) of title 10, United States Code, is amended by—

(1) in subparagraph (A), as redesignated by section 3911(b)(1) of title 10, United States Code, is amended by striking ‘‘the date before’’ after ‘‘not later than’’;

(2) in subparagraph (B), by inserting ‘‘the date before’’ after ‘‘not later than’’;

(3) in paragraph (2), by striking ‘‘in paragraph (4)’’ and inserting ‘‘in paragraph (5)’’;

(4) in paragraph (5), as so redesignated, by striking ‘‘(2),’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, 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 3837(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences:—

‘‘The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.’’

(b) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 514(b) of such title is amended by striking ‘‘in subparagraph (B)’’ and inserting ‘‘in subparagraph (A)’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to selection boards convened on or after that date.

SEC. 506. 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:

‘‘14512. Separation at age 64

(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.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of title 10, United States Code, 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 6204 of title 10, United States Code, is amended—

(1) by inserting ‘‘(a)’’ after ‘‘(b)’’;

(2) in paragraph (3), 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 subparagraph:—

‘‘(B) The authority in subparagraph (A) 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 6232(a)(2) of such title is amended—

(1) by inserting ‘‘(A)’’ after ‘‘(B)’’;

(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 subparagraph:—

‘‘(B) The authority in subparagraph (A) 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.’’

(c) AIR FORCE.—Section 6911(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 subparagraph:—

‘‘(B) The authority in subparagraph (A) 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.’’

(d) RESERVE COMPONENT.—Section 6232(b)(9) of such title is amended—

(1) by inserting ‘‘(A)’’ after ‘‘(B)’’;

(2) in paragraph (A), as so designated, by inserting ‘‘, during the period beginning on October 1, 1990, and ending on December 31, 2001, and

(3) by adding at the end the following new subparagraph:—

‘‘(B) The authority in subparagraph (A) 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.’’

(e) LIMITATION ON NUMBER OF DEFERMENTS.—(1) Not more than 180 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 Army may be distributed between the Army Reserve and the Army National Guard as the Secretary determines appropriate.

(3) Deferments by the Secretary of the Navy may be distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines appropriate.

(4) Deferments by the Secretary of the Air Force may be distributed between the Air National Guard and the Air Force Reserve as the Secretary determines appropriate.

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6204 of title 10, United States Code, is amended by striking the item relating to section 6232 and inserting the following new item:

‘‘6232. Uniform citizenship or residency requirements for enlistment in the armed forces.’’

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.
(b) EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.—Section 16165 of such title is amended—
(1) by striking “educational assistance” and inserting “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 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 less than 90 days shall continue to serve in the Ready Reserve during and after such break in service.”.

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


SEC. 537. PERFORMANCE BY RESERVE COMPONENT PERSONNEL OF OPERATIONAL TEST AND EVALUATION 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 operational test and evaluation, 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 related activities, 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 amendment or modification of personnel policies or procedures that are applicable to the reserve components of the Army used under the pilot program.

(c) RECEIPT FOR PERSONNEL.—The authority of the Army to transfer funds under this section is in addition to any other authority to transfer funds under law.

(d) TERMINATION.—If the Secretary of the Army determines that the objectives of the pilot program have been reached, the authority of the Army to transfer funds under this section shall cease.

SEC. 538. INCREASE IN MAXIMUM NUMBER OF ARMY RESERVE AND ARMY NATIONAL GUARD CADETS UNDER RECRUITMENT RELATING TO MAINTENANCE PERSONNEL.

Section 2107a(h) of title 10, United States Code, is amended—
(1) by striking “140” and inserting “208”;
(2) by striking “(1) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards prescribed under paragraph (4), by health care professional on the basis of a medical examination of the cadet or midshipman”; and
(3) by striking “(1)(A)” and inserting “(1)(i)”.

(b) E XCEPTION.—Except as provided in subsection (a), the maximum amount authorized under this section for the fiscal year 2006 shall be increased by $7,000,000, to $10,000,000.

SEC. 539. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVE PERSONNEL APPOINTED UNDER OPERATIONAL TEST AND EVALUATION RELATING TO NEW EQUIPMENT.

(a) OFFICIAL RECEIVING ELECTIONS OF BENEFITS.—Section 16166(e) of title 10, United States Code, is amended—
(1) by striking “Secretary of Veterans Affairs” and inserting “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 “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 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 less than 90 days shall continue to serve in the Ready Reserve during and after such break in service.”.

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(1) utilizing members of the reserve components of the Army, rather than contractor personnel, to perform operational test and evaluation, 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 related activities, 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 amendment or modification of personnel policies or procedures that are applicable to the reserve components of the Army used under the pilot program.

(c) RECEIPT FOR PERSONNEL.—The authority of the Army to transfer funds under this section is in addition to any other authority to transfer funds under law.

(d) TERMINATION.—If the Secretary of the Army determines that the objectives of the pilot program have been reached, the authority of the Army to transfer funds under this section shall cease.

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Section 2107a(h) of title 10, United States Code, is amended—
(1) by striking “140” and inserting “208”;
(2) by striking “(1) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards prescribed under paragraph (4), by health care professional on the basis of a medical examination of the cadet or midshipman”; and
(3) by striking “(1)(A)” and inserting “(1)(i)”.

(b) E XCEPTION.—Except as provided in subsection (a), the maximum amount authorized under this section for the fiscal year 2006 shall be increased by $7,000,000, to $10,000,000.

SEC. 539. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVE PERSONNEL APPOINTED UNDER OPERATIONAL TEST AND EVALUATION RELATING TO NEW EQUIPMENT.

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(1) by striking “Secretary of Veterans Affairs” and inserting “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 “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 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 less than 90 days shall continue to serve in the Ready Reserve during and after such break in service.”.

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


SEC. 537. PERFORMANCE BY RESERVE COMPONENT PERSONNEL OF OPERATIONAL TEST AND EVALUATION 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 operational test and evaluation, 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 related activities, 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 amendment or modification of personnel policies or procedures that are applicable to the reserve components of the Army used under the pilot program.

(c) RECEIPT FOR PERSONNEL.—The authority of the Army to transfer funds under this section is in addition to any other authority to transfer funds under law.

(d) TERMINATION.—If the Secretary of the Army determines that the objectives of the pilot program have been reached, the authority of the Army to transfer funds under this section shall cease.
Subtitle D—Military Justice and Related Matters

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

(a) UNLIMTED 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 "within 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 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 (1), by striking "by striking", "at the time", and "if"; and

(B) in clause (v), by striking "Indecent assault," and inserting "Kidnapping, indecent assault,"; and

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

"(C) In subparagraph (A), the term 'child abuse offense' also includes an act that involves the use of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117 or section 120 of title 18.";

SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.

(a) ESTABLISHMENT OF OFFENSE.—Subchapter X of chapter 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 conduct directed at a specific person that would cause a reasonable person to fear death or serious bodily injury, including sexual assault, to himself or herself or a member of his or her immediate family; or

(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual 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, 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 this 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 occurrence of a 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.

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

(1) by redesignating subsection (d) as subsection (e), and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) In this subsection, the term "legal assistance" includes—

(A) Legal assistance provided under this section; and

(B) Legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.".

(b) 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.

(b) 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.

(c) CRIMINAL LAW OF THE UNITED STATES.—The authority under this section to issue administrative censures with respect to conduct or performance of duty under section 1044 of title 10, United States Code, means two or more occasions of such conduct directed at a specific person that would cause a reasonable person to fear death or serious bodily injury, including sexual 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 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, 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 this 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 occurrence of a 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. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED PERSONNEL OF MATTERS RELATING TO VIOLATIONS OR ALLEGED VIOLATIONS OF CRIMINAL LAW.

(a) REQUIREMENT FOR REPORTS.—

(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-duty list, or a Reserve component of the Army under the pilot program, shall provide to the Secretary of Defense, or 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 conduct that would constitute a violation of any 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.

(c) COVERED MEMBERS.—In this section, the term ‘covered member of the Armed Forces’ means the following:

(1) An officer, warrant officer, or 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) other law enforcement authorities within the United States, 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.—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 with respect to such conduct, the regulations shall specify which of such actions such member be subject to a report under this section.

(e) 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 would provide the basis for actions of a law enforcement authority of the United States with respect to such conduct, that department shall forward such information to the department concerned.
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 638 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, who, 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 basis for continuation of an officer 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 (a)(2) is eligible for consideration for promotion to the grade of captain.

(2) Clerical Amendment.—The table of sections at the beginning of this 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 this title is amended—

(A) by striking ‘‘and an officer’’ and inserting ‘‘and an officer who is a permanent military professor at the Naval Academy’’;

(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 683b 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 683b(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 CIVILIAN POSITIONS.

