

108TH CONGRESS
2D SESSION

S. 2229

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2004

Mr. WARNER (for himself and Mr. LEVIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2005”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 (a) DIVISIONS.—This Act is organized into two divi-
8 sions as follows:

1 (1) Division A—Department of Defense Au-
2 thorizations.

3 (2) Division B—Military Construction Author-
4 izations.

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

Sec. 1. Short title.
Sec. 2. Table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Multiyear Procurement Authorization

Sec. 111. Multiyear procurement authority for the light weight 155 millimeter howitzer program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Ballistic Missile Defense

Sec. 211. Funding for Missile Defense Agency.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Delegation of authority to the states to make certain environmental restoration determinations.
Sec. 312. Periodic audits of Superfund transactions.
Sec. 313. Payment of private cleanup costs.
Sec. 314. Removal to federal court of Clean Air Act and Safe Drinking Water Act cases.

- Sec. 315. Reimbursement to the Environmental Protection Agency for certain costs in connection with the Moses Lake, Washington Superfund site.
- Sec. 316. Prohibiting judicial review of incomplete CERCLA cleanup actions.
- Sec. 317. Protection of sunken state craft and the remains of their crews.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. New title for the Vice-Chief of the National Guard Bureau.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2005 limitation on number of non-dual status technicians.
- Sec. 415. Special rule for computing the high-36 month average for Reserve component members.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Transition of active-duty list officer force to all regular status.
- Sec. 502. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
- Sec. 503. Joint duty credit required for promotion to flag or general officer.
- Sec. 504. Revised promotion policy objectives for joint officers.
- Sec. 505. Modify length of joint duty assignments.
- Sec. 506. Management of joint specialty officers.
- Sec. 507. Eliminate distribution quotas for general and flag officers serving in the grades of O-7 and O-8.
- Sec. 508. Eliminate mandatory retirement of active duty general and flag officers after 30 years of service.
- Sec. 509. Length of terms for the Assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters.
- Sec. 510. Length of service for the senior leaders of the military departments.
- Sec. 511. Extending age limits for active duty general and flag officers.
- Sec. 512. Lateral reassignment of certain generals and admirals.
- Sec. 513. Length of service for the Chairman and Vice Chairman of the Joint chiefs of staff.
- Sec. 514. Promotion policy objectives for joint officers.

Subtitle B—Reserve Component Management

- Sec. 521. Revised concept of inactive duty and repeal of funeral honors duty.
- Sec. 522. Authorized strengths of Navy and Marine Corps reserve flag and general officers.
- Sec. 523. Mandatory retention on active duty to qualify for retirement pay.

- Sec. 524. Amendment to the purpose of the reserve components.
- Sec. 525. Accounting and management of National Guard and reserve personnel performing active or full-time duty.
- Sec. 526. Waive requirement that reserve chiefs and National Guard directors must have significant joint duty experience.
- Sec. 527. Extending age limits for reserve and National Guard general and flag officers.
- Sec. 528. Expanded use of reserve component members to perform developmental testing and new equipment training.

Subtitle C—ROTC and Military Service Academies

- Sec. 531. Institutions of higher education that prevent ROTC access or military recruiting on campus; equal treatment with other employers.
- Sec. 532. Board of Visitors; United States Air Force Academy; United States Military Academy; United States Naval Academy.
- Sec. 533. Dean of the Faculty; Dean of Academic Board.
- Sec. 534. Repeal of requirement that military academy superintendents retire after assignment.

Subtitle D—Other Military Education and Training Matters

- Sec. 541. Education loan repayments for health professions officers of the reserve components.
- Sec. 542. Conferral of degrees to graduates of the Community College of the Air Force.
- Sec. 543. Three year educational leave of absence.
- Sec. 544. Length of phase II joint professional military education.
- Sec. 545. Changing the titles of the heads of the Naval Postgraduate School.
- Sec. 546. New mission statement and expanded eligibility for enlisted personnel at the Naval Postgraduate School.
- Sec. 547. Change in Department of Defense schools enrollment for children of locally-hired employees working overseas.

Subtitle E—Administrative Matters

- Sec. 551. Annual report to Congress concerning joint officer management.
- Sec. 552. Revised definitions applicable to joint duty.
- Sec. 553. Federal write-in ballots for absent military voters located in the United States.

Subtitle F—Military Justice Matters

- Sec. 561. Waive time lost when a member is acquitted, released without trial, or has his conviction set-aside or reversed on appeal.
- Sec. 562. Change in Uniform Code of Military Justice relating to blood alcohol concentration.

Subtitle G—Benefits

- Sec. 571. Immediate lump sum reimbursement for unusual nonrecurring expenses outside the continental United States.
- Sec. 572. Repeal of requirement to pay subsistence charges while hospitalized.

Subtitle H—Other Matters

- Sec. 581. Release of taxpayer addresses to help locate individuals with military service obligations.

- Sec. 582. Alternate initial military service obligation for persons with specialized skills.
- Sec. 583. Basic training requirement for certain members with specialized skills.
- Sec. 584. Eliminate mandatory terms of office for certain general and flag staff officers.
- Sec. 585. Prohibit court-ordered payments before retirement based on imputation of retired pay.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Termination of assignment incentive pay for members on terminal leave.
- Sec. 602. More flexible retirement rules for military officers.
- Sec. 603. More flexible computation of retired pay for officers and senior enlisted members.
- Sec. 604. Eliminate retired pay limit applicable to general and flag officers.
- Sec. 605. Grant basic allowance for housing waivers for 12 months or less on permanent change of station assignments that are principally for education or training.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pays for reserve forces.
- Sec. 612. Bonus for officers to serve in the Selected Reserve in a critical skill or manpower shortage.
- Sec. 613. Critical skills retention bonus; eligibility of members serving on indefinite reenlistment.
- Sec. 614. Foreign language proficiency pay.
- Sec. 615. Repayment of unearned portions of bonuses, special pays, and educational benefits.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Lodging costs incurred in connection with student dependent travel.
- Sec. 622. Expanded travel and transportation allowances for family members to attend burial ceremonies.

Subtitle D—Other Matters

- Sec. 631. Protection against double taxation for service members absent from their residence or domicile solely by reason of compliance with military orders.
- Sec. 632. Accumulation of annual leave by intelligence senior level employees.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Exemption of nonappropriated fund health benefits program from non-federal laws, taxes, and mandates.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Defense acquisition workforce changes.
- Sec. 802. Delegation to the Defense Contract Management Agency to make determinations concerning restructuring costs.
- Sec. 803. Disposal of excess and obsolete materials contained in the national defense stockpile.
- Sec. 804. Privatization of military utilities located on non-federal land.
- Sec. 805. Elimination of delays in assignment of real property to federal sponsoring agencies for public benefit conveyances.
- Sec. 806. Treatment of certain former military installation lands as HUBZones.
- Sec. 807. Repeal of redundant limitations on the procurement of totally enclosed lifeboats.
- Sec. 808. Amendments to Small Business Competitiveness Demonstration Program Act of 1988; streamlining data collection.
- Sec. 809. Demonstration programs using design-build contracts.
- Sec. 810. Two-year extension of laboratory revitalization demonstration program.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Transportation of Department of Defense passengers or supplies by air carriers.
- Sec. 822. One-year extension of program applying simplified procedures to certain commercial items.
- Sec. 823. Pilot authority for follow-on production agreements relating to certain prototype projects.
- Sec. 824. Charging of fees for logistical data.
- Sec. 825. Sale and exchange of missile propellants and electricity.
- Sec. 826. Elimination of solicitation issuance delay.
- Sec. 827. Pilot program to contract with local governments for services.
- Sec. 828. Procurement of Ball and roller bearings.
- Sec. 829. Increased threshold for awarding contracts under other than competitive procedures.
- Sec. 830. Increased threshold for requiring contractors to provide specified employee information to cooperative agreement holders.
- Sec. 831. Limitation on task and delivery order contracts.
- Sec. 832. Obligation of performance bond surety upon default of contractor.

Subtitle C—Acquisition-Related Reports and Other Matters

- Sec. 841. Streamlining real property transactions.
- Sec. 842. Repeal of annual reporting requirement concerning management of depot employees.
- Sec. 843. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
- Sec. 844. Small business programs: change of office title.
- Sec. 845. Provisions relating to real property.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers

- Sec. 901. Transfer of responsibility for the assembled chemical weapons alternatives program.

- Sec. 902. Expanded eligibility to serve as the Deputy Chief of Naval Operations and Assistant Chief of Naval Operations.
- Sec. 903. Repeal of required periodic Inspector General audits of undefinitized contractual actions.
- Sec. 904. Repeal of mandatory Inspector General review of advisory and assistance services contract waivers.
- Sec. 905. Chain of succession for the Chief, National Guard Bureau.

Subtitle B—Reports

- Sec. 911. Repeal of quarterly reporting requirement concerning payments for District of Columbia water and sewer services.
- Sec. 912. Repeal of reporting requirement concerning the Cooperative Threat Reduction Program.
- Sec. 913. Repeal of annual reporting requirement concerning threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.

Subtitle C—Other Matters

- Sec. 921. Manpower and budget issues in the Defense Prisoner of War/Missing Personnel Office.
- Sec. 922. Three-year extension of mentor-protege program.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Repeal of requirement for separate budget request for procurement of Reserve equipment.
- Sec. 1002. Repeal of requirement for two-year budget cycle for the Department of Defense.
- Sec. 1003. Extension of authority to provide war risk insurance for merchant marine vessels.
- Sec. 1004. Capture of all expired funds from the military personnel and operation and maintenance appropriations accounts for use in the foreign currency fluctuations account.
- Sec. 1005. Reimbursement for use of personal cellular telephones when used for official government business.
- Sec. 1006. Purchase of promotional items of nominal value for recruitment purposes.
- Sec. 1007. Microclaim waiver authority.

Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Exchange and sale of obsolete Navy service craft and boats.
- Sec. 1012. Award contracts for ship dismantling on net cost basis.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Use of two-year extension of counterdrug funds for counterterrorism in Colombia.

Subtitle D—Other Department of Defense Provisions

- Sec. 1031. Control and supervision of transportation within the Department of Defense.

Subtitle E—Other Matters

- Sec. 1041. Repeal of prohibition on contracts for performance of security-guard functions.
- Sec. 1042. Establishment of auxiliaries within the military departments.
- Sec. 1043. National Defense Heritage Foundation.
- Sec. 1044. Use of military aircraft to transport mail to and from overseas locations.
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- Sec. 1046. Conforming amendments to general definitions.
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TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Priority placement of displaced civilian employees.
- Sec. 1102. Employment preference for spouses of civilian employees.
- Sec. 1103. Pay parity for civilian intelligence personnel.
- Sec. 1104. Pay parity for senior executives in DoD nonappropriated fund instrumentalities.
- Sec. 1105. Prohibit unauthorized wearing, manufacture, or sale of civilian medals or decorations.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Related to Arms Control and Monitoring

- Sec. 1201. Humanitarian assistance with respect to the detection and clearance of landmines and explosive remnants of war.

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- Sec. 1211. Improving airspace control and management in the Caucasus and Central Asia.
- Sec. 1212. George C. Marshall European Center for Security Studies.

Subtitle C—Other Matters

- Sec. 1221. Repeal of the annual reporting requirement concerning the activities of Chinese military companies operating in the United States.
- Sec. 1222. Repeal of reporting requirement concerning special operations forces training with friendly foreign forces.
- Sec. 1223. Foreign military AIDS advocacy, awareness, and prevention activities.
- Sec. 1224. Repeal of the authorization for the establishment of the Center for the Study of Chinese Military Affairs.
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- Sec. 1226. Assignment of foreign Navy personnel to submarine safety research and development programs.

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

- Sec. 1301. Authority to waive conditions limiting support for chemical weapons destruction facility in Russia.

TITLE XIV—HOMELAND SECURITY

Sec. 1401. Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

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TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
 Sec. 2202. Family housing.
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 Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Improvements to military family housing units.
 Sec. 2304. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
 Sec. 2402. Improvements to military family housing units.
 Sec. 2403. Energy conservation projects.
 Sec. 2404. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—CHEMICAL DEMILITIZATION CONSTRUCTION, DEFENSE

Sec. 2601. Authorized Chemical Demilitarization construction and land acquisition projects.
 Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction.

TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

Sec. 2701. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2801. Expiration of authorizations and amounts required to be specified by law.

Sec. 2802. Extension of authorizations of certain fiscal year 2002 projects.

Sec. 2803. Extension of authorizations of certain fiscal year 2001 projects.

TITLE XXIX—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2901. Alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2911. Establishment of Museum Center of the National Museum of the United States Army.

Sec. 2912. Exchange or sale of reserve component facilities in return for replacement facilities.

Subtitle C—Other Matters

Sec. 2921. Minor military construction to improve force protection.

1 **TITLE I—PROCUREMENT**

2 Subtitle A—Authorization of Appropriations

3 **SEC. 101. ARMY.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2005 for procurement for the Army as follows:

6 (1) For aircraft, \$2,658,241,000.

7 (2) For missiles, \$1,398,321,000.

8 (3) For weapons and tracked combat vehicles,
9 \$1,639,695,000.

10 (4) For ammunition, \$1,556,902,000.

11 (5) For other procurement, \$4,240,896,000.

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

13 (a) NAVY.—Funds are hereby authorized to be appro-
14 priated for fiscal year 2005 for procurement for the Navy
15 as follows:

1 (1) For aircraft, \$8,767,867,000.

2 (2) For weapons, including missiles and tor-
3 pedoes, \$2,101,529,000.

4 (3) For shipbuilding and conversion,
5 \$9,962,027,000.

6 (4) For other procurement, \$4,834,278,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to
8 be appropriated for fiscal year 2005 for procurement for
9 the Marine Corps in the amount of \$1,190,103,000.

10 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
11 are hereby authorized to be appropriated for fiscal year
12 2005 for procurement of ammunition for the Navy and
13 Marine Corps in the amount of \$858,640,000.

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2005 for procurement for the Air Force as fol-
17 lows:

18 (1) For aircraft, \$13,163,174,000.

19 (2) For missiles, \$4,718,313,000.

20 (3) For procurement of ammunition,
21 \$1,396,457,000.

22 (4) For other procurement, \$13,283,557,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2005 for Defense-wide procurement in the
4 amount of \$2,883,302,000.

5 **Subtitle B—Multiyear Procurement**
6 **Authorization**

7 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**
8 **LIGHT WEIGHT 155 MILLIMETER HOWITZER**
9 **PROGRAM.**

10 The Secretary of the Navy may, in accordance with
11 section 2306b of title 10, United States Code, enter into
12 a multiyear contract, beginning with the fiscal year 2005
13 program year, for procurement of the light weight 155
14 millimeter howitzer.

15 **TITLE II—RESEARCH, DEVELOP-**
16 **MENT, TEST, AND EVALUA-**
17 **TION**

18 **Subtitle A—Authorization of**
19 **Appropriations**

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

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2005 for the use of the Department of Defense
23 for research, development, test, and evaluation, as follows:

- 24 (1) For the Army, \$9,266,258,000.
25 (2) For the Navy, \$16,346,391,000.
26 (3) For the Air Force, \$21,114,667,000.

1 (4) For Defense-wide activities,
2 \$21,044,972,000, of which \$305,135,000 is author-
3 ized for the Director of Operational Test and Eval-
4 uation.

5 **Subtitle B—Ballistic Missile**
6 **Defense**

7 **SEC. 211. FUNDING FOR MISSILE DEFENSE AGENCY.**

8 (a) Funds appropriated under the heading “Re-
9 search, Development, Test and Evaluation, Defense-
10 Wide” for the Missile Defense Agency may, upon approval
11 by the Secretary of Defense, be used for the development
12 and fielding of ballistic missile defense capabilities.

13 (b) This section shall be effective for fiscal years after
14 Fiscal Year 2004.

15 **TITLE III—OPERATION AND**
16 **MAINTENANCE**

17 **Subtitle A—Authorization of**
18 **Appropriations**

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2005 for the use of the Armed Forces and other
22 activities and agencies of the Department of Defense for
23 expenses, not otherwise provided for, for operation and
24 maintenance, in amounts as follows:

25 (1) For the Army, \$26,133,411,000.

- 1 (2) For the Navy, \$29,789,190,000.
- 2 (3) For the Marine Corps, \$3,632,115,000.
- 3 (4) For the Air Force, \$28,471,260,000.
- 4 (5) For Defense-wide activities,
5 \$17,494,076,000.
- 6 (6) For the Army Reserve, \$2,008,128,000.
- 7 (7) For the Naval Reserve, \$1,240,038,000.
- 8 (8) For the Marine Corps Reserve,
9 \$188,696,000.
- 10 (9) For the Air Force Reserve, \$2,239,790,000.
- 11 (10) For the Army National Guard,
12 \$4,440,686,000.
- 13 (11) For the Air National Guard,
14 \$4,422,838,000.
- 15 (12) For the United States Court of Appeals
16 for the Armed Forces, \$10,825,000.
- 17 (13) For Environmental Restoration, Army,
18 \$400,948,000.
- 19 (14) For Environmental Restoration, Navy,
20 \$266,820,000.
- 21 (15) For Environmental Restoration, Air Force,
22 \$397,368,000.
- 23 (16) For Environmental Restoration, Defense-
24 wide, \$23,684,000.

1 (17) For Environmental Restoration, Formerly
2 Used Defense Sites, \$216,516,000.

3 (18) For Overseas Humanitarian, Disaster, and
4 Civic Aid programs, \$59,000,000.

5 (19) For Cooperative Threat Reduction pro-
6 grams, \$409,200,000.

7 (20) For Overseas Contingency Operations
8 Transfer Fund, \$30,000,000.

9 **SEC. 302. WORKING CAPITAL FUNDS.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2005 for the use of the Armed Forces and other
12 activities and agencies of the Department of Defense for
13 providing capital for working capital and revolving funds
14 in amounts as follows:

15 (1) For the Defense Working Capital Funds,
16 \$1,685,886,000.

17 (2) For the National Defense Sealift Fund,
18 \$1,269,252,000.

19 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

20 There is hereby authorized to be appropriated for fis-
21 cal year 2005 from the Armed Forces Retirement Home
22 Trust Fund the sum of \$61,195,000 for the operation of
23 the Armed Forces Retirement Home.

1 **SEC. 304. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

2 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
3 by authorized to be appropriated for the Department of
4 Defense for fiscal year 2005 for expenses, not otherwise
5 provided for, for the Defense Health Program,
6 \$17,640,411,000, of which—

7 (1) \$17,203,369,000 is for Operation and
8 Maintenance;

9 (2) \$72,407,000 is for Research, Development,
10 Test, and Evaluation; and

11 (3) \$364,635,000 is for Procurement.

12 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-
13 TION.—(1) Funds are hereby authorized to be appro-
14 priated for the Department of Defense for fiscal year 2005
15 for expenses, not otherwise provided for, for Chemical
16 Agents and Munitions Destruction, \$1,371,990,000, of
17 which—

18 (A) \$1,138,801,000 is for Operation and Main-
19 tenance;

20 (B) \$154,209,000 is for Research, Develop-
21 ment, Test, and Evaluation; and

22 (C) \$78,980,000 is for Procurement.

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

25 (A) the destruction of lethal chemical agents
26 and munitions in accordance with section 1412 of

1 the Department of Defense Authorization Act, 1986
2 (50 U.S.C. 1521); and

3 (B) the destruction of chemical warfare mate-
4 rial of the United States that is not covered by sec-
5 tion 1412 of such Act.

6 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
7 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
8 to be appropriated for the Department of Defense for fis-
9 cal year 2005 for expenses, not otherwise provided for, for
10 Drug Interdiction and Counter-Drug Activities, Defense-
11 wide, \$852,697,000.

12 (d) DEFENSE INSPECTOR GENERAL.—Funds are
13 hereby authorized to be appropriated for the Department
14 of Defense for fiscal year 2005 for expenses, not otherwise
15 provided for, for the Office of the Inspector General of
16 the Department of Defense, \$244,562,000, of which—

17 (1) \$242,362,000 is for Operation and Mainte-
18 nance;

19 (2) \$100,000 is for Research, Development,
20 Test, and Evaluation; and

21 (3) \$2,100,000 is for Procurement.

1 **Subtitle B—Environmental**
2 **Provisions**

3 **SEC. 311. DELEGATION OF AUTHORITY TO THE STATES TO**
4 **MAKE CERTAIN ENVIRONMENTAL RESTORA-**
5 **TION DETERMINATIONS.**

6 Subparagraph (3)(B) of subsection (h) of section 120
7 of the Comprehensive Environmental Response, Com-
8 pensation, and Liability Act of 1980, Public Law 96–510
9 (42 U.S.C. 9620), as amended, is amended—

10 (1) by inserting “(in the case of sites at a Fed-
11 eral facility that is listed on the National Priorities
12 List), or the Governor of the State in which the fa-
13 cility is located (in the case of sites at a Federal fa-
14 cility not listed on the National Priorities List),”
15 after “Administrator” the first place it appears;

16 (2) by inserting “or the Governor, as appro-
17 priate,” after “Administrator” the second place it
18 appears; and

19 (3) by inserting “ the Governor, as appro-
20 priate,” after “Administrator” the third place it ap-
21 pears.

1 **SEC. 312. PERIODIC AUDITS OF SUPERFUND TRANS-**
2 **ACTIONS.**

3 Section 111(k) of the Comprehensive Environmental
4 Response, Compensation, and Liability Act of 1980 (42
5 U.S.C. 9611(k)) is amended to read as follows:

6 “(k) The Inspector General of each department or
7 agency to which responsibility to obligate money in the
8 Fund is delegated shall conduct a periodic audit of all pay-
9 ments, obligations, reimbursements, or other uses of the
10 Fund, to assure that the Fund is being properly adminis-
11 tered and that claims are being appropriately and expedi-
12 tiously considered. Each Inspector General shall submit
13 to the Congress a report of the audit. Each Inspector Gen-
14 eral shall provide such auditing of the Fund as is appro-
15 priate to minimize the risk of mismanagement. Each Fed-
16 eral agency shall cooperate with the Inspector General in
17 carrying out this subsection.”.

18 **SEC. 313. PAYMENT OF PRIVATE CLEANUP COSTS.**

19 (a) **AUTHORITY TO PAY FOR SERVICES.**—Section
20 2701(d) of title 10, United States Code, is amended—

21 (1) in paragraph (1), by striking “tribe,” both
22 places it appears and inserting “tribe, owner of cov-
23 enant property,”; and

24 (2) in paragraph (4), by adding at the end the
25 following new subparagraph:

1 118(a) of the Clean Air Act (42 U.S.C. 7418(a)), is
2 amended by adding at the end the following new sentence:
3 “Nothing in this act shall be construed to prevent any de-
4 partment, agency, or instrumentality of the Federal Gov-
5 ernment, or any officer, agent, or employee thereof in the
6 performance of his official duties, from removing to the
7 appropriate Federal district court any proceeding in State
8 court to which the department, agency, or instrumentality
9 or officer, agent, or employee thereof is subject pursuant
10 to this subsection, and any such proceeding may be re-
11 moved in accordance with section 1441 et seq. of title 28,
12 United States Code.”.

13 (b) RIGHT OF REMOVAL TO FEDERAL COURT OF
14 SAFE DRINKING WATER ACT CASES TO FEDERAL
15 COURT.—Section 1447 of the Safe Drinking Water Act
16 (42 U.S.C. 300j–6) is amended by adding at the end the
17 following new subsection:

18 “(f) REMOVAL.—Nothing in this act shall be con-
19 strued to prevent any department, agency, or instrumen-
20 tality of the Federal Government, or any officer, agent,
21 or employee thereof in the performance of his official du-
22 ties, from removing to the appropriate Federal district
23 court any proceeding in State court to which the depart-
24 ment, agency, or instrumentality or officer, agent, or em-
25 ployee thereof is subject pursuant to subsection (a), and

1 any such proceeding may be removed in accordance with
2 section 1441 et seq. of title 28, United States Code.”.

3 (c) APPLICATION.—The amendments made by this
4 section shall apply to any action filed in a State court after
5 the effective date of this section.

6 **SEC. 315. REIMBURSEMENT TO THE ENVIRONMENTAL PRO-**
7 **TECTION AGENCY FOR CERTAIN COSTS IN**
8 **CONNECTION WITH THE MOSES LAKE, WASH-**
9 **INGTON SUPERFUND SITE.**

10 (a) AUTHORITY.—Using funds described in sub-
11 section (b), the Secretary of Defense may transfer not
12 more than \$524,926.54 to the Moses Lake Wellfield
13 Superfund Site 10–6J Special Account. This payment is
14 to reimburse the United States Environmental Protection
15 Agency for its costs including interest incurred in over-
16 seeing a remedial investigation/feasibility study performed
17 by the Department of the Army under the Defense Envi-
18 ronmental Restoration Program at the former Larson Air
19 Force Base, Moses Lake Superfund Site, Moses Lake,
20 Washington. Such reimbursement is provided for in the
21 Interagency Agreement entered into by the Department
22 of the Army and the Environmental Protection Agency for
23 the Moses Lake Site, in March, 1999.

24 (b) SOURCE OF FUNDS.—Any payment under sub-
25 section (a) shall be made using funds authorized to be ap-

1 appropriated by paragraph 18 of section 301 of this act for
2 Environmental Restoration, Formerly Used Defense Sites.
3 EPA shall retain and use the transferred amount to pay
4 for costs the Agency has incurred or will incur at the
5 Moses Lake Wellfield Superfund site.