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—

(1) 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

(2) is assigned to a deployable ship or mobile unit or to a civilian position designated for the purpose of this section."

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

(a) Limitation.—Comencing 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 a military medical or dental billet to civilian positions, whether before the date of the enactment or as scheduled after the limitation under this subsection is excused, will 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.

(b) Market Surveys.—The Secretary of Defense shall conduct in each affected area a survey of the civilian medical and dental care providers available in each affected area are adequate to fill the civilian positions created by the conversion of such military medical and dental billets to such positions in such affected area.

(c) Definitions.—In this section:

(1) the term ‘‘affected area’’ means the Defense Dependents Schools area of responsibility; and

(2) the term ‘‘conversion’’ means the conversion of a military medical or dental billet to civilian positions.

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

The Defense Dependents’ Education Authority, in consultation with the Secretary of Education, make assistance available to such local educational agencies as provided pursuant to subsection (c) for that fiscal year.

(b) Availability of Assistance.—To assist communities in making adjustments resulting from the conversion of new units and other large-scale relocations of members of the Armed Forces between military installation and local educational agencies, 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 preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding 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.

(c) Eligible Local Educational Agencies.—A local educational agency is eligible for assistance under this section for a fiscal year only if the Secretary of Defense 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 subsection (a), occurred as a result of the relocation of military personnel due to—

(A) the global rebasing plan of the Department 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.

(d) Amount of Assistance.—

(1) In General.—In making assistance available 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 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) Determining Eligibility.—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 the notification to such local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(f) Consultation.—The Secretary of Defense may carry out determination of eligibility in consultation with the Secretary of Education.
SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.

(a) Title I—Basic Support.

(1) In general.—Not later than January 15 of each fiscal year, the Secretary shall make available to local educational agencies assistance under this section in an amount equal to the amount of funds appropriated to the Department of Defense for the fiscal year preceding the date of such report.

(b) Prior Year Maintenance.—Of the amount made available under subsection (a) for fiscal year 2006, an amount equal to the amount made available under this section for fiscal year 2005 shall be made available to local educational agencies.

SEC. 583. COMPREHENSIVE POLICY ON CASUALTY ASSISTANCE.

(a) Policy.—The Secretary shall develop a comprehensive policy for the purpose of assisting, and to the extent practicable, providing support to individual beneficiaries and to the eligible local educational agencies for the purpose of assisting such local educational agencies.

(b) General Responsibilities.—The Secretary shall develop a comprehensive policy in order to ensure that the policies and procedures of each military department conform to the policies and procedures of the other military departments.

(c) Implementation.—The Secretary shall implement the policy not later than June 30, 2006.

(d) Effective Date.—The policy developed pursuant to this section shall be effective from the date of its promulgation and shall be implemented by the date specified in subsection (b) of this section.

SEC. 584. IMPROVEMENTS FOR CHILDREN WITH SEVERE DISABILITIES.

(a) Definitions.—For the purposes of this section—

(1) The term ‘‘local educational agency’’ has the meaning given that term in section 801(20) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 791(20)).

(2) The term ‘‘school personnel’’ means support personnel under section 3003(b)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 791(b)(5)).

(b) Authorization of Appropriations.—Of the amount appropriated to the Department of Defense pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available for payments under section 3003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 791(b)(1)).

SEC. 585. APPROPRIATIONS FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Military Civilian Employees.—Of the amount appropriated to the Department of Defense for fiscal year 2006 for the purpose of providing financial assistance to local educational agencies under this section, $30,000,000 shall be available only for the purpose of providing financial assistance to local educational agencies.

(b) Other Civilian Employees.—Of the amount appropriated to the Department of Defense for fiscal year 2006 for the purpose of providing financial assistance to local educational agencies under this section, $15,000,000 shall be available for operation and maintenance for Defense-wide activities.

(c) Authorization of Appropriations.—Of the amount appropriated to the Department of Defense pursuant to section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654-A77; 20 U.S.C. 7703(a)).
advanced instruction, and professional and technical education, to commissioned officers of the naval service to enhance combat effectiveness and the national security.".

(2) AMENDMENT.—Section 702(b)(1) of such title is amended by striking "and technical education" and inserting ", and technical and professional education.

(b) ELIGIBILITY OF ENLISTED PERSONNEL FOR INSTRUCTION.—Section 7045 of such title is amended—

(1) in subsection (a)(2)—

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

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

"(C) the arm of the armed forces; and"

and

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

(2) in subsection (b)(2), by striking "(a)(2)(C)" and inserting "(a)(2)(D)"

SEC. 583. EXPANDED ELIGIBILITY 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 RECONCITION 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 members of the families of members of the armed forces, to include members of the reserve components of the armed forces; and

"(B) to members of the family 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 530c of this title and section 530 of chapter 11 of title 37, United States Code, any expenditures under [(a)(1)(A)]] that section 530c of this title and section 530 of chapter 11 of title 37, United States Code, authorizes shall be treated as reimbursement for personal and social expenses, under the proviso of paragraph (1) of section 530c of this title, and shall be treated as personal and social expenses for purposes of that section and section 530c of this title and shall be treated as personal and social expenses for purposes of that section and section 530c of this title and section 530 of chapter 11 of title 37, United States Code, authorizes shall be treated as reimbursement for personal and social expenses, under the proviso of paragraph (1) of section 530c of this title, and shall be treated as personal and social expenses for purposes of that section;

"(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 commerorate 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 chapter 134 of such title is amended by adding at the end the following new item:

"2261. Presentation of recognition items for recruitment and retention purposes.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—

(1) ANY RESERVE.—(A) Section 1856 of title 10, United States Code, is repealed.

(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 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 PROVISIONS.—

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 paragraph:

"(1) for fiscal year 2006, 65 percent of the costs of operating the State program during that fiscal year;

"(2) for fiscal year 2007, 70 percent of the costs of operating the State program during that fiscal year; and

"(3) for fiscal year 2008 and each subsequent fiscal year, 75 percent of the costs of operating the State program during that fiscal year.

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARDS OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

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

"§ 2163. National Defense University: master of science degrees

"(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b)."

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

"(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

"(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

"(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

"(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.

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


"(c) EFFECTIVE DATE.—Paragraph (3) of section 2168 of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

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.

Section 220(b) of title 37, United States Code, is amended by inserting "117" after "the United States Naval Academy", 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 ENLISTED.—Section 211(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "(1)" after "A";

(B) by redesigning subparagraph (B) as clause (i) of subparagraph (A); and

(C) in clause (i) of subparagraph (A), as so redesignated, by striking the period at the end and inserting "; and";

and

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

"(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)"; and

(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 8440 of title 5 (other than under subsection (d)(2)) thereto. The security of paragraph (2) applies to the Secretary's obligation to make contributions under this paragraph at 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 4202a of title 37, United States Code, is amended by striking subsection (1).

SEC. 604. MODIFICATION OF ALLOWANCE 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:

"(b) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incenative 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) Hostile duty special pay under section 305 of this title.

“(5) Career sea pay under section 306a of this title.

“(6) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 306b of this title.

“(7) Assignment incentive pay under section 307 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 311 of this title.

“(10) Foreign language proficiency pay under section 312 of this title.

“(11) Critical skill retention bonus under section 313 of this title, if payable in periodic installments.

(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 Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITY FOR RESERVE FORCES.

(a) SELECTIVE REENLISTMENT BONUS.—Section 308(b)(g) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308(c)(c) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(c) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308(b)(h) of such title is amended by striking “enlistment after September 30, 1992.” and inserting “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 308(b)(i) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308(b)(j) 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 AUTHORITY 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 302(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 302(a)(1) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(e) ACCESSION BONUS FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302(c)(f) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302(a)(1) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302(a)(2) of such title is amended by striking “the date of the enactment of the Lloyd F. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2005” and inserting “October 30, 2006, and ending on December 31, 2006”.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND CRITICAL MILITARY SKILLS FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 301(b) of title 37, United States Code, is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312a(b) 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 BONUSES AND SPECIAL PAY AUTHORITY.

(a) AVIATION OFFICER RETENTION BONUS.—Section 308i(b) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(b) ASSIGNMENT INCENTIVE PAY.—Section 308(i)(b)(1) of such title is amended by striking “December 31, 2006” and inserting “December 31, 2007”.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS—Section 308j(b) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308c(b) of such title is amended by striking “December 31, 2005” and inserting “December 31, 2006”.

SEC. 615. PAYMENT IN LUMP SUM OF ASSIGNMENT INCENTIVE PAY.

(a) FLEXIBLE PAYMENT.—Section 307a of title 37, United States Code, is amended—

“(1) in subsection (a), by striking “(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)—

“(1) by inserting ‘(1)’ before ‘The Secretary concerned’; and

“(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 under this paragraph on a lump sum basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, if the amount of the lump sum, or each installment, of the incentive pay;” and

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

“(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of incentive pay payable to a member under this section shall be $1,500.

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

“(A) the maximum monthly rate authorized under subparagraph (1) at the time of the written agreement; 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 under this section shall be the amount equal to—

“(A) the product of (1) a monthly rate specified in the written agreement of the member under subsection (a) and (2) 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 extension of the period of service under this section shall be paid on a lump sum basis determined that such 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 (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

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

“(d) REPAYMENT.—Such section is further amended—

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

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

“(d) REPAYMENT.—(1)(A) A member who, pursuant to an agreement under subsection (b)(2), receives a lump sum under this section and who fails to complete the total period of service or other conditions specified in the agreement voluntarily terminates his or her service to the United States an amount equal to the percentage of incentive pay paid which is equal to the unexpired 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 the 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. 617. 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 (d), (e), and (f) as subsections (e), (f), and (g), 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; and

“(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;

"(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 enlistments or voluntary extensions of enlistments that occur on or after that date.

SEC. 417. 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;

"(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 (a)(1) 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 this section. 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 Selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned.

(c) Accrual Bonus Authorized.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an accrual 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) Transition to Bonus Payments.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(g) Repeal of Superceded Affiliation Bonus Authority.—(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 participate in the Selected Reserve for the time specified in such agreement shall repay to the United States the amount of such bonus so paid, except as otherwise prescribed under paragraph (2).

"(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment 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 five years after the termination of an agreement entered into under subsection (a) or (c) does not discharge the obligation to repay the 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.

SEC. 418. EXPANSION AND ENHANCEMENT OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.

(a) Eligibility for Pay.—Subsection (a) of section 308d of title 37, United States Code, is amended by striking "enlisted member" and inserting "a member".

(b) Amount of Pay.—Such subsection is further amended by striking "$10" and inserting "$50".

(c) 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 Reserve assigned to certain high priority units.

"(2) Clerical Amendment.—The table of sections at the beginning of chapter 5 of such title is amended by striking 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. 419. RETENTION INCENTIVE BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR SPECIALTY.

(a) Bonus Authorized.—

"(1) During—

"(A) 10 years after section 308e of title 37, United States Code, is amended by inserting after section 308b the following new section:

"§ 308bk. 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 authorized in this section.

"(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 a period of 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 critical 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;

"(2) will complete the member's twenty-fifth year of qualifying service under section 12732 of title 10 by the end of the period of service for which the bonus is being offered;

"(3) is in excess of a 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.

"(1) Payment Methods.—(1) A bonus under subsection (a) may be paid in a single lump sum or in installations.

"(2) In the case of a member who agrees to train or retrain in a military skill or specialty designated as critical under section 12732 of title 10 before the end of the period of service for which the bonus is being offered.

"(e) 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.

"(f) Repeal of 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 for which the bonus is being offered.

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(a) by inserting "or bonus" after "special pay"; and
(b) by inserting "or a bonus" after "monthly special pay";
(2) in subsection (d), 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: Provided, That such bonus shall be subject to the approval of the Secretary of Defense.

(3) in subsection (f)(1)(C), by inserting "or a bonus" after "special pay";

(c) 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:

"§ 427. 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—

"(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 serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

"(c) 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 will transfer as the Secretary having jurisdiction over such armed force shall establish.

"(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 will transfer as the Secretary having jurisdiction over such armed force shall establish.

"(b) ELIGIBLE MEMBERS.—A member is eligible to 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.

"(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section shall be considered to any other pay and allowances to which the member is entitled.

"(d) 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 period which the 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 shall be subject to the approval of the Secretary of Defense.

(b) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.

(c) 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 308 the following new item:

"308k. Special pay: retention incentive bonus for members of the selected reserve.

SEC. 624. TERMINATION OF LIMITATION ON DUTY OF BIRTHDAY PAYS IN CONNECTION WITH THE REPATRIATION OF SERVICE MEMBERS 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 Secretary 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 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 traveling to the United States;

"(2) is 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 411b 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) in the case of a member under section 411h of this title) 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 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.

(e) Reimbursement payable under this subsection may be paid in advance.

37. Sections 404 and 1079 of title 37, United States Code, are amended by striking `$12,000` and inserting `$100,000`.

(f) The table of sections at the beginning of chapter 7 of title 37 is amended by inserting after the item relating to section 411i the following new item:

411. Travel and transportation allowances: transportation of family members incident to the repatriation of employees 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:

5750. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.

(1) Allowance for Family Members and Certain Others.—(a) 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 in paragraph (1), the heads of agencies 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 provide, at the election 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.

(4) Covered Employees.—An employee described in this subsection is an employee (as defined in section 2265) who—

(i) was held captive, as determined by the head of an agency concerned; and

(ii) 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 411b 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) in the case of a member under section 411h of this title) and the location of the repatriation site at which the member 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 this title.

(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.

(f) The table of sections at the beginning of chapter 5 of title 37 is amended by inserting at the end the following new item:

5760. Travel and transportation allowances: travel and transportation described in subsection (b) if the head of an agency determines that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i) exceeds $250,000, the additional amount of insurance under this subsection that is provided 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 provided for a 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 title 37, 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.

(g) Servicemembers’ Group Life Insurance Enhancements.—(1) Increased Maximum Amount of Solid. Section 4067 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) if the amount provided for or elected by the member under subsection (a) is $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 subsection (a); 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 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) Increases of Decreased Amounts Electable by Members.—Subsection (c) 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, be evenly divisible by $25,000’’.

(3) Additional Amount for Members Serving in Certain Areas or Operations.—

(A) Increased Amount.—Section 4067 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 is married to a person who is a covered retiree, unless the family member is 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 illness incurred or aggravated while so serving.

(2) The additional amount of insurance under this subchapter that is provided for a member under section 4067(h)(2) of such title, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(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 an 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 title 37, 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.

(h) 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 appropriated amount of active duty pay of the uniformed service concerned an amount determined by the Secretary concerned to be the cost of Servicemembers’ Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.’’.

(i) Conforming Amendment.—Section 1967(a)(2)(A) of such title is amended by inserting ‘‘paragraphs (1) and (2) of’’ before the end of the following: ‘‘, except with respect to insurance provided under paragraph (3)(A)(i)(III)’’.

(j) Coordination With Other Enhancement.—Section 1971 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 1067(e) of this title may not be treated as insurance under which Veterans’ Group Life Insurance shall be issued under this section.”.

(6) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1267(a) of such title is further amended—

(A) in paragraph (2), by adding at the end of such paragraph—

“...”

(B) by adding at the end of such paragraph—

“...”

(7) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1707 of such title is amended by adding at the end of such section—

“...”

(a) in subparagraph (B), by inserting “or designated as the member” after “designated by the member as a beneficiary or designated as the member’s next-of-kin”;

(b) in subparagraph (D), by inserting “or designated by the member as a beneficiary or designated as the member’s next-of-kin” before “financial emergency, or to be insured under this chapter, or to be insured under subsection (c), the Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.”;

(c) by inserting “the contribution made by the military department to the Thrift Savings Fund on behalf of” after “the contributions made by the military department to the Thrift Savings Fund on behalf of”;

(d) by inserting “the maximum amount provided under paragraph (2)(A), or in the case of a member with a spouse not to be in-” after “by the maximum amount provided under paragraph (2)(A), or in the case of a member with a spouse not to be in-”;

(e) by inserting “the contribution made by the military department to the Thrift Savings Fund on behalf of” after “the maximum amount provided under paragraph (2)(A), or in the case of a member with a spouse not to be in-”;

(f) by inserting “the contribution made by the military department to the Thrift Savings Fund on behalf of” after “the maximum amount provided under paragraph (2)(A), or in the case of a member with a spouse not to be in-”;

(g) by inserting “the contribution made by the military department to the Thrift Savings Fund on behalf of” after “the maximum amount provided under paragraph (2)(A), or in the case of a member with a spouse not to be in-”;

(h) by inserting “the contribution made by the military department to the Thrift Savings Fund on behalf of” after “the maximum amount provided under paragraph (2)(A), or in the case of a member with a spouse not to be in-”;

(8) EFFECTIVE DATE.—

SEC. 652. PAYMENT OF EXPENSES OF MEMBERS OF THE ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) PILOT PROGRAM REQUIRED.—During fiscal year 2006, the Secretary of the Army shall carry out the 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 Armed Forces who is serving in the Armed Forces under an initial enlistment for a period of not less than two years.