6 **SEC. 316. PROHIBITING JUDICIAL REVIEW OF INCOMPLETE**
7 **CERCLA CLEANUP ACTIONS.**

8 Subsection (h) of section 113 of the Comprehensive
9 Environmental Response, Compensation, and Liability Act
10 of 1980, Public Law 96–510 (42 U.S.C. 9613, as amend-
11 ed), is amended by inserting “(which includes responses
12 under section 120),” after “section 104” in each of the
13 two places it appears.

14 **SEC. 317. PROTECTION OF SUNKEN STATE CRAFT AND THE**
15 **REMAINS OF THEIR CREWS.**

16 (a) FINDINGS AND PURPOSE.—The Congress de-
17 clares and finds the following:

18 (1) A vital part of the United States maritime
19 heritage consists of thousands of United States
20 sunken State craft, wherever located.

21 (2) Sunken State craft are often the final rest-
22 ing places of the crew and others who perished when
23 the sunken State craft sank.

1 (3) Sunken State craft also may be objects of
2 an archaeological, historical, scientific, or cultural
3 nature.

4 (4) Sunken State craft may contain unexploded
5 ordnance, which could pose a danger if disturbed,
6 and substances which, if released, could cause harm
7 to the marine environment, and public health.

8 (5) There is a growing concern both in the
9 United States and internationally that advances in
10 science and technology have facilitated access to
11 sunken State craft, resulting in their unauthorized
12 disturbance.

13 (6) It is in the interest of the United States to
14 preserve its maritime heritage by providing for the
15 protection of United States sunken State craft wher-
16 ever located, foreign sunken State craft located in
17 United States Waters, and encouraging other na-
18 tions to protect United States sovereignty and own-
19 ership of United States sunken State craft located
20 outside United States Waters.

21 (7) Sunken State craft indefinitely remain the
22 property of the flag State unless formal action is
23 taken by the flag State to abandon ownership or
24 transfer title to another person.

1 (b) DEFINITIONS.—For the purposes of this section:

2 (1) The term “sunken State craft” means any
3 sunken State vessel, sunken State aircraft, associ-
4 ated contents, or any portion thereof, title to which
5 has not been abandoned or transferred in a manner
6 prescribed by the flag State.

7 (2) The term “sunken State vessel” means any
8 warship, naval auxiliary, or other public vessel with-
9 in the meaning of the Public Vessels Act (46 U.S.C.
10 App. 781–790) and/or vessels operated by or for the
11 United States within the meaning of the Suits in
12 Admiralty Act (46 U.S.C. App. 741–750) and such
13 warship, naval auxiliary or public vessel of a foreign
14 State that sank while in government noncommercial
15 service.

16 (3) The term “sunken State aircraft” means
17 any military aircraft or other aircraft, including
18 spacecraft, owned or operated by the United States
19 or a foreign State, that sank while in government
20 noncommercial service.

21 (4) The term “associated contents” means the
22 equipment, cargo, and all contents on board the
23 sunken State craft, as well as the remains and per-
24 sonal effects of the crew and others on board the
25 sunken State craft when it sank.

1 (5) The term “person” means an individual,
2 corporation, partnership, trust, institution, associa-
3 tion, or any other public or private entity, whether
4 foreign or domestic.

5 (6) The term “Head of Agency” means the gov-
6 ernment official having authority, delegated or oth-
7 erwise granted, over any sunken State craft.

8 (7) The term “United States Waters” com-
9 prises United States Internal Waters, the United
10 States Territorial Sea, and the United States Con-
11 tiguous Zone.

12 (8) The term “United States Internal Waters”
13 means all waters of the United States on the land-
14 ward side of the baseline from which the breadth of
15 the United States Territorial Sea is measured.

16 (9) The term “United States Territorial Sea”
17 means the waters extending 12 nautical miles sea-
18 ward of the baseline from which the breadth of the
19 United States Territorial Sea is measured.

20 (10) The term “United States Contiguous
21 Zone” means the contiguous zone of the United
22 States as defined in Presidential Proclamation 7219,
23 September 2, 1999.

24 (11) The term “United States Exclusive Eco-
25 nomic Zone” means the exclusive economic zone of

1 the United States as defined in Presidential Procla-
2 mation 5030, March 10, 1983.

3 (12) The term “United States Outer Conti-
4 nental Shelf” means all submerged lands lying sea-
5 ward and outside of the area of lands beneath navi-
6 gable waters as defined in section 2 of the Outer
7 Continental Shelf Lands Act (43 U.S.C. 1331).

8 (c) SCOPE.—This section shall apply to—

9 (1) United States citizens, other persons over
10 which the United States exercises jurisdiction,
11 United States flagged or registered vessels, vessels
12 owned or operated by United States citizens or other
13 persons over which the United States exercises juris-
14 diction, and Stateless vessels or vessels assimilated
15 to a vessel without nationality, engaging in activities
16 directed at any sunken State craft wherever located;
17 and

18 (2) foreign nationals and foreign flagged or reg-
19 istered vessels—

20 (A) engaging in activities directed at sunk-
21 en State craft located within the United States
22 Territorial Sea or United States Internal Wa-
23 ters;

24 (B) removing sunken State craft from the
25 United States Contiguous Zone;

1 (C) engaging in activities directed at any
2 sunken State craft located within the United
3 States Contiguous Zone, provided that those ac-
4 tivities cause or threaten damage to natural re-
5 sources or otherwise interfere with the rights
6 and jurisdiction of the United States with regard
7 to natural resources;

8 (D) engaging in activities directed at sunk-
9 en State craft located within the United States
10 Exclusive Economic Zone or on the United
11 States Outer Continental Shelf, provided that
12 those activities cause or threaten damage to
13 natural resources or otherwise interfere with
14 the rights and jurisdiction of the United States
15 with regard to natural resources; or

16 (E) calling on or using United States ports
17 or offshore terminals, that engage in activities
18 directed at sunken State craft wherever located
19 in violation of the laws of the United States or
20 of a foreign State.

21 (d) APPLICATION.—(1) This section shall not apply
22 to actions taken by, or at the direction of, the United
23 States Government.

24 (2) No regulation promulgated pursuant to this sec-
25 tion shall apply to or be enforced against a person who

1 is not a citizen, national, or resident alien of the United
2 States, unless in accordance with—

3 (A) generally recognized principles of inter-
4 national law;

5 (B) an agreement between the United States
6 and the foreign State of which the person is a cit-
7 izen; or

8 (C) an agreement between the United States
9 and the flag State of a foreign vessel or aircraft, if
10 the person is a crew member or other person on the
11 vessel or aircraft.

12 (3) The Secretary of State, in consultation with the
13 Heads of Agencies, is authorized to negotiate and conclude
14 bilateral and multilateral agreements with foreign States
15 with regard to sunken State craft consistent with this sec-
16 tion.

17 (e) TITLE.—Notwithstanding any other provision of
18 law—

19 (1) the United States retains title indefinitely
20 to its sunken State craft, and associated contents
21 unless abandoned or transferred in a manner pre-
22 scribed by Congress.

23 (2) title to foreign sunken State craft is pre-
24 sumed to be retained by the foreign flag State and

1 may be abandoned or transferred only in accordance
2 with the law of the foreign flag State.

3 (f) **PASSAGE OF TIME.**—(1) Title to United States
4 sunken State craft wherever located shall not be extin-
5 guished by passage of time regardless of when such United
6 States sunken State craft sank.

7 (2) Title to foreign sunken State craft shall not be
8 presumed to be extinguished by passage of time regardless
9 of when such foreign sunken State craft sank.

10 (g) **AUTHORITY OF AGENCY HEAD.**—(1) Each Head
11 of Agency is hereby authorized to promulgate regulations
12 with regard to sunken State craft under his or her author-
13 ity as necessary to implement this section, including regu-
14 lations providing for—

15 (A) the issuance of a permit to a person in ac-
16 cordance with section (i);

17 (B) the implementation of section (k); and

18 (C) the loan of United States sunken State
19 craft between or to universities, museums, or other
20 institutions that provide public access for research,
21 education, and other public purposes consistent with
22 this section.

23 (2) The appropriate Head of Agency is hereby au-
24 thorized to carry out this section and any implementing

1 regulations with regard to United States sunken State
2 craft subject to the authority of that Head of Agency.

3 (3) At the request of any foreign State, the appro-
4 priate Head of Agency may carry out section (i) and any
5 implementing regulations promulgated pursuant thereto
6 with regard to any foreign sunken State craft of that for-
7 eign State located in United States Waters.

8 (4) Each Head of Agency is hereby authorized to
9 charge and retain reasonable fees to offset expenses asso-
10 ciated with the review of permit applications and the
11 issuance and administration of permits issued under this
12 section.

13 (h) PROHIBITIONS.—(1) No sunken State craft of the
14 United States wherever located may be disturbed injured
15 or removed except as authorized by this section.

16 (2) No person may engage in an activity directed at
17 a sunken State craft that disturbs, removes or injures, or
18 attempts to disturb, remove or injure any sunken State
19 craft covered by this section without the express permis-
20 sion of the appropriate Head of Agency or his or her des-
21 ignee.

22 (3) No person may possess, offer for sale, sell, pur-
23 chase, import, export, transport, deliver, carry, exchange,
24 receive, or attempt to purchase, import, export, transport,

1 deliver, carry, exchange, or receive any sunken State craft
2 that was disturbed, removed, or injured in violation of—

3 (A) the prohibitions contained in subsections
4 (h)(1) and (2), or

5 (B) any provision, rule, regulation, ordinance,
6 or permit in effect under any provision of Federal,
7 foreign, or other applicable law.

8 (i) PERMITS.—Without limitation on the discretion of
9 Heads of Agency regarding administration of United
10 States sunken State craft for which they may continue to
11 be responsible regardless of sinking, the United States,
12 through the appropriate Head of Agency, shall have per-
13 mitting authority over those persons and vessels that are
14 engaged in, or propose to engage in, activities directed at
15 any United States sunken State craft wherever located,
16 or any foreign sunken State craft as provided by para-
17 graph (3) of section (g).

18 (j) LIABILITY FOR DAMAGES.—(1) Except with the
19 permission of the appropriate Head of Agency or his or
20 her designee, any person who engages in an activity di-
21 rected at a sunken State craft that disturbs, removes, or
22 injures any sunken State craft is liable for response costs,
23 enforcement costs, and damages resulting from such dis-
24 turbance, removal, or injury.

25 (2) Damages may include—

1 (A) the reasonable costs incurred in storage,
2 restoration, care, maintenance, conservation, and
3 curation of any sunken State craft disturbed, re-
4 moved, or injured without authorization; and

5 (B) the cost of retrieving any information of an
6 archaeological, historical, or cultural nature remain-
7 ing from a site where the sunken State craft was
8 disturbed, removed, or injured without authorization.

9 (k) ADMINISTRATIVE ENFORCEMENT.—Any person
10 who violates this section, or any regulation or permit
11 issued thereunder, may be assessed a civil penalty by the
12 Head of Agency concerned, or his or her designee, after
13 notice and an opportunity for a hearing. Such penalty may
14 not exceed \$100,000, for each such violation, and each day
15 of a continued violation shall constitute a separate viola-
16 tion.

17 (l) JUDICIAL ENFORCEMENT.—At the request of the
18 appropriate Head of Agency, the Attorney General may
19 institute a civil action in an appropriate district court of
20 the United States to—

21 (1) recover response costs and damages result-
22 ing from a violation of this section;

23 (2) seek a civil penalty not to exceed \$200,000,
24 against any person who violates this section or regu-

1 lation or permit issued thereunder, or against any
2 vessel, in rem, used in such violation; or

3 (3) obtain such relief as may be necessary to
4 abate an imminent risk of disturbance of, removal
5 of, or injury to any sunken State craft as deter-
6 mined by the appropriate Head of Agency, or if
7 there has been actual disturbance of, removal of, or
8 injury to any sunken State craft. The district courts
9 of the United States shall have jurisdiction in such
10 a case to order such relief as the public interest and
11 the equities of the case may require.

12 (m) RIGHTS OF FOREIGN STATES.—(1) Consistent
13 with this section, foreign States may assert before any
14 United States court their sovereign interest in any sunken
15 State craft located in United States Waters or which is
16 the subject of a case brought in a court of the United
17 States.

18 (2) Upon the request of a foreign State and con-
19 sistent with this section, the Attorney General is hereby
20 authorized in his or her discretion to appear in the courts
21 of the United States to enforce this section on behalf of
22 such foreign State with regard to any of its sunken State
23 craft located in United States Waters or which is the sub-
24 ject of a case brought in a court of the United States.

1 (n) RELATIONSHIP TO OTHER LAWS.—(1) The law
2 of finds shall not apply to any United States sunken State
3 craft wherever located or to any foreign sunken State craft
4 located in United States Waters.

5 (2) No salvage rights or awards shall be granted with
6 respect to any sunken State craft without the express per-
7 mission of the flag State.

8 (3) Nothing in this section is intended to alter the
9 international law of capture or prize with respect to sunk-
10 en State craft.

11 (4) Nothing in sections 4281 through 4287, and
12 4289 of the Revised Statutes (46 U.S.C. App. 181–188)
13 and section 3 of the Act of February 13, 1893 (ch. 105,
14 27 Stat. 445, 46 U.S.C. App. 192) shall limit the liability
15 of any person under this section.

16 (5) Nothing in this section is intended to affect activi-
17 ties not directed at a sunken State craft, or the traditional
18 high seas freedoms of navigation, the laying of submarine
19 cables and pipelines, or other internationally lawful uses
20 of the sea related to these freedoms such as the operation
21 of ships and fishing, so long as these activities are not
22 undertaken as a subterfuge for activities prohibited by this
23 section.

24 (6) This section and any implementing regulations
25 shall be applied in accordance with generally recognized

1 principles of international law, and in accordance with the
2 treaties, conventions, and other agreements to which the
3 United States is a party.

4 (7) Nothing in this section is intended to preclude
5 or limit the application of any other law enforcement au-
6 thorities of the Commandant of the United States Coast
7 Guard.

8 (8) Nothing in this section shall invalidate any prior
9 delegation, authorization or related regulations consistent
10 with this section.

11 (9) Each provision of this section is severable. If a
12 court should find any provision of this section to be unen-
13 forceable, all other provisions shall remain in full force and
14 effect.

15 (10) Nothing in this section is intended to prevent
16 the United States from pursuing criminal sanctions for
17 plundering of wrecks, larceny of government property, or
18 other applicable criminal law.

19 (11) The Departments of Commerce, Defense, Home-
20 land Security, Interior, Justice, State, and the General
21 Services Administration are authorized to cooperate with
22 the Head of Agency concerned as well as with state and
23 foreign government agencies on the protection and man-
24 agement of sunken State craft wherever located, con-
25 sistent with the purposes of this section.

1 (12) Notwithstanding any other provision of law,
2 abandonment of sunken State craft may occur only as pre-
3 scribed herein.

4 (o) LIMITATIONS.—An action to enforce a violation
5 of this section or any regulation or permit issued there-
6 under, may not be brought more than eight years after
7 all facts material to the right of action are known or
8 should have been known by the Head of Agency concerned,
9 and the defendant is subject to the jurisdiction of the ap-
10 propriate United States district court or administrative
11 forum.

12 **Subtitle C—Workplace and Depot** 13 **Issues**

14 **SEC. 321. EXCLUSION OF CERTAIN EXPENDITURES FROM** 15 **PERCENTAGE LIMITATION ON CONTRACTING** 16 **FOR PERFORMANCE OF DEPOT-LEVEL MAIN-** 17 **TENANCE AND REPAIR WORKLOADS.**

18 Section 2474(f)(1) of title 10, United States Code,
19 is amended by striking “under any contract entered into
20 during fiscal years 2003 through 2006”.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

4 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2005, as follows:

- 7 (1) The Army, 482,400.
8 (2) The Navy, 365,900.
9 (3) The Marine Corps, 175,000.
10 (4) The Air Force, 359,700.

11 **SEC. 402. NEW TITLE FOR THE VICE-CHIEF OF THE NA-**
12 **TIONAL GUARD BUREAU.**

13 (a) IN GENERAL.—Section 10505 of title 10, United
14 States Code, is amended by striking “Vice Chief of the
15 National Guard Bureau” each place it appears and insert-
16 ing “Director of the Joint Staff of the National Guard
17 Bureau”.

18 (b) CLERICAL AMENDMENTS.—(1) The heading of
19 such section is amended by striking “Vice Chief of the
20 National Guard Bureau” and inserting “Director of the
21 Joint Staff of the National Guard Bureau”.

22 (2) The item relating to such section in the table of
23 sections at the beginning of chapter 1011 of such title is
24 amended by striking “Vice Chief of the National Guard

1 Bureau” and inserting “Director of the Joint Staff of the
2 National Guard Bureau”.

3 **Subtitle B—Reserve Forces**

4 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

5 (a) IN GENERAL.—The Armed Forces are authorized
6 strengths for Selected Reserve personnel of the reserve
7 components as of September 30, 2005, as follows:

8 (1) The Army National Guard of the United
9 States, 350,000.

10 (2) The Army Reserve, 205,000.

11 (3) The Naval Reserve, 83,400.

12 (4) The Marine Corps Reserve, 39,600.

13 (5) The Air National Guard of the United
14 States, 106,800.

15 (6) The Air Force Reserve, 76,100.

16 (7) The Coast Guard Reserve, 10,000.

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

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

24 (2) the total number of individual members not
25 in units organized to serve as units of the Selected

1 Reserve of such component who are on active duty
2 (other than for training or for unsatisfactory partici-
3 pation in training) without their consent at the end
4 of the fiscal year.

5 Whenever such units or such individual members are re-
6 leased from active duty during any fiscal year, the end
7 strength prescribed for such fiscal year for the Selected
8 Reserve of such reserve component shall be increased pro-
9 portionately by the total authorized strengths of such
10 units and by the total number of such individual members.

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

13 Within the end strengths prescribed in section
14 411(a), the reserve components of the Armed Forces are
15 authorized, as of September 30, 2005, the following num-
16 ber of Reserves to be serving on full-time active duty or
17 full-time duty, in the case of members of the National
18 Guard, for the purpose of organizing, administering, re-
19 cruiting, instructing, or training the reserve components:

20 (1) The Army National Guard of the United
21 States, 26,476.

22 (2) The Army Reserve, 14,970.

23 (3) The Naval Reserve, 14,152.

24 (4) The Marine Corps Reserve, 2,261.

1 (5) The Air National Guard of the United
2 States, 12,225.

3 (6) The Air Force Reserve, 1,900.

4 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
5 **(DUAL STATUS).**

6 The minimum number of military technicians (dual
7 status) as of the last day of fiscal year 2005 for the re-
8 serve components of the Army and the Air Force (notwith-
9 standing section 129 of title 10, United States Code) shall
10 be the following:

11 (1) For the Army Reserve, 7,299.

12 (2) For the Army National Guard of the United
13 States, 25,076.

14 (3) For the Air Force Reserve, 9,954.

15 (4) For the Air National Guard of the United
16 States, 22,956.

17 **SEC. 414. FISCAL YEAR 2005 LIMITATION ON NUMBER OF**
18 **NON-DUAL STATUS TECHNICIANS.**

19 (a) LIMITATIONS.—(1) Within the limitation pro-
20 vided in section 10217(c)(2) of title 10, United States
21 Code, the number of non-dual status technicians employed
22 by the National Guard as of September 30, 2005, may
23 not exceed the following:

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

1 (B) For the Air National Guard of the United
2 States, 350.

3 (2) The number of non-dual status technicians em-
4 ployed by the Army Reserve as of September 30, 2005,
5 may not exceed 795.

6 (3) The number of non-dual status technicians em-
7 ployed by the Air Force Reserve as of September 30,
8 2005, may not exceed 90.

9 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
10 this section, the term “non-dual status technician” has the
11 meaning given that term in section 10217(a) of title 10,
12 United States Code.

13 **SEC. 415. SPECIAL RULE FOR COMPUTING THE HIGH-36**
14 **MONTH AVERAGE FOR RESERVE COMPO-**
15 **NENT MEMBERS.**

16 (a) COMPUTATION OF HIGH-36 MONTH AVERAGE.—
17 Subsection (c) of section 1407 of title 10, United States
18 Code, is amended by adding at the end the following new
19 paragraph:

20 “(3) SPECIAL RULE FOR RESERVE COMPONENT
21 MEMBERS.—

22 “(A) HIGH-36 MONTH AVERAGE FOR DIS-
23 ABILITY RETIRED PAY.—The high-three average of a
24 Reserve component member entitled to retired pay
25 under section 1201 or 1202 of this title, or a spouse

1 of a Reserve component member entitled to a sur-
2 vivor benefit plan annuity under section
3 1448(d)(1)(B) of this title, is the amount equal to—

4 “(i) the total amount of monthly basic pay
5 to which the member was entitled during the
6 member’s high-36 months (or to which the
7 member would have been entitled if the member
8 had served on active duty during the entire pe-
9 riod of the member’s high-36 months), divided
10 by

11 “(ii) 36.

12 “(B) SHORT-TERM DISABILITY RETIRED PAY.—
13 Notwithstanding subparagraph (A), the high-three
14 average of a Reserve component member with less
15 than 36 months who is entitled to retired pay under
16 section 1201 or 1202 of this title, or a spouse of a
17 Reserve component member entitled to a survivor
18 benefit plan annuity under section 1448(d)(1)(B) of
19 this title, is the amount equal to—

20 “(i) the total amount of monthly basic pay
21 to which the member was entitled during the
22 entire period the member was a member of a
23 uniformed service before being so retired (or to
24 which the member would have been entitled if
25 the member had served on active duty during

1 the entire period the member was a member of
 2 a uniformed service before being so retired), di-
 3 vided by

4 “(ii) the number of months (including any
 5 fraction thereof) during which the member was
 6 a member before so retiring.”.

7 (b) EFFECTIVE DATE.—For purposes of determining
 8 the annuity for the spouse of a member who died while
 9 on active duty, the amendments made by this section shall
 10 take effect as of September 10, 2001.

11 **TITLE V—MILITARY PERSONNEL**
 12 **POLICY**

13 **Subtitle A—Officer Personnel**
 14 **Policy**

15 **SEC. 501. TRANSITION OF ACTIVE-DUTY LIST OFFICER**
 16 **FORCE TO ALL REGULAR STATUS.**

17 (a) ELIMINATE REQUIREMENT THAT ALL ACTIVE
 18 DUTY OFFICERS SERVE IN A RESERVE STATUS FOR AT
 19 LEAST ONE YEAR.—Section 532 of title 10, United States
 20 Code, is amended by striking subsection (e).

21 (b) AMEND THE QUALIFICATIONS FOR ORIGINAL AP-
 22 POINTMENT AS A COMMISSIONED OFFICER.—Section 532
 23 is further amended—

24 (1) in subsection (a)—

25 (A) by striking paragraph (2); and

1 (B) by redesignating paragraphs (3), (4),
2 and (5) as paragraphs (2), (3), and (4), respec-
3 tively; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(f) The Secretary of Defense may waive the require-
7 ment of subsection (a)(1) with respect to an alien lawfully
8 admitted to permanent residence when the Secretary de-
9 termines that the national security so requires.”.

10 (c) ELIMINATE LIMITATIONS PLACED ON TOTAL
11 STRENGTH OF REGULAR COMMISSIONED OFFICERS
12 SERVING ON THE ACTIVE-DUTY LIST.—Section 522 of
13 such title is repealed.

14 (d) ELIMINATE SENATE CONFIRMATION FOR ORIGI-
15 NAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Sec-
16 tion 531(a) of such title is amended to read as follows:

17 “(a) Original appointments in the grades of second
18 lieutenant through captain in the Regular Army, Regular
19 Air Force, and Regular Marine Corps and in the grades
20 of ensign through lieutenant in the Regular Navy shall
21 be made by the President. The President may delegate
22 this authority to the Secretary of Defense. Original ap-
23 pointments in the grades of major, lieutenant colonel and
24 colonel in the Regular Army, Regular Air Force, and Reg-
25 ular Marine Corps and in the grades of lieutenant com-

1 mander, commander and captain in the Regular Navy
 2 shall be made by the President, by and with the advice
 3 and consent of the Senate.”.

4 (e) FORCE SHAPING AUTHORITY.—Chapter 36 of
 5 such title is amended by adding after section 646 the fol-
 6 lowing new section:

7 **“§ 647. Force shaping authority**

8 “(a) IN GENERAL.—Under regulations prescribed by
 9 the Secretary concerned, for force shaping purposes only,
 10 the Secretary may discharge or transfer an officer on the
 11 active-duty list to the reserve active-status list, who:

12 “(1) has 7 years or less of commissioned serv-
 13 ice; or

14 “(2) has more than 7 years commissioned serv-
 15 ice, but has not completed his minimum service obli-
 16 gation.

17 “(b) DEFINITION.—In this section, the term ‘min-
 18 imum service obligation’ means—

19 “(1) the initial period of required active duty
 20 service; and

21 “(2) any additional period of required active
 22 duty service incurred during the initial period of re-
 23 quired active duty service.”.

24 (f) ELIGIBILITY FOR SEPARATION PAY UPON INVOL-
 25 UNTARY DISCHARGE.—Section 1174(e)(2)(B) of such title

1 is amended by inserting after “service” the following: “,
2 except under conditions as described in section 647 of this
3 title”.

4 (g) ELIMINATE REQUIREMENT FOR OATH UPON
5 TRANSITION FROM ACTIVE COMPONENT TO RESERVE
6 COMPONENT.—Section 12201(a) of such title is amended
7 by inserting after the first sentence the following new sen-
8 tence: “An officer who transfers from the active-duty list
9 to the reserve active-status list is not required to subscribe
10 to the oath prescribed by section 3331 of title 5.”.