(c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—The Secretary of the Army may make contributions to the Thrift Savings Fund on behalf of any participant in the pilot program under subsection (a) for any pay period during the period of the pilot program.

(2) LIMITATIONS.—The amount of any contributions made with respect to a member under paragraph (1) shall be subject to the limitations provided in section 8323(c) of title 5, United States Code.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program under subsection (a).

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

(A) A description of the pilot program, including the number of members of the Army who participated in the pilot program and the contributions made by the Army to the Thrift Savings Fund on behalf of 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.

SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO THE THRIFT SAVINGS FUND.

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 8523(g)(1) of title 10, United States Code, is amended by inserting “...” after “...”.
States Code, is amended by inserting ‘‘or other source authorized to place children for adoption under State or local law’’ after ‘‘qualified adoption agency’’.

(b) **Coordination of Health Care for Children with Selective Service on Military Duty.**—Section 1072d(1) of title 10, United States Code, is amended—

(1) by inserting ‘‘(A) the date on which 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 1072d(2) of this title, the date on which the member died shall be the later of the following periods beginning on such date:

(A) Three years.

(B) The date 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, a dependent of the member for one over 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 21 years of age.

For the purposes of 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 approved by the administering Secretary and was, at the time of the member’s death, a dependent of the member for one over 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 21 years of age.

(ii) 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, as determined by the administering Secretary.

(4) A dependent of such a member who is a beneficiary under subsection (a) and is determined by the administering Secretary to be a dependent under this Act beginning on such date:

(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 21 years of age.

(iii) 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, as determined by the administering Secretary.

(5) In this subsection, the term ‘‘TRICARE Standard option’’ means the managed care option of the TRICARE program.

(b) **Effective Date.**—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to deaths occurring on or after that date.

SEC. 705. **Expanded Eligibility of Members of the Selected Reserve.**

(a) General Eligibility. — Section 1076d of title 10, United States Code, is amended—

(1) by striking ‘‘(A) The terms’’ and inserting ‘‘(A) (1) The terms’’;

(2) by striking ‘‘(B) The terms’’ and inserting ‘‘(B) (1) The terms’’;

(3) by striking ‘‘(C) The terms’’ and inserting ‘‘(C) (1) The terms’’.

(b) **Condition for Termination of Eligibility.**—Subsection (b) of such section is amended by striking ‘‘(B) The terms’’ and inserting ‘‘(B) The terms’’.

(c) **Conforming Amendments.**—

(1) Such section is further amended—

(A) by striking subsection (e) and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

‘‘1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.’’

(d) **Repeal of Obsolete Provision.**—Section 1076b of title 10, United States Code, is repealed.

(e) **Clerical Amendments.**—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

‘‘1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.’’

(f) **Savings Provision.**—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day on such section 1076d as amended by this section.

Subtitle B—Planning, Programming, and Management

SEC. 711. **TRICARE Standard Coordinates in the Regional Area Office.**

(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 such as the Secretary of Defense may direct.

(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;

(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, 2006, 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 by the Secretary 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 military forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian 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.

(c) 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 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.

SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFERENTIAL PAYMENTS TO CHILDREN’S HOSPITALS PROVIDING HEALTH CARE FOR CHILDREN DEPENDENTS UNDER TRICARE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study 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 military forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian 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.

(c) 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 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.

(3) An assessment of the adequacy 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.

(4) An analysis of the costs of ensuring medical readiness throughout the Armed Forces in support of national security objectives.

(5) 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 military forces.

(6) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian manpower requirements.

(7) A description of requirements for graduate medical education for military medical care providers and options for meeting such requirements, including civilian medical training programs.

(c) 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 described in that subsection.

(3) TRANSMITTAL TO CONGRESS.—(1) IN GENERAL.—Not later than October 1, 2006, the Secretary of Defense shall transmit to the congressional defense committees a report on the study submitted by the Comptroller General to the Secretary under subsection (c).

(2) IMPLEMENTATION OF MODIFICATIONS.—If the report under paragraph (1) includes recommendations of the Comptroller General for modifications of the current system of differential payments to children’s hospitals, the Secretary shall transmit with the report—

(A) a proposal for such legislative or administrative action as may be required to implement such modifications; and

(B) an assessment of the costs associated with the implementation of such modifications.

(d) DEFINITION.—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, in order to take into account the additional costs associated with such procedures for severely ill children 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 LOCATE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN ARMED FORCES INSTITUTE OF PATHOLOGY.

(a) REPEAL.—Section 723(e) of the National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 1654A–196) 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.

(b) REPEAL.—Section 722(e) of the National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 1654) is amended by striking subparagraphs (1) and (2) and inserting “(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.”

SEC. 715. 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.—Section 723(c) of section 754 of the National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1644–196) is amended by striking paragraph (1) and inserting “(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.—The caption of subsection (d) of such section is amended by striking “(1)” and inserting “(2).”

(c) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

SEC. 716. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(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 use of anti-malarial drugs, including mefloquine.

(2) An analysis of the extent to which adverse health events associated with use of anti-malarial drugs, including 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...
TITLED VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. INTERNET-BASED 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 FACILITIES.—(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 diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental 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 Reserve 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 providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian 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 National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under subsection (a) shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking 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 Traumatic Stress Disorder.

(c) REPORT.—Not later than June 1, 2006, the Secretary shall submit to the congressional defense committees a report on the pilot projects to be carried out under this section. The report shall include a description of each 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. 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

(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish within the Defense Logistics Agency a Defense Contract Support Acquisition Center.

(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 a military department shall appoint the Director of a Contract Support Acquisition Center of that military department.

(B) The Director of a military department shall appoint the Director of the Contract Support Acquisition Center of that department.

(c) DUTIES REGARDING ACQUISITIONS.—

(1) The Secretary of a military department shall appoint the Director of the Contract Support Acquisition Center of that department.

(2) 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.

(3) The Director of the Contract Support Acquisition Center shall act as the executive agent within the Department of Defense for the 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 the 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 acquisition 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 management;

(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 elements under the jurisdiction of that military department;

(C) dedicate fulltime commodity managers to coordinate the acquisition of key categories of services;

(D) ensure that contract services being acquired 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 Department 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 are used in accordance with the best interests of the Department of Defense and in the most rational and economical manner practicable.

(d) LIMITATIONS REGARDING ACQUISITION PERSONNEL.—The Directors of the Contract Support Acquisition Centers shall provide 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;

(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.

(1) EXCLUSIVITY OF AUTHORITY.—(A) After September 30, 2009, no employee of the Federal Government outside the Defense Contract Support Acquisition Center may, without the prior written approval of the Director of the Department 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 under paragraph (2).

(B) After September 30, 2009, no officer or employee of the Federal Government outside the Defense 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.

(2) IN GENERAL.—(A) Acquisition of contract services outside the Department of Defense by an employee of the Federal Government outside the Department of Defense to enter into a contract services acquisition center (as defined in section 2330a of title 10, United States Code) shall be made only in accordance with the written directions of the Secretary of Defense.

(B) The Secretary of Defense shall implement section 2330a of title 10, United States Code (relating to a management structure for the Department of Defense), by designating each Director of the Contract Support Acquisition Center a military department or a transfer to any of the Contract Support Acquisition Centers of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition 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.

(3) ANNUAL REPORT.—(A) The Secretary of Defense shall—

(i) establish an annual reporting requirement on the activities of the Contract Support Acquisition Centers and the work performed by such centers; and

(ii) submit an annual report to Congress, that includes a comparison of the performance of the Contract Support Acquisition Centers with the performance of the corresponding centers in the Department of Defense.

(4) ANNUAL REPORT.—(A) The Secretary of Defense shall establish an annual budgetary authority to support the operation of the Contract Support Acquisition Centers.

(B) The budgetary authority established in subsection (A) shall be used to support the operation of the Contract Support Acquisition Centers.

(C) The Secretary of Defense shall ensure that the budgetary authority established in subsection (A) is sufficient to support the operation of the Contract Support Acquisition Centers.
SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS 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" from subsection (a). (b) CROSS-SERVICING AGREEMENTS.—Section 2342(a)(1)(C) of such title is amended by striking "of which the United States is a member" from subsection (a). (c) CONFORMING AMENDMENT.—Section 2341(b)(4) of such title is amended by striking "of which the United States is a member" from subsection (a).

SEC. 804. REPORT TO CONGRESS 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 procedures 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 2103 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 DEFENSE ACTIVITIES AND PROCUREMENT OF 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. The report shall specify the amounts of the service charges and identify the services provided 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 records of the military department with the Under Secretary of Defense other than that military department. The report shall specify the amounts of the service charges and identify the services provided for such charges.