11 (h) AUTHORITY TO APPOINT RESERVE OFFICERS
12 TRANSFERRED FROM THE ACTIVE-DUTY LIST TO THE
13 RESERVE ACTIVE-STATUS LIST.—Section 12203 of such
14 title is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c); and

17 (2) by inserting after subsection (a) the fol-
18 lowing new subsection (b):

19 “(b) Notwithstanding the requirements of subsection
20 (a), appointments of officers transferred from the active-
21 duty list to the reserve active-status list shall be made by
22 the Secretary concerned.”.

23 (i) TRANSFER OF OFFICERS FROM THE RESERVE
24 ACTIVE-STATUS LIST TO THE ACTIVE-DUTY LIST.—Sec-

1 tion 531 of such title is amended by adding at the end
2 the following new subsection:

3 “(c) Appointments in the Regular Army, Regular Air
4 Force, Regular Navy and Regular Marine Corps of officers
5 holding Reserve commissions may be made by the Sec-
6 retary concerned.”.

7 (j) EXEMPT READY RESERVE OFFICERS FROM THE
8 ACTIVE-DUTY LIST.—Section 641(1)(F) of such title is
9 amended to read as follows:

10 “(F) ordered to active duty under sections 12302 and
11 12304 of this title;”

12 (k) DELETION OF REQUIREMENT TO SERVE 6
13 YEARS IN THE RESERVE COMPONENT TO MEET RETIRE-
14 MENT ELIGIBILITY.—Section 12731(a) of such title is
15 amended—

16 (1) by inserting “and” at the end of paragraph

17 (2);

18 (2) by striking paragraph (3); and

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

21 (l) ALL REGULAR OFFICER APPOINTMENTS FOR
22 STUDENTS ATTENDING THE UNIVERSITY OF HEALTH
23 SCIENCES.—Section 2114(b) of such title is amended by
24 striking “Notwithstanding any other provision of law, they
25 shall serve on active duty in pay grade O–1 with full pay

1 and allowances of that grade. Upon graduation they shall
 2 be appointed in a regular component, if qualified, unless
 3 they are covered by section 2115 of this title.” and insert-
 4 ing “Notwithstanding any other provision of law, they
 5 shall be appointed in the regular component and shall
 6 serve on active duty as an O-1 with full pay and allow-
 7 ances of that grade. Upon graduation they shall be re-
 8 quired to serve on active duty unless covered by section
 9 2115 of this title.”.

10 (m) EFFECTIVE DATE.—The amendments made by
 11 this section shall take effect six months after the date of
 12 enactment of this Act.

13 **SEC. 502. STRENGTH IN GRADE: COMMISSIONED OFFICERS**
 14 **IN GRADES BELOW BRIGADIER GENERAL OR**
 15 **REAR ADMIRAL (LOWER HALF) IN AN ACTIVE**
 16 **STATUS.**

17 Section 12005(e)(1), of title 10, United States Code,
 18 is amended by amending the table to read as follows:

“Colonel	2 percent
Lieutenant colonel	8 percent
Major	16 percent
Captain	39 percent
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under sec- tion 12004 of this title)	35 percent.”.

19 **SEC. 503. JOINT DUTY CREDIT REQUIRED FOR PROMOTION**
 20 **TO FLAG OR GENERAL OFFICER.**

21 Section 619a(b) of title 10, United States Code, is
 22 amended—

1 (1) in paragraph (2), by striking “scientific and
2 technical” and inserting “a career field specialty”;
3 and

4 (2) in paragraph (4), by striking “if—” and all
5 that follows and inserting “if the officer’s total con-
6 secutive service in joint duty assignments within
7 that immediate organization meets the requirements
8 of section 664 of this title for full joint duty credit.”.

9 **SEC. 504. REVISED PROMOTION POLICY OBJECTIVES FOR**
10 **JOINT OFFICERS.**

11 (a) IN GENERAL.—Section 662(a) of title 10, United
12 States Code, is amended to read as follows:

13 “(a) QUALIFICATIONS.—(1) The military depart-
14 ments shall establish internal procedures and processes
15 necessary to validate the qualifications of active duty list
16 officers assigned to joint duty activities, as defined in sec-
17 tion 668 of this title. These internal measures will ensure
18 an adequate number of senior colonels, or in the case of
19 the Navy, captains, are eligible for promotion to brigadier
20 general and rear admiral (lower half) to meet the require-
21 ments of section 619a of this title.

22 “(2) The Secretary of Defense shall ensure that the
23 qualifications of officers assigned to joint duty assign-
24 ments are such that—

1 “(A) officers who are serving on or have served
2 on the Joint Staff are expected, as a group, to be
3 promoted to the next higher grade at a rate not less
4 than the rate for officers of the same armed force
5 in the same grade and competitive category who are
6 serving on the headquarters staff of their armed
7 force; and

8 “(B) officers (other than officers in subpara-
9 graph (A)) who are serving in or have served in joint
10 duty assignments are expected, as a group, to be
11 promoted to the next higher grade at a rate not less
12 than the rate for all officers of the same armed force
13 in the same grade and competitive category.

14 “(3) The Secretary of Defense will develop policies
15 to ensure Secretaries of the military departments provide
16 appropriate consideration to joint service officers eligible
17 for promotion selection boards.”.

18 (b) CONFORMING AMENDMENT.—Subsection (b) of
19 such section is amended by striking “(1), (2), and (3)”
20 and inserting “(1)(A) and (1)(B)”.

21 **SEC. 505. MODIFY LENGTH OF JOINT DUTY ASSIGNMENTS.**

22 Section 664 of title 10, United States Code, is
23 amended to read as follows:

1 **“§ 664. Length of joint duty assignments**

2 “(a) LENGTH OF JOINT DUTY ASSIGNMENTS.—In
3 the case of officers serving in a grade not less than Major,
4 or, in the case of the Navy, Lieutenant Commander, the
5 length of a joint duty assignment will mirror the standard
6 tour length the Secretary of Defense establishes for each
7 installation or location authorized for joint duty assign-
8 ments as specified in section 668 of this title. Joint duty
9 credit is awarded as provided by subsection (c). Duty at
10 a qualified joint task force headquarters requires one year
11 of total service credited in the manner specified in sub-
12 section (c).

13 “(b) EXCLUSIONS FROM TOUR LENGTH.—The Sec-
14 retary of a military department may request that the joint
15 activity to which an officer is assigned curtail the officer’s
16 joint assignment. The officer will receive full credit for
17 service when an assignment was curtailed from the stand-
18 ards prescribed in subsection (a), provided the officer has
19 served at least 24 months in a joint position with a tour
20 length of greater than 24 months, or the full term of a
21 Secretary of Defense-established tour length, and the joint
22 activity agreed to the curtailment.

23 “(c) FULL CREDIT FOR JOINT DUTY.—An officer
24 shall be considered to have completed a full tour of joint
25 duty in a joint duty assignment for the purposes of award-
26 ing full credit upon the completion of any of the following:

1 “(1) A joint duty assignment that meets the
2 standards prescribed in subsection (a) or (b).

3 “(2) Accumulation of partial credit totaling one
4 year of service earned by service in one or more joint
5 task force headquarters as specified in subsection
6 (a).

7 “(3) A joint duty assignment with respect to
8 which the Secretary of Defense has granted a waiver
9 under subsection (d).

10 “(4) A second joint duty assignment that is less
11 than 24 months, without regard to the nature of
12 credit awarded to the officer for his or her first as-
13 signment in a Joint Duty Assignment List position.

14 “(d) WAIVER AUTHORITY.—The Secretary of De-
15 fense may waive this section when it is considered essential
16 for military personnel management. The Secretary may
17 grant such a waiver only on a case-by-case basis for a spe-
18 cific officer.”.

19 **SEC. 506. MANAGEMENT OF JOINT SPECIALTY OFFICERS.**

20 Section 661 of title 10, United States Code, is
21 amended—

22 (1) in subsection (c)—

23 (A) by amending paragraph (1) to read as
24 follows:

1 “(1) An officer will be designated with a joint
2 specialty officer identifier after the officer—

3 “(A) successfully completes a Chairman of
4 the Joint Chiefs of Staff accredited program
5 from a joint professional military education in-
6 stitution and successfully completes a full tour
7 of duty in a joint duty assignment (not nec-
8 essarily in this order); or

9 “(B) successfully completes two full tours
10 of duty in joint duty assignments.”;

11 (B) by striking paragraphs (2) and (3);

12 and

13 (C) by redesignating paragraph (4) as
14 paragraph (2);

15 (2) by striking subsection (d);

16 (3) by redesignating subsections (e) and (f) as
17 subsections (d) and (e), respectively; and

18 (4) by amending subsection (d), as redesignated
19 by paragraph (3), to read as follows:

20 “(d) JOINT SPECIALTY OFFICER DESIGNATION FOR
21 GENERAL AND FLAG POSITIONS.—The Secretary shall en-
22 sure that general and flag officer joint duty assignments
23 that require officers with the joint specialty will be des-
24 ignated as requiring a joint specialty officer. Once a posi-
25 tion is designated as requiring a joint specialty officer, a

1 non-joint specialty officer can be assigned to the position
 2 only if the Secretary deems the assignment of a non-joint
 3 specialty officer necessary and waives the requirement to
 4 assign a joint specialty officer.”.

5 **SEC. 507. ELIMINATE DISTRIBUTION QUOTAS FOR GEN-**
 6 **ERAL AND FLAG OFFICERS SERVING IN THE**
 7 **GRADES OF O-7 AND O-8.**

8 Section 525 of title 10, United States Code, is
 9 amended—

10 (1) by repealing subsection (a); and

11 (2) by redesignating subsections (b), (c), and
 12 (d) as subsections (a), (b), and (c), respectively.

13 **SEC. 508. ELIMINATE MANDATORY RETIREMENT OF ACTIVE**
 14 **DUTY GENERAL AND FLAG OFFICERS AFTER**
 15 **30 YEARS OF SERVICE.**

16 (a) **IN GENERAL.**—Sections 635 and 636 of title 10,
 17 United States Code, are repealed.

18 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

19 (1) Section 637(b) of such title is amended—

20 (A) by striking paragraph (2); and

21 (B) by redesignating paragraph (3) as para-
 22 graph (2).

23 (2) The table of sections at the beginning of sub-
 24 chapter III of chapter 36 of such title is amended by strik-
 25 ing the items relating to sections 635 and 636.

1 **SEC. 509. LENGTH OF TERMS FOR THE ASSISTANTS TO THE**
2 **CHAIRMAN OF THE JOINT CHIEFS OF STAFF**
3 **FOR NATIONAL GUARD AND RESERVE MAT-**
4 **TERS.**

5 Subsection (c) of section 901 of the National Defense
6 Authorization Act for Fiscal Year 1998 (Public Law 105–
7 85; 111 Stat. 1853), is amended by striking “for a term
8 of two years and may be continued in that assignment in
9 the same manner for one additional term. However, in
10 time of war there is no limit on the number of terms.”.

11 **SEC. 510. LENGTH OF SERVICE FOR THE SENIOR LEADERS**
12 **OF THE MILITARY DEPARTMENTS.**

13 (a) CHIEF OF STAFF OF THE ARMY.—Paragraph (1)
14 of section 3033(a) of title 10, United States Code, is
15 amended to read as follows:

16 “(a)(1) There is a Chief of Staff of the Army, ap-
17 pointed for a period of four years by the President, by
18 and with the advice and consent of the Senate, from the
19 general officers of the Army. He serves at the pleasure
20 of the President, and the President may extend the length
21 of service as he determines necessary.”.

22 (b) CHIEF OF NAVAL OPERATIONS.—Paragraph (1)
23 of section 5033(a) of such title is amended to read as fol-
24 lows:

25 “(a)(1) There is a Chief of Naval Operations, ap-
26 pointed by the President, by and with the advice and con-

1 sent of the Senate. The Chief of Naval Operations shall
2 be appointed for a term of four years, from officers on
3 the active-duty list in the line of the Navy who are eligible
4 to command at sea and who hold the grade of rear admiral
5 or above. He serves at the pleasure of the President, and
6 the President may extend the length of service as he deter-
7 mines necessary.”.

8 (c) COMMANDANT OF THE MARINE CORPS.—Para-
9 graph (1) of section 5043(a) of such title is amended to
10 read as follows:

11 “(a)(1) There is a Commandant of the Marine Corps,
12 appointed by the President, by and with the advice and
13 consent of the Senate. The Commandant shall be ap-
14 pointed for a term of four years from officers on the ac-
15 tive-duty list of the Marine Corps not below the grade of
16 colonel. He serves at the pleasure of the President, and
17 the President may extend the length of service as he deter-
18 mines necessary.”.

19 (d) CHIEF OF STAFF OF THE AIR FORCE.—Para-
20 graph (1) of section 8033(a) of such title is amended to
21 read as follows:

22 “(a)(1) There is a Chief of Staff of the Air Force,
23 appointed for a period of four years by the President, by
24 and with the advice and consent of the Senate, from the
25 general officers of the Air Force. He serves at the pleasure

1 of the President, and the President may extend the length
2 of service as he determines necessary.”.

3 **SEC. 511. EXTENDING AGE LIMITS FOR ACTIVE DUTY GEN-**
4 **ERAL AND FLAGOFFICERS.**

5 Section 1251, of title 10, United States Code, is
6 amended to read as follows:

7 **§ 1251. Regular commissioned officers; exceptions**

8 “(a)(1) Unless retired or separated earlier, each reg-
9 ular commissioned officer of the Army, Air Force, or Ma-
10 rine Corps serving in a grade at or above brigadier general
11 or rear admiral (lower half) in the Navy shall be retired
12 on the first day of the month following the month in which
13 the officer becomes 68 years of age.

14 “(2) Notwithstanding paragraph (1), the Secretary of
15 Defense may defer the retirement of a general or flag offi-
16 cer, but such a deferment may not extend beyond the first
17 day of the month following the month in which the officer
18 becomes 72 years of age.

19 “(b)(1) Unless retired or separated earlier, each reg-
20 ular commissioned officer of the Army, Air Force, or Ma-
21 rine Corps (other than an officer who is a permanent pro-
22 fessor, director of admissions, or registrar of the United
23 States Military Academy or United States Air Force Acad-
24 emy or a commissioned warrant officer) serving in a grade
25 below brigadier general or rear admiral (lower half) in the

1 Navy shall be retired on the first day of the month fol-
2 lowing the month in which he becomes 62 years of age.
3 An officer who is a permanent professor at the United
4 States Military Academy or United States Air Force Acad-
5 emy, the director of admissions at the United States Mili-
6 tary Academy, or the registrar of the United States Air
7 Force Academy shall be retired on the first day of the
8 month following the month in which he becomes 64 years
9 of age.

10 “(2) The Secretary concerned may defer the retire-
11 ment under paragraph (1) of a health professions officer
12 if during the period of the deferment the officer will be
13 performing duties consisting primarily of providing patient
14 care or performing other clinical duties.

15 “(3) The Secretary concerned may defer the retire-
16 ment under paragraph (1) of an officer who is appointed
17 or designated as a chaplain if the Secretary determines
18 that such deferral is in the best interest of the military
19 department concerned.

20 “(4)(A) Except as provided in subparagraph (B), a
21 deferment under this subsection may not extend beyond
22 the first day of the month following the month in which
23 the officer becomes 68 years of age.

24 “(B) The Secretary concerned may extend a
25 deferment under this subsection beyond the day referred

1 to in subparagraph (A) if the Secretary determines that
2 extension of the deferment is necessary for the needs of
3 the military department concerned. Such an extension
4 shall be made on a case-by-case basis and shall be for such
5 period as the Secretary considers appropriate.

6 “(5) For purposes of this subsection, a health profes-
7 sions officer is—

8 “(A) a medical officer;

9 “(B) a dental officer; or

10 “(C) an officer in the Army Nurse Corps, an
11 officer in the Navy Nurse Corps, or an officer in the
12 Air Force designated as a nurse.”.

13 **SEC. 512. LATERAL REASSIGNMENT OF CERTAIN GEN-**
14 **ERALS AND ADMIRALS.**

15 Subsection (a) of section 601 of title 10, United
16 States Code, is amended to read as follows:

17 “(a)(1) The President may designate positions of im-
18 portance and responsibility to carry the grade of general
19 or admiral or lieutenant general or vice admiral. The
20 President may assign to any such position an officer of
21 the Army, Navy, Air Force, or Marine Corps who is serv-
22 ing on active duty in any grade above colonel or, in the
23 case of an officer of the Navy, any grade above captain.
24 An officer assigned to any such position has the grade

1 specified by the President for such position, as provided
2 in paragraph (2).

3 “(2) An officer may be appointed initially to the
4 grade of general or admiral or lieutenant general or vice
5 admiral if he is appointed to that grade by the President,
6 by and with the advice and consent of the Senate. If the
7 President or Secretary of Defense reassigns such an offi-
8 cer to another position of importance and responsibility
9 at the same grade, no further appointment to that grade
10 is required unless the position to which the officer is reas-
11 signed is established by law.

12 “(3) Except as provided in subsection (b), the ap-
13 pointment of an officer to a grade under this section for
14 service in a position of importance and responsibility ends
15 on the date of the termination of the assignment of the
16 officer to that position.”.

17 **SEC. 513. LENGTH OF SERVICE FOR THE CHAIRMAN AND**
18 **VICE CHAIRMAN OF THE JOINT CHIEFS OF**
19 **STAFF.**

20 (a) CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—
21 Subsection (a) of section 152 of title 10, United States
22 Code, is amended—

23 (1) by amending paragraph (1) to read as fol-
24 lows:

1 **Subtitle B—Reserve Component**
2 **Management**

3 **SEC. 521. REVISED CONCEPT OF INACTIVE DUTY AND RE-**
4 **PEAL OF FUNERAL HONORS DUTY.**

5 (a) DEFINITION OF INACTIVE DUTY.—(1) Section
6 101(d)(7) of title 10, United States Code, is amended by
7 striking “training”.

8 (2) Section 101(22) of title 37, United States Code,
9 is amended by striking “training”.

10 (b) COMPENSATION FOR INACTIVE DUTY.—Section
11 206 of title 37, United States Code, is amended—

12 (1) by striking “**training**” in the section title;

13 (2) in subsection (a)(3)—

14 (A) in subparagraph (A)(ii), by striking
15 “training”; and

16 (B) in subparagraph (C), by striking
17 “training” each place it appears; and

18 (3) in paragraph (1) of subsection (b)—

19 (A) by inserting “(to include telecom-
20 muning)” after “appropriate duties”; and

21 (B) by inserting “or duty” after “kind of
22 training”.

23 (c) REPEAL OF FUNERAL HONORS DUTY.—(1)(A)
24 Section 12503 of title 10, United States Code, is repealed.

1 (B) The table of sections at the beginning of chapter
2 1213 of such title is amended by striking the item relating
3 to section 12503.

4 (2)(A) Section 115 of title 32, United States Code,
5 is repealed.

6 (B) The table of sections at the beginning of chapter
7 1 of such title 32 is amended by striking the item relating
8 to section 115.

9 (c) CONFORMING AMENDMENTS.—

10 (1) Section 802 of title 10, United States Code,
11 is amended—

12 (A) in paragraph (3) of subsection (a), by
13 striking “inactive-duty training” and inserting
14 “inactive duty”; and

15 (B) in subsection (d)—

16 (i) in paragraph (2)(B), by striking
17 “inactive-duty training” and inserting “in-
18 active duty”; and

19 (ii) in paragraph (5)(B), by striking
20 “inactive-duty training” and inserting “in-
21 active duty”.

22 (2) Section 803(d) of such title is amended by
23 striking “inactive-duty training” and inserting “in-
24 active duty” each place it appears.

25 (3) Section 936 of such title is amended—

1 (A) in subsection (a), by striking “inactive-
2 duty training” and inserting “inactive duty”;
3 and

4 (B) in subsection (b), by striking “inactive-
5 duty training” and inserting “inactive duty”.

6 (4) Section 976(a)(1)(C) of such title is amend-
7 ed by striking “inactive-duty training” and inserting
8 “inactive duty”.

9 (5) Section 1061(b) of such title is amended by
10 striking “inactive-duty training” each place it ap-
11 pears and inserting “inactive duty”.

12 (6) Section 1074a(a) of such title is amended—

13 (A) in paragraph (1)—

14 (i) by striking “inactive-duty train-
15 ing” each place it appears and inserting
16 “inactive duty”; and

17 (ii) by striking subparagraph (C).

18 (B) in paragraph (2)—

19 (i) by striking “inactive-duty train-
20 ing” each place it appears and inserting
21 “inactive duty”; and

22 (ii) by striking subparagraph (C).

23 (C) in paragraph (3), by striking “inactive-
24 duty training” each place it appears and insert-
25 ing “inactive duty”; and

1 (D) by striking paragraph (4).

2 (7) Section 1076(a)(2) of such title is amend-
3 ed—

4 (A) by striking “inactive-duty training”
5 each place it appears and inserting “inactive
6 duty”; and

7 (B) by striking subparagraph (E).

8 (8) Section 1086(c)(2)(B) of such title is
9 amended by striking “inactive-duty training” each
10 place it appears and inserting “inactive duty”.

11 (9) Section 1175(e)(2) of such title is amended
12 by striking “training”.

13 (10) Section 1204 of such title is amended—

14 (A) by striking “**inactive-duty train-**
15 **ing**” in the section heading and inserting “**in-**
16 **active duty**”; and

17 (B) in paragraph (2)—

18 (i) by striking “inactive-duty train-
19 ing” each place it appears and inserting
20 “inactive duty”;

21 (ii) by inserting “or” at the end of
22 clause (ii);

23 (iii) by striking “or” at the end of
24 clause (iii); and

25 (iv) by striking subparagraph (C).

1 (11) Section 1206 of such title is amended—

2 (A) by striking “**inactive-duty train-**
3 **ing**” in the section heading and inserting “**in-**
4 **active duty**”; and

5 (B) by amending paragraph (2) to read as
6 follows:

7 “(2) the disability is a result of an injury, ill-
8 ness, or disease incurred or aggravated in line of
9 duty while—

10 “(A) performing active duty or inactive
11 duty;

12 “(B) traveling directly to or from the place
13 at which such duty is performed; or

14 “(C) remaining overnight immediately be-
15 fore the commencement of inactive duty, or
16 while remaining overnight between successive
17 periods of inactive-duty training, at or in the vi-
18 cinity of the site of the inactive duty, if the site
19 is outside reasonable commuting distance of the
20 member’s residence.”.

21 (12)(A) Section 12552 is repealed.

22 (B) The table of sections at the beginning
23 of chapter 1215 of such title is amended by
24 striking the item relating to 12552.

1 (13) Section 1471(b)(3)(A) of such title is
2 amended by striking “training” each place it ap-
3 pears.

4 (14) Section 1475 of such title is amended—

5 (A) by striking “**training**” in the head-
6 ing; and

7 (B) in subsection (a)—

8 (i) in paragraph (2), by striking
9 “training”; and

10 (ii) in paragraph (3), by striking
11 “training” the second and fourth place it
12 appears.

13 (15) Section 1476 of such title is amended—

14 (A) by striking “**training**” in the head-
15 ing; and

16 (B) in subsection (a), by striking “inactive-
17 duty training” each place it appears and insert-
18 ing “inactive duty”.

19 (16) Section 1478(a) of such title is amended—

20 (A) in paragraph (3), by striking “train-
21 ing” each place it appears;

22 (B) in paragraph (7)—

23 (i) by striking “training” the first
24 place it appears; and

25 (ii) by striking “or training”; and

1 (C) in paragraph (8), by striking “train-
2 ing” each place it appears.

3 (17) Section 1481(a)(2) of such title is amend-
4 ed—

5 (A) by striking “inactive-duty training”
6 each place it appears and inserting “inactive
7 duty”;

8 (B) by striking “; or” at the end of sub-
9 paragraph (E) and inserting a period; and

10 (C) by striking subparagraph (F).

11 (18) Section 2031(d)(2) of such title is amend-
12 ed by striking “training”.

13 (19) Section 9446(a)(3) of such title is amend-
14 ed by striking “inactive-duty training” and inserting
15 “inactive duty”.

16 (20) Section 10204(b) of such title is amended
17 by striking “inactive duty training” and inserting
18 “inactive duty”.

19 (21) Section 12317 of such title is amended by
20 striking “training”.

21 (22) Section 12319(c) of such title is amend-
22 ed—

23 (A) by striking “inactive-duty training”
24 each place it appears and inserting “inactive
25 duty”; and

1 (B) by striking “that training” and insert-
2 ing “such duty”.

3 (23) Section 12602 of such title is amended—

4 (A) in subsection (a)(3), by striking “inac-
5 tive-duty training” each place it appears and in-
6 serting “inactive duty”; and

7 (B) in subsection (b)(3), by striking “inac-
8 tive-duty training” each place it appears and in-
9 serting “inactive duty”.

10 (24) Section 12603 of such title is amended—

11 (A) by striking “**inactive-duty train-**
12 **ing**” in the section heading and inserting “**in-**
13 **active duty**”; and

14 (B) in subsection (a)—

15 (i) by striking “training” the first
16 place it appears; and

17 (ii) by striking “the training” and in-
18 serting “such duty”.

19 (25) Section 12604 of such title is amended—

20 (A) by striking “**inactive-duty train-**
21 **ing**” in the section heading and inserting “**in-**
22 **active duty**”; and

23 (B) in subsection (a), by striking “inactive-
24 duty training” and inserting “inactive duty”.