(c) C OMPILATION OF REVIEW OF ACQUISITION STRUCTURE OF DEPARTMENT OF AIR FORCE.—In conducting the review of acquisition structures under subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall give a priority to a review of the acquisition structure of the Department of the Air Force.

(d) 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).

SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.

(a) REVIEW BY DEFENSE ACQUISITION UNIVERSITY.—(1) In general.—The Defense Acquisition University, acting under the direction and authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, not later than 90 days after the receipt of the report under subsection (a), conduct a review of the acquisition structure of the Department of Defense, including the acquisition structure of the Department of Defense, the Under Secretary of Defense, and the Director, Office of Defense Acquisition, Technology, and Logistics.

(b) REQUIREMENT.—In the review required under paragraph (a), the Defense Acquisition University shall—

(1) consider whether the organization, as defined in section 2379, is an appropriate organizational form; and

(2) assess the extent to which the organization, as defined in section 2379, supports the missions, policies, strategies, and priorities of the Department of Defense.

(c) IMPLEMENTATION.—Not later than 180 days after the date of receipt of a report under subsection (a) of the Defense Acquisition University, the Under Secretary of Defense shall submit to the Congress a report on the results of the review conducted by the Defense Acquisition University.

SEC. 811. CLARIFICATION OF EXCEPTION FROM B AYHAN FAMILY RESTRICTIONS.

(a) IN GENERAL.—In this section, the term "Bayh Amendment" means the Defense Acquisition University established pursuant to section 1746 of title 10, United States Code, amended by inserting "or for," after "perishable foods by".

Subtitle B—Defense Industrial Base Matters

SEC. 812. NOTICE TO DEFENSE CONTRACTORS OF PERISHABLE FOOD PROGRAM.

(a) REQUIREMENT.—The head of a military department shall provide written notice to defense contractors of the availability of the perishable food program established under section 2533a(d)(1) of title 10, United States Code, by amending by inserting , or for," after "perishable foods by".
SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR CONTENT REQUIREMENTS FOR CERTAIN COUNTRIES WITHIN THE ACQUISITION PROFESSIONAL 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:

"§ 8235. 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 (b), the Secretary of Defense may not exercise the authority of the Secretary of Defense to waive any domestic source or content requirement referred to in subsection (c) and thereby increase the applicability of Items of that are grown, reprocessed, reused, produced, or manufactured in such foreign country during the fiscal year following the fiscal year in which a determination made by the Secretary of Defense for purposes of this section.

(b) ANNUAL DETERMINATIONS.—Not later than March 1 of each fiscal year, the Secretary of Defense shall, not less often than two years of such person left service in the Department of Defense; and

(c) COVERED REQUIREMENTS.—For purposes of this section:

"(1) A domestic source requirement is any requirement under law that the Department of Defense satisfies its requirements for an item by acquiring 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 satisfies its requirements for an item by procuring an item 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).

"(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 (c) shall be in effect only for the fiscal year following the fiscal year in which the determination is made on which such waiver is based.

"(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to waive the application of any domestic source or content requirement under subsection (a) may not be delegated to any officer or employee other than the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(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 Secretary of Commerce, the Secretary of State.

"(g) UNWAIVERABLE.—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:


"(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

"(3) Section 2333a 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 referred to in subsection (c) and thereby increase the applicability of an act, order, or treaty setting forth the information required by this section.

"(i) 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) ANNUAL DETERMINATIONS.—The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end the following new item:

"§ 2335c. 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 OPERATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act may be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 2501 et seq.), or 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.

SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

"(1) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000 that is entered into by or for the Department of Defense shall include a provision under the Buy American Act (41 U.S.C. 2501 et seq.), or 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.

"(2) 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:


"(B) The Defense Technology Area Plan of the Department of Defense.

"(C) The Basic Research Plan of the Department of Defense.

(b) UTILIZATION OF PLANS.—The criteria and procedures described in subsection (a) shall be implemented as described by that subsection has not qualified the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, and the Secretary of State, determines that it is inconsistent with United States obligations under trade agreements with reciprocal defense procurement agreements with the United States.

SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND DEVELOPMENT EFFORTS FOR THE PURPOSES OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) REVISION AND UPDATE OF CRITERIA AND PROCEDURES.—The Secretary of Defense shall, not less often than once every four years, revise and update the criteria and procedures utilized by the Under Secretary of Defense for Acquisition, Technology, and Logistics in its review of defense programs identified under paragraph (1) unless the Secretary of Defense, in consultation with the Secretary of Commerce, and the Secretary of State, determines that the criteria and procedures utilized by the Under Secretary of Defense for Acquisition, Technology, and Logistics in its review of defense programs identified under paragraph (1).

(b) UTILIZATION OF PLANS.—The criteria and procedures described in subsection (a) shall be implemented as described by that subsection has not qualified the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, and the Secretary of State, determines that it is inconsistent with United States obligations under trade agreements with reciprocal defense procurement agreements with the United States.

SEC. 815. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

"(1) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000 that is entered into by or for the Department of Defense shall include a provision under the Buy American Act (41 U.S.C. 2501 et seq.), or 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.

"(2) REPORT.—A report by a contractor under subsection (a) shall—

"(A) list the name of each person who—

"(B) DIRECTOR.—The Secretary of Defense shall, not less often than once every four years, revise and update the criteria and procedures utilized by the Under Secretary of Defense for Acquisition, Technology, and Logistics in its review of defense programs identified under paragraph (1) unless the Secretary of Defense, in consultation with the Secretary of Commerce, and the Secretary of State, determines that the criteria and procedures utilized by the Under Secretary of Defense for Acquisition, Technology, and Logistics in its review of defense programs identified under paragraph (1).

"(C) 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 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 that is entered into by or for the Department of Defense shall include a provision under the Buy American Act (41 U.S.C. 2501 et seq.), or 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.

"(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 previous calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor more than 180 days 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), include—

"(A) a description of the work performed by such person on behalf of the contractor; and

"(B) the identification, in the report, of each major defense system on which such person worked during the previous calendar year that was identified in the report for purposes of this paragraph (1).
(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS STANDARDS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of the Office of Government Ethics and the Administrator of Federal Procurement 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) Implementing 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 Secretary shall submit to the congressional defense committees a report setting 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.

(2) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term "functions closely associated with inherently governmental functions" has the meaning given such term in section 2303(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.


(b) 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.

(c) 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 (B) to the Secretary of Defense and the congressional defense committees.

(d) The report submitted under subsection (a)(4), the Comptroller General of the United States shall—

(1) review the methodology used by the risk assessment team and the results of the team’s review; and

(2) submit a report on the Comptroller General’s review to the congressional defense committees.

(e) The report under paragraph (1)(B) shall include the Comptroller General’s findings and any recommendations that the Comptroller General considers appropriate.

(f) ACTION PLAN.—Not later than three months after receiving the report of the risk assessment team under subsection (a)(4), the Secretary 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 action is necessary with regard to an area of vulnerability, the report shall include a discussion of the rationale for that determination.

Subtitle B—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 FFEES 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 (b)—

(A) by redesignating subparagraph (B) as subparagraph (A); and

(B) by striking "other than the Department of Defense" in the first sentence;

(c) By redesigning subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), and (H), respectively;

(c) IN GENERAL.—(1) During fiscal year 2006, to 100 percent of the baseline number (as defined in subparagraph (B));

(ii) During fiscal year 2007, to 95 percent of the baseline number.

(3)(A) During fiscal years 2006, 2007, and 2008, the Secretary of Defense may waive the requirements of this Act, the Secretary of Defense identifies as being high priority positions that are staffed at levels below the level of the baseline number, and 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.

(4) During fiscal years 2006, 2007, and 2008, the Secretary of Defense may waive the requirement of this Act, the Secretary of Defense identifies as being high priority positions that are staffed at levels below the level of the baseline number, and 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.

(b) NON-FORFEITURE.—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 defense acquisition programs, overseeing the performance of contracts awarded pursuant to such work statements.

(3) Positions the responsibilities of which include conducting species 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 regulations.

(6) Any other positions in the defense acquisition and support workforce that the Secretary of Defense identifies as being high priority positions that are staffed at levels below the level of the baseline number.
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) implementing and strategizing the plan required under such paragraph.

SEC. 833. TECHNICAL AMENDMENTS RELATING TO DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS. Section 752 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking paragraphs (2)(A) and (2)(B) each place it appears in paragraphs (1) and (2) and inserting "(b)(1)(A) and (b)(1)(B); and

(B) by striking paragraph (3); and

(2) in subsection (d)(2), by striking "(b)(2)(A)(ii)" and inserting "(b)(1)(A)(ii)".

SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL BUSINESS VENTURE CAPITAL AND OTHER CONCERNED AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION. Section 821(b)(2) of the Small Business Act (15 U.S.C. 637 note) is amended—

(1) in subsection (a)—

(A) by striking "five years of retirement or disposal" and inserting "five years of retirement or disposal";

(B) by striking paragraph (3); and

(2) by inserting after subsection (d)(2)—

(b)(2)(A)(ii) and inserting "(b)(1)(A)(ii)".

Subtitle E—Other Matters

SEC. 842. CODIFICATION AND MODIFICATION OF LIMITATIONS 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, is amended by striking "2006" both places it appears and inserting "2009".

(b) Modification of equipment within five years of retirement or disposal—

(1) Except as provided in subsection (b), a military department may not modify (a) aircraft, (b) vessel, or (c) any 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 first sale or transfer of such modification.

(2) The exception in subsection (a) shall not apply to any modification as follows:

(A) for defense purposes.

(B) 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) 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, with respect to such modification—

(i) determines that the waiver is in the national security interests of the United States;

(ii) notifies the congressional defense committees of such determination in writing; and

(3) In 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.

(c) WAIVER.—The Director of Defense may waive the prohibition in subsection (a) if the Director—

(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.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in such subsection and for the Department of Defense as a whole.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES. Section 8053 of the National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) by striking "(c)" and inserting "(d)";

(2) by striking "(A)" and inserting "(B)";

(3) by striking "(1)" and inserting "(2)"; and

(4) by striking "$20,000,000 only upon a written determination by the senior procurement executive for the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense".

SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS. Section 853 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—

"(A) Subject to paragraph (2), the Director;"

(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 $50,000,000 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. 2371)); and

(3) by inserting after subsection (g) the following new subsection:

(B) 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. 846. INCREASED LIMIT APPLICABLE TO ASISTANCE PROVIDED UNDER CERTAIN TECHNICAL ASSISTANCE PROGRAMS. Section 2314a of title 10, United States Code, is amended by striking "$150,000" and inserting "$300,000".

SEC. 847. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR BUSINESS DEVELOPMENT. (a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 370a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) the National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than September 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in such subsection and for the Department of Defense as a whole.
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 as if that section applied to the Director of Small Business Programs in the Department of the Air Force. The Director is appointed by 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. 

(d) DEPARTMENT OF THE NAVY POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following section: 

§ 8024. 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.

(2) The table of sections at the beginning of such chapter is amended by inserting after the section relating to section 133b the following new item: “133c. Director of Small Business Programs.”. 

(e) DEPARTMENT OF THE ARMY POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following section:

§ 8028. 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 Department of the Army under 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 as if that section applied to the Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army. 

(2) The table of sections at the beginning of such chapter is amended by inserting after the section relating to section 133b the following new item: “133c. Director of Small Business Programs.”. 

(f) 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 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 as if that section applied to the Director of Small Business Programs in the Department of the Air Force. The Director is appointed by 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. 

(g) DEPARTMENT OF THE NAVY POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following section: 

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 Department of Defense to act as executive agent to manage the acquisition of capabilities necessary to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States. 

(b) COORDINATION OF ACTIVITIES.—The official designated as executive agent under subsection (a) shall, in order to promote commonality and cost-effectiveness of effort, coordinate in the acquisition of capabilities described in that subsection with appropriate officials of the following: 

(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 of Defense may designate 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 Secretary 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 the Department of Defense components in the defense of the United States against an attack described in paragraph (1), but shall also address the role of other departments and agencies of the United States Government in that defense. 

(d) 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.
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, 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.

(2) Liaison.—The Secretary of Defense shall designate 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).

(3) Space Control Mission.—In this section, “space control mission” means the mission 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 on October 1, 2005, 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.

(2) The table of contents for this section, the term ‘operational files’ means—

(A) files of the Director 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) CONFORMING AMENDMENTS.—

(c) Search and Review for Information.—Notwithstanding subsection (a), exempted operational files shall 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 sections 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 improper, 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.

(F) The Office of Inspector General 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.—Files that are exempted under subsection (a) and contain information derived or disseminated from exempted operational files shall be subject to search and review for information concerning:

(1) 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.

(2) The sources from which gifts and donations may be accepted under subsection (a) are:

(1) The government of a State or a political subdivision of a State.

(2) The government of a foreign country.

(3) Any 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 office or official of a foreign country.

(f) Term.—The Secretary may not accept a gift or donation under subsection (a) if the government or official of the United States or a foreign country 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 the program of the Department, or any officer involved in such a program.

(g) Console 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).

(h) Crediting of Funds.—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’.

(1) 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 of Presidential, official, or other use of the regional center, combination of centers, or centers generally for which donated under that subsection.

(2) If the donation is defined. In this section, the term ‘gift or donation’ means any gift or donation of funds, materials (including research, services, personal property, or services (including lecture services and faculty services)).

(2) Clerical Amendment.—The table of sections, as amended by section 155 of Public Law 103–337, as added by section 155 of Public Law 103–337, as amended by section 155 of Public Law 103–337, shall be amended by striking the item relating to section 2611 and inserting the following new item:

(2) Regional centers for security studies: acceptance of gifts and donations.

(b) Conforming Amendments.—


(2) Section 1065 of the National Defense Authorization Act For Fiscal Year 1999 (10 U.S.C. 1311 is amended by striking

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.

(a) Protection of Operational Files of the Defense Intelligence Agency.—(1) Sections VII through VII of the National Security Act of 1947 (50 U.S.C. 431 et. seq.) are amended by adding at the end the following new section:

(1) Operational Files of the Defense Intelligence Agency.
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 specifi- cally authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is classified because of its connection with information which is exempted under section 552(a)(4)(B) of title 5, United States Code, by 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 full extent practicable, issues of fact based on sworn written submissions of the parties.

(C) When a complainant alleges that re- quested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall provide a sworn written submission based upon personal knowledge or otherwise admissible evidence.

(D) A complainant alleging that requested records were improperly withheld because of improper exclusion of operational files, the Defense Intelligence Agency shall provide a sworn written submission that exempted operational files likely contain responsible records currently perform the functions set forth in subsection (b).

(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 subsec- tion that the Defense Intelligence Agency has improperly withheld 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 opera- tional 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) No fund 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 of the Air Force Relative to the United States Military Cancer Institute’’.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new paragraph:

(b) SEARCH AND REVIEW OF CERTAIN OTHER OPERATIONAL FILES.—The National Security Act of 1947 is amended by adding at the end the following new section:

Sec. 705. Operational files of the Defense Intelligence Agency.

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Sec. 705. Operational files of the Defense Intelligence Agency.
SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) REDUCTIONS.—For FY 2005, the 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 $238,364,000 (as determined by the annual review of the budget conducted by the Congressional Budget Office).

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation.

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 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization and increase above the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the annual 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 programs, projects, or activities referred to in the Classified Annex that are available for a program, project, or activity referred to in the Classified Annex only by authorization of the act of March 8, 1956 (Public Law 84-257), that are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation.

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 actual or lower-than-expected inflation is allocable to amounts authorized to be appropriated to such accounts.

SEC. 1006. FISCAL YEAR 2005 TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-131; 112 Stat. 2118) is amended by striking "$6,185,000,000" and inserting "$11,305,000,000".

SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX VOLUNTARILY WITHHELD FROM RETIRED OR RETAINER PAY.

Section 104(a)(1) of title 10, United States Code, is amended by striking "$3,500,000,000" and inserting "$10,000,000,000".

SEC. 1008. REESTABLISHMENT OF LIMITATION ON BEARER PAY.

The Secretary of Defense by the Secretary of the Treasury shall be authorized to compute and charge upon funds of the United States an amount equal to the fair market value of the bearer pay, as determined by the Secretary of the Treasury, for any year for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount charged (when added to other amounts previously so charged for that fiscal year) exceeds the total amount of the unremitted costs incurred for the Department of Defense and the Department of State.

SEC. 1013. 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:

"§1383. Use of unmanned aerial vehicles for United States border reconnaissance.

(1) In general.—The Secretary of the Navy is authorized to—

(A) request the transfer of the U.S.S. WISCONSIN (BB-64) from the Navy Vessel Register to the custody of the Secretary of the Navy for use as a reserve training ship, or part thereof, for use by the Navy;

(B) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(C) convey, by gift or otherwise, the U.S.S. WISCONSIN (BB-64) or any part thereof to the Navy and the Marine Corps Reserve for use as a part of the United States Marine Corps Reserve;

(D) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(E) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(F) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(G) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(H) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(I) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(J) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(K) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(L) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(M) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(N) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(O) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(P) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(Q) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(R) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(S) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(T) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(U) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(V) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(W) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(X) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(Y) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve;

(Z) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve; and

(aa) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve; and

(bb) sell, convey, or otherwise dispose of any quantities of that ship, or parts thereof, to the Secretary of the Navy for use as a part of the United States Marine Corps Reserve.

(2) Effective date.—This section shall take effect as of october 1, 2005.
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 surface traffic, including 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 suspected of illegal activities.

(3) Communications related to counterdrug activities.

(4) The operation of unmanned aerial vehicles along the United States border.

(b) AUTHORITY TO USE FUNDS.—In conjunction with other authorities of the Federal Government, 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.

(c) FUNDS.—Amounts available to the Department of Defense for defense counterdrug activities shall be available for activities authorized by this subsection.

(d) LIMITATIONS.—Any limitations and restrictions under this chapter with respect to the use of personnel, equipment, and facilities under subsection (a) 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 previous fiscal 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 unmanned aerial vehicles was communicated to other authorities of the Federal Government or to State or local authorities.

(D) A report 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.

(E) 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 "law enforcement officials" includes authorized members of the National Guard operating under authority of title 32.

(ii) 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 other 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 194 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 (b), provide through or utilizing bases of operation or training facilities in Afghanistan—

(1) any type of support specified in subsection (a) 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

TITLE 1041. MODIFICATION OF FREQUENCY OF SUBMISSION OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMISSION 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 31 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.".

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 appropriate officials of the Department of Labor, the Department of State and the Department of the Treasury, ensure that the Department of Defense affords personnel that are employees pursuant to the Defense Base Act insurance

(1) Cost-effective options for acquiring Defense Base Act insurance.

(2) Methods for coordinating data collected by agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved data coordination and coordination within and among agencies on the implementation of 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 collected by agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved data coordination 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 and such recommendations, including recommendations regarding administrative action, as the Secretary considers appropriate in light of the review.

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:


(2) An assessment of the adequacy for purposes of the strategy set forth in that document of the funding 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 effectiveness of the organizational structure of the Department 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 procedures on corrosion prevention and mitigation.

(5) An assessment of the progress made as of the date of the report in establishing a baseline estimate 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 improvements identified in the review for purposes of the report.

Subtitle E—Technical Amendments

TITLE 1051. TECHNICAL AMENDMENTS RELATING TO CERTAIN PROVISIONS OF ENVIRONMENTAL DEFENSE LAWS.

(a) DEFINITION OF "MILITARY MUNITIONS".—Section 108(b)(4)(A)(i) 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 "discarded military munitions", and inserting "discarded military munitions and".

Subtitle F—Military Mail Matters

TITLE 1051. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL SYSTEM.

(a) PLAN REQUIRED.—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.

(b) 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) Program of Delivery of Mail.—The Secretary of Defense shall carry out a program under which mail and packages addressed to any Service Member that are posted by the United States Postal Service shall be delivered to deployed members of the Armed Forces overseas at or through such Army Post Offices (APOs) and Fleet Post Offices (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 unspecified member of the Armed Forces; and

(b) TYPES OF SUPPORT.—(i) Holding meetings, camping events, or other activities on Federal property;

(ii) Loaning equipment; and

(iii) Providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBORES.—(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States is interpreted as authorizing Congress to create camps for training purposes.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation of logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America’s National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a “tent city” capable of supporting thousands of thought for a week or longer. Camporees at the United States Military Academy for Girl Scouts and
Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2504 of title 10, United States Code, is amended by adding at the end the following:

"[(i) The Secretary of Defense shall pro-
vide, at least, the same level of support under
this section for a national or world Boy
Scout Jamboree as was provided under this
section for the United States Boy Scout
Jamboree.

(ii) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(b) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(c) Section 2504(e) of title 10, United States
Code, is amended by inserting "United States
Jamboree" after "Scout Jamboree.""

SEC. 1105. PERMANENT AND ENHANCED AUTHORITY
FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANS-
FORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT AUTHORITY FOR PROGRAM.—
Section 1105 of title 10, United States Code, is amended by striking paragraph (4) and inserting the following:

"(1) The Secretary of Defense may award a scholarship, upon application, to any United States citizen who is under the age of 21 who

SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking "544" and inserting "564".

SEC. 1107. STRATEGIC HUMAN CAPITAL PLAN FOR STAFF OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall de-

(b) CONTENTS.—The strategic human cap-
ital plan required by subsection (a) shall in-
clude—

(1) a workforce gap analysis, including an assessment of

(2) The plan shall be known as the "strategic
human capital plan ".

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SEC. 1109. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in subsection (d) by striking "October 1, 2006" and inserting "October 1, 2010";

and

SEC. 1108. PERMANENT AND ENHANCED AUTHORITY FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANS-
FORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT AUTHORITY FOR PROGRAM.—
Section 1105 of title 10, United States Code, is amended by striking paragraph (4) and inserting the following:

"(1) The Secretary of Defense shall pro-
vide, at least, the same level of support under
this section for a national or world Boy
Scout Jamboree as was provided under this
section for the United States Boy Scout
Jamboree.

(ii) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(b) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(c) Section 2504(e) of title 10, United States
Code, is amended by inserting "United States
Jamboree" after "Scout Jamboree.""

SEC. 1105. PERMANENT AND ENHANCED AUTHORITY
FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANS-
FORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT AUTHORITY FOR PROGRAM.—
Section 1105 of title 10, United States Code, is amended by striking paragraph (4) and inserting the following:

"(1) The Secretary of Defense shall pro-
vide, at least, the same level of support under
this section for a national or world Boy
Scout Jamboree as was provided under this
section for the United States Boy Scout
Jamboree.

(ii) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(b) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(c) Section 2504(e) of title 10, United States
Code, is amended by inserting "United States
Jamboree" after "Scout Jamboree.""

SEC. 1105. PERMANENT AND ENHANCED AUTHORITY
FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANS-
FORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT AUTHORITY FOR PROGRAM.—
Section 1105 of title 10, United States Code, is amended by striking paragraph (4) and inserting the following:

"(1) The Secretary of Defense shall pro-
provide, at least, the same level of support under
this section for a national or world Boy
Scout Jamboree as was provided under this
section for the United States Boy Scout
Jamboree.

(ii) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(b) The Secretary of Defense may waive
paragraph (i), if the Secretary—
"(A) determines in accordance with regu-
lations prescribed by the Secretary of De-
fense, that support under this section for
the Boy Scouts Jamboree, as was provided
under this section, is appropriate.

(c) Section 2504(e) of title 10, United States
Code, is amended by inserting "United States
Jamboree" after "Scout Jamboree.""
(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and re-shaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including training program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deployment, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any other part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) The Comptroller General shall submit an update under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Governmental Reform of the House of Representatives.

SEC. 1108. COMPTROLLER GENERAL STUDY ON FEASIBILITY OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforce of the Department of Defense laboratories and similar scientific facilities of other Federal departments and agencies.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces; and

(5) An examination of the potential effects of the utilization by the Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(6) recommendations as to the future utilization of such features of Department of Defense laboratories.

(c) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:


(d) RECOMMENDATIONS.—The report required by this section shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (c); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of such personnel management authorities to ensure the successful management of the highly technical and scientific workforce of the Department of Defense laboratories.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Governmental Reform of the House of Representatives.

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, funds made available to the Department of Defense for operation and maintenance for such fiscal year may be used in 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 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).

(c) APPROPRIATE COMMITTEES OF CONGRESS 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 to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs of assistance that will immediately assist the Iraqi people.

SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY TO PROVIDE HUMANITARIAN AND CIVILIAN 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) INCREASE 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) Expenses covered by paragraph (1) also include expenses incurred in providing communications or information systems equipment or supplies that are 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, including activities relating to the furnishing of education, training, and technical assistance with respect to information and communications technologies.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.
SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON PAYMENT OF PER-SONNEL EXPENSES UNDER BILATERAL REGIONAL COOPERATION PROGRAMS.
Section 1051(b)(1) of title 10, United States Code, shall—"(1), striking ‘within the area’ and all that follows through “developing country is located” and inserting “to and within the area of responsibility of a unified combatant command (as such term is defined in section 186(c) of this title)."

SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION LIASON OFFICERS.
(a) Authority To Pay Certain Travel Expenses of Military Officers on Coalition Missions.—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 detached to the headquarters of a combatant command, component command, or subordinate operational command for the mission-related roundtrip travel incurred by the 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 intended 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.