1 (26) Section 12732(a) of such title is amend-
2 ed—

3 (A) in paragraph (2), by striking subpara-
4 graph (E); and

5 (B) by striking “clauses (A), (B), (C), (D),
6 and (E)” and inserting “clauses (A), (B), (C),
7 and (D)”.

8 (27) Section 18505 of such title is amended—

9 (A) by striking “**inactive-duty train-**
10 **ing**” in the section heading and inserting “**in-**
11 **active duty**”; and

12 (B) in subsection (a), by striking “inactive-
13 duty training” each place it appears and insert-
14 ing “inactive duty”.

15 (28) Section 114 of title 32, United States
16 Code, is amended by striking the second sentence.

17 (29) Section 101(22) of title 37, United States
18 Code, is amended by striking “inactive-duty train-
19 ing” and inserting “inactive duty”.

20 (30) Section 204 of such title is amended—

21 (A) in subsection (g)(1)—

22 (i) in subparagraph (B), by striking
23 “inactive-duty training” and inserting “in-
24 active duty”;

1 (ii) in subparagraph (C), by striking
2 “or training”;

3 (iii) in subparagraph (D)—

4 (I) by striking “inactive-duty
5 training” each place it appears and
6 inserting “inactive duty”; and

7 (II) by striking “; or” at the end
8 and inserting a period; and

9 (iv) by striking subparagraph (E);

10 and

11 (B) in subsection (h)(1)—

12 (i) in subparagraph (B), by striking
13 “inactive-duty training” and inserting “in-
14 active duty”;

15 (ii) in subparagraph (C), by striking
16 “or training”;

17 (iii) in subparagraph (D)—

18 (I) by striking “inactive-duty
19 training” each place it appears and
20 inserting “inactive duty”; and

21 (II) by striking “; or” at the end
22 and inserting a period; and

23 (iv) by striking subparagraph (E).

1 (31) Section 205(e)(2)(A) of such title is
2 amended by striking “inactive-duty training” and in-
3 sserting “inactive duty”.

4 (32) Section 206 of such title is amended—

5 (A) by striking “**inactive-duty train-**
6 **ing**” in the section heading and inserting “**in-**
7 **active duty**”; and

8 (B) in subsection (a)(3)—

9 (i) in subparagraph (A)(ii), by strik-
10 ing “inactive-duty training” and inserting
11 “inactive duty”;

12 (ii) in subparagraph (B), by striking
13 “or training”; and

14 (iii) in subparagraph (C), by striking
15 “inactive-duty training” each place it ap-
16 pears and inserting “inactive duty”.

17 (33) Section 308d(a) of such title is amended
18 by striking “for training”.

19 (34) Section 320(e) of such title is amended by
20 striking “TRAINING” in the heading.

21 (35) Section 415 of such title is amended—

22 (A) in subsection (a)(3), by striking “inac-
23 tive-duty training” and inserting “inactive
24 duty”; and

1 (B) in subsection (c)(1), by striking “train-
2 ing status”.

3 (36) Section 433(d) of such title is amended by
4 striking “inactive-duty training” and inserting “in-
5 active duty”.

6 (37) Section 552 of such title is amended—

7 (A) in subsection (a), by striking “inactive-
8 duty training” each place it appears and insert-
9 ing “inactive duty”; and

10 (B) in subsection (d), by striking “inactive-
11 duty training” and inserting “inactive duty”.

12 (38) Section 106(d)(1) of title 38, United
13 States Code, is amended by striking “inactive duty
14 for training” each place it appears and inserting
15 “inactive duty”.

16 (39) Section 1112(c)(3)(A)(ii) of such title is
17 amended by striking “training” the second place it
18 appears.

19 (40) Section 1302(b)(2) of such title is amend-
20 ed by striking “training” the second place it ap-
21 pears.

22 (41) Section 1312(a)(2)(A) of such title is
23 amended by striking “training” the second place it
24 appears.

25 (42) Section 1965 of such title is amended—

1 (A) in paragraph (3), by striking “train-
2 ing”;

3 (B) in paragraph (4), by striking “train-
4 ing” the second and third place it appears; and

5 (C) in paragraph (5), by striking “inactive
6 duty for training” each place it appears and in-
7 serting “inactive duty”.

8 (43) Section 1967 of such title is amended—

9 (A) in subsection (a)(1)(B), by striking
10 “inactive duty training” and inserting “inactive
11 duty”; and

12 (B) in subsection (b), by striking “inactive
13 duty training” each place it appears and insert-
14 ing “inactive duty”.

15 (44) Section 1968 of such title is amended—

16 (A) in subsection (a)—

17 (i) by striking “inactive duty train-
18 ing” and inserting “inactive duty”;

19 (ii) in paragraph (3)—

20 (I) by striking “inactive duty
21 training” and inserting “inactive
22 duty”;

23 (II) by striking “such scheduled
24 training period” and inserting “such
25 scheduled duty”;

1 (III) by striking “such period”
2 and inserting “such duty”; and

3 (IV) by striking “such training”
4 and inserting “such duty”.

5 (B) in subsection (b)(2), by striking “inac-
6 tive duty training” and inserting “inactive
7 duty”.

8 (45) Section 1969(a)(3) of such title is amend-
9 ed by striking “inactive duty training” and inserting
10 “inactive duty”.

11 (46) Section 1977(e) of such title is amended
12 by striking “inactive duty training” and inserting
13 “inactive duty”.

14 (47) Section 2402(2) of such title is amended
15 by striking “inactive duty training” and inserting
16 “inactive duty”.

17 (48) Section 4303 of such title is amended—

18 (A) in paragraph (13)—

19 (i) by striking “inactive duty train-
20 ing” and inserting “inactive duty”; and

21 (ii) by striking “, and a period for
22 which a person is absent from employment
23 for the purpose of performing funeral hon-
24 ors duty as authorized by section 12503 of
25 title 10 or section 115 of title 32”; and

1 (B) in paragraph (16), by striking “inac-
2 tive duty training” and inserting “inactive
3 duty”.

4 (49) Section 704 of title 14, United States
5 Code, is amended by striking “inactive-duty train-
6 ing” and inserting “inactive duty”.

7 (50) Section 705(a) of such title is amended by
8 striking “inactive-duty training” and inserting “in-
9 active duty”.

10 (51) Section 6323(a)(1) of title 5, United
11 States Code, is amended—

12 (A) by striking “inactive-duty training”
13 and inserting “inactive duty”; and

14 (B) by striking “funeral honors duty (as
15 described in section 12503 of title 10 and sec-
16 tion 115 of title 32),”.

17 (52) Section 3121(m) of the Internal Revenue
18 Code of 1986 (26 U.S.C. 3121(m)) is amended—

19 (A) in paragraph (1)(B), by striking
20 “training”; and

21 (B) in paragraph (3), by striking “train-
22 ing” each place it appears.

1 **SEC. 522. AUTHORIZED STRENGTHS OF NAVY AND MARINE**
2 **CORPS RESERVE FLAG AND GENERAL OFFI-**
3 **CERS.**

4 Section 12004 of title 10, United States Code, is
5 amended—

6 (1) by amending subsection (c) to read as fol-
7 lows:

8 “(c) The authorized strength of the Navy and Marine
9 Corps under subsection (a) is exclusive of officers counted
10 under section 526 of this title.”;

11 (2) by striking subsection (d); and

12 (3) by redesignating subsection (e) as sub-
13 section (d).

14 **SEC. 523. MANDATORY RETENTION ON ACTIVE DUTY TO**
15 **QUALIFY FOR RETIREMENT PAY.**

16 Section 12686 of title 10, United States Code, is
17 amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection (b):

22 “(b) **NON-REGULAR RETIREMENT EXCLUSION.—**
23 This section does not apply to a member who, if continued
24 on active duty, will only qualify for retirement under chap-
25 ter 1223 of this title for non-regular service.”.

1 **SEC. 524. AMENDMENT TO THE PURPOSE OF THE RESERVE**
 2 **COMPONENTS.**

3 Subsection 10102 of title 10, United States Code, is
 4 amended by striking “, during and after the period needed
 5 to procure and train additional units and qualified persons
 6 to achieve the planned mobilization,”.

7 **SEC. 525. ACCOUNTING AND MANAGEMENT OF NATIONAL**
 8 **GUARD AND RESERVE PERSONNEL PER-**
 9 **FORMING ACTIVE OR FULL-TIME DUTY.**

10 (a) **STRENGTH AUTHORIZATIONS.**—Section 115 of
 11 title 10, United States Code, is amended—

12 (1) in subsection (a)(1)—

13 (A) in subparagraph (A), by striking “ac-
 14 tive-duty personnel who” and inserting “active-
 15 duty personnel (other than members of a Re-
 16 serve component described in subsection (b)(2))
 17 who”;

18 (B) in subparagraph (B), by inserting be-
 19 fore the period at the end the following: “in
 20 connection with organizing, administering, re-
 21 cruiting, instructing, or training the reserve
 22 components of the armed forces to perform du-
 23 ties as prescribed in section 12310 of this title”;

24 (2) by striking subsection (h);

1 (3) by redesignating subsections (b), (c), (d),
2 (e), (f), and (g) as subsections (c), (d), (e), (f), (g),
3 and (h), respectively;

4 (4) by inserting after subsection (a) the fol-
5 lowing new subsection (b):

6 “(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE
7 AUTHORIZED BY LAW.—Except as authorized under sub-
8 section (a)(1), Congress shall authorize the maximum av-
9 erage strength for members of a Reserve component on
10 active duty (other than for training) or full time National
11 Guard duty (other than for training) who are to be paid
12 from funds appropriated for—

13 “(1) reserve personnel; or

14 “(2) active duty personnel, to include funds re-
15 imbursed to reserve appropriations for National
16 Guard or reserve personnel to perform active duty or
17 full-time National Guard duty provided—

18 “(A) the period of duty is for three years
19 or less; and

20 “(B) the cumulative periods of active duty
21 (other than for training) and full-time National
22 Guard duty (other than for training) performed
23 by the member in the previous 1460 days is less
24 than 1095 days.”;

1 (5) in subsection (e) (as redesignated by para-
2 graph (3))—

3 (A) in paragraph (1), by striking “sub-
4 section (a) or (c)” and inserting “subsection (a)
5 or (d)”; and

6 (B) in paragraph (2)—

7 (i) by striking “subsection (a) and
8 (c)”; and inserting “subsection (a) and
9 (d)”; and

10 (ii) by striking “subsection (a) (as
11 such levels may be adjusted pursuant to
12 subsection (e)) and subsection (c)” and in-
13 serting “subsection (a) (as such levels may
14 be adjusted pursuant to subsection (f)) and
15 subsection (d)”; and

16 (iii) by striking “subsection (a) (as
17 adjusted pursuant to subsection (e)) and
18 subsection (c)” and inserting “subsection
19 (a) (as adjusted pursuant to subsection
20 (f)) and subsection (d)”; and

21 (6) in subsection (f) (as redesignated by para-
22 graph (3))—

23 (A) by striking “END” in the heading;

24 (B) by striking “and” at the end of para-
25 graph (2);

1 (C) in paragraph (3), by striking the pe-
2 riod and inserting “; and”; and

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

5 “(4) increase the strength authorized pursuant
6 to subsection (b), notwithstanding the restrictions of
7 subparagraph (A) and (B) of paragraph (2), for a
8 fiscal year for any of the armed forces by a number
9 equal to the number of members—

10 “(A) of a reserve component of that armed
11 force on active duty in support of a contingency
12 operation;

13 “(B) of the National Guard called into
14 Federal service under section 12406 of this
15 title;

16 “(C) of the militia called into Federal serv-
17 ice under chapter 15 of this title; and

18 “(D) of a reserve component called to or
19 retained on active duty under section 12301(g),
20 12301(h) or 12322 of this title.”; and

21 (7) in paragraph (2) of subsection (g) (as re-
22 designated by paragraph (3)), by striking “sub-
23 section (e)(1)” and inserting “subsection (f)(1)”.

24 (b) MILITARY TO MILITARY CONTACT STRENGTH
25 ACCOUNTING.—Section 168 of such title is amended—

1 (1) by striking subsection (f); and

2 (2) by redesignating subsection (g) as sub-
3 section (f).

4 (c) E-8 AND E-9 STRENGTH ACCOUNTING.—Sub-
5 section (a) of section 517 of such title is amended by strik-
6 ing “(other than for training) in connection with orga-
7 nizing, administering, recruiting, instructing, or training
8 the reserve component of an armed force” and inserting
9 “as authorized under section 115(a)(1)(B) or (b) of this
10 title”.