SEC. 1205. PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.
(a) Application of IEEPA Prohibitions to Travel Expenses.—Travel expenses evaded or attempted to be evaded in violation of the prohibitions—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended to read as follows:

"SEC. 206. (a) It shall be unlawful for—
"(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;
"(2) a person to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued under this title;
"(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.
"(b) A civil penalty of not to exceed $250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).
"(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than $500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.

(b) Production of Records.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to be read as follows: "(2) In exercising the authorities granted by paragraph (1), the President may require any person to furnish under oath, in the form of reports, testimony, answers to questions, or other complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in or holding of any foreign property or property in which any foreign country or any national thereof has or had any interest, or as may be otherwise necessary to enforce the provisions of this title or any other provision of law, may require by subpoena or otherwise the production under oath by any person of all books, papers, correspondence, contracts, records, accounts, or other papers, in the custody or control of any person, and in the possession of which any person may be under any legal duty to furnish, or case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

"(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary to enforce the provisions of this title.

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 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 Programs.—For purposes of 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) Funds for Purposes.—Of the $15,549,400 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301, $8,000,000 shall be for the following purposes:
"(1) For strategic offensive arms elimination in Russia, $78,300,000.
"(2) For nuclear weapons storage security in Russia, $74,100,000.
"(3) For nuclear weapons transportation security in Russia, $30,000,000.
"(4) For nuclear weapons 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 Russia, $108,500,000.
"(7) For defense and military contacts, $3,000,000.
"(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated for a purpose other than a purpose listed in paragraphs (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) LIMITATION ON 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 for the purposes of this title, the Secretary may vary the amount of funds 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 notice of the necessity 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 provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (2) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR OTHER PURPOSES.
(a) In General.—Subsection (a) of section 1306 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 22 U.S.C. 5952 note) is amended—
"(1) by striking subsections (c) and (d); and
"(2) by redesignating subsection (e) as subsection (c).

(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’;
"(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 ASSOCIATED UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.
Section 1305 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law
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106—398; 114 Stat. 1654A–341) is amended by striking subsection (e).

SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION PROGRAM.

(a) REPEAL OF RESTRICITONS.—


(2) COOPERATIVE THREAT REDUCTION ACT OF 1999.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 106–5; 22 U.S.C. 5952 note) is repealed.


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 authorities 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. 56 (109th Congress).

SEC. 1403. ARMY PROCUREMENT.

(a) 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 air defense, missiles, and tracked combat vehicles, $27,800,000.
(3) For other procurement, $376,700,000.
(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) The amount authorized to be appropriated by subparagraph (a)(1) shall be available for aircraft, $138,800,000.
(2) For aircraft engines including missiles and torpedoes, $165,500,000.
(3) For other procurement, $30,800,000.

(b) PROCUREMENT OF WHEELED VEHICLE ADD-ON ARMOR PROTECTION, INCLUDING ARMOR FOR M1151/M1152 HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLES.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

SEC. 1405. AIR FORCE PROCUREMENT.

SEC. 1406. OPERATION AND MAINTENANCE.

SEC. 1407. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy and the Marine Corps in the amount of $104,500,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by section (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UHAs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) LOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the amounts available under subsection (a) 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 a report describing the allocation of funds.

SEC. 1408. AIR FORCE PROCUREMENT.

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

(1) For aircraft, $104,700,000.
(2) For other procurement, $51,900,000.

SEC. 1409. IRAQ FREEDOM FUND.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) TRANSFER AUTHORIZED.—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 the title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof) for which the Secretary of Defense notifies the congressional defense committees of the transfer.

(2) LIMITATION ON AGGREGATE AMOUNT.—The total amount of authorizations that the Secretary may transfer under the authorities of this section may not exceed $2,500,000,000.

(3) CONSTRUCTION WITH OTHER TRANSFER AUTHORIZATIONS.—The transferred authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(4) OTHER LIMITATIONS.—The authority provided by this section to transfer authorizations—

SEC. 1410. DEFENSE SECURITY COOPERATION.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for a Cooperative Threat Reduction Program, in the amount of $977,778,000, for operation and maintenance.

SEC. 1411. COMMODITY SUSTAINMENT.

SEC. 1412. COMMODITY SUSTAINMENT.

Funds are hereby authorized to be appropriated for 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. 1413. COMMODITY SUSTAINMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Marine Corps in the amount of $220,000,000.

(b) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.—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) NOTIMCE 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 congressical defense committees in writing of the transfer.

SEC. 1414. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) TRANSFER AUTHORIZED.—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 the title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof) for which the Secretary of Defense notifies the congressional defense committees of the transfer.

(2) LIMITATION ON AGGREGATE AMOUNT.—The total amount of authorizations that the Secretary may transfer under the authorities of this section may not exceed $2,500,000,000.

(3) CONSTRUCTION WITH OTHER TRANSFER AUTHORIZATIONS.—The transferred authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(4) OTHER LIMITATIONS.—The authority provided by this section to transfer authorizations—

SEC. 1415. DEFENSE SECURITY COOPERATION.

Funds are hereby authorized to be appropriated for 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.
Mr. STEVENS. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chambliss). Without objection, it is so ordered.

Mr. FRIST. Mr. President, pending before the Senate is a nondebatable question as to whether the pending Warner amendment is germane. I now ask consent that this question be temporarily set aside to recur Wednesday evening at 7:30.

Mr. WARNER. Mr. President, reserving the right to object, I do not intend to object, but I wish to advise the Members of the Senate the RECORD will reflect tomorrow the colloquy and actions taken by distinguished managers and myself which gave rise to this amendment.

The Parliamentarian ruled with regard to my amendment as follows: We, the Parliamentarians, have advised that there is sufficient language in the House bill to permit Senator Warner amendment is germane.

Mr. STEVENS. Will the Senator permit me to interrupt? The Parliamentarian has not ruled. The Parliamentarian has stated and advised you have the defense of germaneness.

Mr. WARNER. Mr. President, the Senator is right. I said the Parliamentarians have advised—that is as I have read it, in the Parliamentarian's handwriting—there is sufficient language in the House bill to permit Senator Warner to assert the defense of germaneness with respect to his amendment numbered 1955.

I did just that. I have acted consistently, having been working with the Parliamentarian through much of the day as to how to develop this procedure. I followed the rules as I understood them and advised the Parliamentarian.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2863, the Department of Defense appropriations bill:


Mr. FRIST. Mr. President, the unanimous consent request was to temporaril set aside the pending Warner amendment, the determination of whether it is germane, until 7:30 tomorrow evening. That which means, practically speaking, now that we have filed cloture as well, is we will continue on the Department of Defense Appropriations bill, amendments, as they are offered, to be brought up, be debated and considered over the course of tomorrow, throughout the day; that the first vote that will be taken—we are not going to be voting until tomorrow evening—is on the issue of the germanness of the Warner amendment. There are likely to be—in fact, there will be—other votes stacked after that depending on what comes forward tomorrow. We have two other amendments pending as well.

The cloture motion has been filed. That cloture vote would be on—today is Tuesday, then comes Wednesday—Thursday morning, which will allow us to complete the Department of Defense appropriations bill this week, as we have said all along.

One of the reasons we filed cloture tonight is to allow the full Senate to decide how best to proceed and to move forward so the preferences of Senators can be heard, listened to, and we can bring to closure things bring.

Mr. President, I will simply turn to my distinguished colleague from Virginia to allow him to make any statement, but that is the understanding we have had among both the chairman and ranking member of the Appropriations Committee to work the Defense appropriations bill, the leadership on both sides, and the chairman of the authorizing amendment that has been offered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished leader. I thank him for working with me continuously on this matter in every way to try to get our bill up because the distinguished member of the Armed Forces, the Democratic leader and Senator LEVIN and others, thinks it is imperative, with this Nation at war, this bill be addressed in a timely manner by the Senate and hopefully passed. It contains so many provisions which are essential to the men and women of the Armed Forces.

I have continuously fought that battle and will continue to do so. I participated in the drafting of this UC in a manner that enables the Appropriations Committee to continue its work tomorrow, although I could have objected throughout. I would not object to allowing the Senate to continue its business and the Appropriations Committee to work the bill sent.

I also believe, as you have advised me, you will continue to work, as will the Democratic leader, to seek a UC by which the Defense authorization bill can be brought up as a freestanding measure, at a time agreed upon by the leaders, with a certain description of provisions that enable us to bring it up and how that further work on the bill will be conducted and in what
Mr. BIDEN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2863, the Department of Defense Appropriations Bill, the following amendment: Amendment no. 1999.

(The amendment is printed in today’s Congressional Record under “Text of Amendments.”)

MRS. LINCOLN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2863, the Department of Defense Appropriations Bill, the following amendment: No. 2025.

(The amendment is printed in today’s Congressional Record under “Text of Amendments.”)