11 (d) FIELD GRADE OFFICER STRENGTH ACCOUNT-
12 ING.—Subparagraph (B) of section 523(b)(1) of such title
13 is amended to read as follows:

14 “(B) on active duty or full-time National Guard
15 duty as authorized under section 115(a)(1)(B) or (b)
16 of this title.”;

17 (e) ACTIVE GUARD AND RESERVE FIELD GRADE OF-
18 FICER STRENGTH ACCOUNTING.—Paragraph (2) of sec-
19 tion 12011(e) of such title is amended by inserting before
20 the period at the end the following: “in connection with
21 organizing, administering, recruiting, instructing, or train-
22 ing members of the National Guard”.

23 (f) WARRANT OFFICER ACTIVE-DUTY LIST EXCLU-
24 SION.—Paragraph (1) of section 582 of such title is
25 amended—

1 (1) by inserting “or” after the semicolon at the
2 end of subparagraph (A);

3 (2) by amending subparagraph (B) to read as
4 follows:

5 “(B) on active duty or full-time National Guard
6 duty as authorized under section 115(a)(1)(B) or (b)
7 of this title.”; and

8 (3) by striking subparagraphs (C), (D), and
9 (E).

10 (g) OFFICER ACTIVE-DUTY LIST, APPLICABILITY OF
11 CHAPTER.—Paragraph (1) of section 641 of such title 10,
12 United States Code, is amended—

13 (1) by inserting “or” after the semicolon at the
14 end of subparagraph (A);

15 (2) by amending subparagraph (B) to read as
16 follows:

17 “(B) on active duty or full-time National Guard
18 duty as authorized under section 115(a)(1)(B) or (b)
19 of this title.”; and

20 (3) by striking subparagraphs (C), (D), (E),
21 (F), (G), and (H).

22 (h) STRENGTH ACCOUNTING FOR MEMBERS PER-
23 FORMING DRUG INTERDICTION AND COUNTER-DRUG AC-
24 TIVITIES.—Section 112 of title 32, United States Code,
25 is amended—

1 (1) by amending subsection (e) to read as fol-
2 lows:

3 “(e) **STRENGTH ACCOUNTING.**—Members of the Na-
4 tional Guard on active duty or full-time National Guard
5 duty for the purposes of administering this section shall
6 be accounted for under section 115(b) of title 10.”; and

7 (2) in subsection (f)(1), by striking “for a pe-
8 riod of more than 180 days” each place it appears.

9 **SEC. 526. WAIVE REQUIREMENT THAT RESERVE CHIEFS**
10 **AND NATIONAL GUARD DIRECTORS MUST**
11 **HAVE SIGNIFICANT JOINT DUTY EXPERI-**
12 **ENCE.**

13 (a) **CHIEF OF ARMY RESERVE.**—Section 3038(b)(4)
14 of title 10, United States Code, is amended by striking
15 “Until December 31, 2004, the” and inserting “The”.

16 (b) **CHIEF OF NAVAL RESERVE.**—Section 5143(b)(4)
17 of such title is amended by striking “Until December 31,
18 2004, the” and inserting “The”.

19 (c) **COMMANDER MARINE FORCES RESERVE.**—Sec-
20 tion 5144(b)(4) of such title is amended by striking “Until
21 December 31, 2004, the” and inserting “The”.

22 (d) **CHIEF OF AIR FORCE RESERVE.**—Section
23 8038(b)(4) of such title is amended by striking “Until De-
24 cember 31, 2004, the” and inserting “The”.

1 (e) DIRECTOR, ARMY NATIONAL GUARD AND DIREC-
 2 TOR, AIR NATIONAL GUARD.—Section 10506(a)(3)(D) of
 3 such title is amended by striking “Until December 31,
 4 2004, the” and inserting “The”.

5 **SEC. 527. EXTENDING AGE LIMITS FOR RESERVE AND NA-**
 6 **TIONAL GUARD GENERAL AND FLAG OFFI-**
 7 **CERS.**

8 (a) MAXIMUM AGE FOR RESERVE COMPONENT GEN-
 9 ERAL AND FLAG OFFICERS.—(1) Section 14511 of title
 10 10, United States Code, is amended to read as follows:

11 **“§ 14511. Separation at age 68: reserve officers in**
 12 **grades above colonel or Navy captain**

13 “(a) MAXIMUM AGE.—Unless retired, transferred to
 14 the Retired Reserve, or discharged at an earlier date, each
 15 reserve officer of the Army, Air Force, or Marine Corps
 16 in a grade above colonel and each reserve officer of the
 17 Navy in a grade above captain shall be separated in ac-
 18 cordance with section 14515 of this title on the last day
 19 of the month in the month in which the officer becomes
 20 68 years of age.

21 “(b) RETENTION BEYOND AGE 68.—Notwith-
 22 standing subsection (a), the Secretary of Defense may
 23 defer the retirement of a reserve officer serving in a grade
 24 above colonel in the case of the Army, Air Force, or Ma-
 25 rine Corps, or a reserve officer serving in a grade above

1 captain in the case of the Navy, but such a deferment may
2 not extend beyond the last day of the month following the
3 month in which the officer becomes 72 years of age.”.

4 (2) Sections 14510 and 14512 of such title are re-
5 pealed.

6 (b) REPEAL YEARS OF SERVICE REQUIREMENT FOR
7 RESERVE COMPONENT GENERAL AND FLAG OFFICER.—
8 Section 14508 of such title is repealed.

9 (c) ELIMINATION OF TERM LIMITATION FOR RE-
10 SERVE COMPONENT GENERAL AND FLAG OFFICER POSI-
11 TIONS.—(1) Section 10502 of such title is amended—

12 (A) by striking subsection (b); and

13 (B) by redesignating subsections (c) and (d) as
14 subsections (b) and (c), respectively.

15 (2) Subsection (a) of section 10505 of such title is
16 amended—

17 (A) by striking paragraph (3); and

18 (B) by redesignating paragraph (4) as para-
19 graph (3).

20 (3) Subsection (c) of section 3038 of such title is
21 amended to read as follows:

22 “(c) GRADE.—The Chief of Army Reserve, while so
23 serving, holds the grade of lieutenant general.”;

24 (4) Subsection (c) of section 5143 of such title is
25 amended to read as follows:

1 “(c) GRADE.—The Chief of Naval Reserve, while so
2 serving, holds the grade of vice admiral.”;

3 (5) Subsection (c) of section 5144 of such title is
4 amended to read as follows:

5 “(c) GRADE.—The Commander, Marine Forces Re-
6 serve, while so serving, holds the grade of lieutenant gen-
7 eral.”;

8 (6) Subsection (c) of section 8038 of such title is
9 amended to read as follows:

10 “(c) GRADE.—(1) The Chief of Air Force Reserve,
11 while so serving, holds the grade of lieutenant general.”;

12 (7) Paragraph (3) of section 10506(a) of such title
13 is amended by striking subparagraph (E).

14 (d) CONFORMING AMENDMENTS.—(1) Section 10214
15 of such title is amended by striking “sections 12004(b)(1),
16 12215, 12642(c), 14507(b), 14508(e), and 14512” and
17 inserting “sections 12004(b)(1), 12215, 12642(c), and
18 14507(b)”.

19 (2) Section 14514 of such title is amended by striking
20 “section 14507, 14508, 14704, or 14705” and inserting
21 “section 14507, 14704, or 14705”.

22 (3) Section 14515 of such title is amended by striking
23 “section 14509, 14510, 14511, or 14512” and inserting
24 “section 14509 or 14511”.

1 (4) Section 14702 of such title is amended by striking
 2 “section 14506, 14507, or 14508” and inserting “section
 3 14506 or 14507”.

4 (5) Section 14705 of such title is repealed.

5 (6) The table of sections at the beginning of chapter
 6 1407 of such title is amended—

7 (A) by amending the item relating to section
 8 14511 to read as follows:

“14511. Separation at age 68: reserve officers in grades above colonel or Navy
 captain.”;

9 and

10 (B) by striking the items relating to sections
 11 14508, 14510, and 14512.

12 (7) Subsection (a) of section 324 of title 32, United
 13 States Code, is amended by striking “An officer” and in-
 14 serting “Except as provided in section 14511 of title 10,
 15 an officer”.

16 **SEC. 528. EXPANDED USE OF RESERVE COMPONENT MEM-**
 17 **BERS TO PERFORM DEVELOPMENTAL TEST-**
 18 **ING AND NEW EQUIPMENT TRAINING.**

19 (a) REIMBURSEMENT.—The Secretary of the Army
 20 may transfer from funds available to support an acquisi-
 21 tion program the amount necessary to reimburse the ap-
 22 propriate reserve component military personnel account
 23 for costs charged that account for military pay and allow-

1 ances in connection with the demonstration program de-
2 scribed in subsection (b).

3 (b) DEMONSTRATION PROGRAM.—(1) A demonstra-
4 tion program under this section shall evaluate—

5 (A) cost savings and other benefits that may re-
6 sult from the use of members of the reserve compo-
7 nents to perform test, evaluation, and related activi-
8 ties for an acquisition program, rather than the use
9 of contractor personnel for such purposes; and

10 (B) the use of appropriations available for
11 multi-year research, development, testing and eval-
12 uation and procurement to reimburse reserve compo-
13 nents for the pay, allowances, and expenses incurred
14 when such members perform duties to conduct ac-
15 quisition, logistics, and new equipment training ac-
16 tivities in connection with the demonstration pro-
17 gram.

18 (2) Nothing in this section authorizes a deviation
19 from established Reserve and National Guard personnel
20 and training procedures.

21 (c) LIMITATION ON AMOUNT.—Not more than
22 \$10,000,000 may be transferred under this section during
23 each year of the demonstration program.

24 (d) MERGER OF TRANSFERRED FUNDS.—Funds
25 transferred to an account under this section shall be

1 merged with other sums in the account and shall be avail-
 2 able for the same period and purposes as the sums with
 3 which merged.

4 (e) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
 5 ITY.—The transfer authority under this section is in addi-
 6 tion to any other transfer authority.

7 (f) TERMINATION.—The demonstration program
 8 under this section shall terminate on September 30, 2009.

9 **Subtitle C—ROTC and Military**
 10 **Service Academies**

11 **SEC. 531. INSTITUTIONS OF HIGHER EDUCATION THAT**
 12 **PREVENT ROTC ACCESS OR MILITARY RE-**
 13 **CRUITING ON CAMPUS; EQUAL TREATMENT**
 14 **WITH OTHER EMPLOYERS.**

15 Section 983(b)(1) of title 10, United States Code, is
 16 amended by striking “; or” at the end and inserting “,
 17 that is at least equal in quality and scope to that provided
 18 to any other employer; or”.

19 **SEC. 532. BOARD OF VISITORS; UNITED STATES AIR FORCE**
 20 **ACADEMY; UNITED STATES MILITARY ACAD-**
 21 **EMY; UNITED STATES NAVAL ACADEMY.**

22 (a) UNITED STATES AIR FORCE ACADEMY.—Section
 23 9355 of title 10, United States Code, is amended to read
 24 as follows:

1 **“§ 9355. Board of Visitors**

2 “(a) A Board of Visitors to the Academy is con-
3 stituted annually of—

4 “(1) two members of the Senate designated by
5 the Vice President or the President pro tempore of
6 the Senate;

7 “(2) one person, who is not a member of the
8 Senate, as designated by the Vice President or the
9 President pro tempore of the Senate;

10 “(3) three members of the House of Represent-
11 atives designated by the Speaker of the House of
12 Representatives;

13 “(4) one person, who is not a member of the
14 House of Representatives, designated by the Speaker
15 of the House of Representatives; and

16 “(5) eight persons designated by the President,
17 or his designee.

18 “(b) All Board members will pledge full participation
19 in executing their responsibilities to the Board. The per-
20 sons designated by the President serve for three years
21 each except that any member whose term of office has ex-
22 pired shall continue to serve until his successor is ap-
23 pointed. The President shall designate replacement mem-
24 bers each year to succeed the members appointed by the
25 President whose terms expire that year. At least two per-

1 sons designated by the President shall be graduates of the
2 Air Force Academy.

3 “(c) If a member of the Board dies or resigns, a suc-
4 cessor shall be designated for the unexpired portion of the
5 term by the official who designated the member. If a mem-
6 ber fails to attend or fully participate in two successive
7 Board meetings, Board membership will be automatically
8 terminated, unless granted prior excusal from those meet-
9 ings, for good cause, by the Board Chairman.

10 “(d) When possible, the Board should meet at least
11 four times a year, with at least two of those meetings at
12 the Academy. The Board or its members may make other
13 visits to the Academy in connection with the duties of the
14 Board.

15 “(e) Board meetings should last at least one full day.
16 The Board shall inquire into the morale, discipline, and
17 social climate, the curriculum, instruction, physical equip-
18 ment, fiscal affairs, academic methods, and other matters
19 relating to the Academy which the Board decides to con-
20 sider and receive candid and complete disclosure, con-
21 sistent with applicable laws concerning disclosure of infor-
22 mation, by the Secretary of the Air Force and Academy
23 Superintendent of all institutional problems, and to rec-
24 ommend appropriate action. Board members shall have
25 unfettered access to Academy grounds and cadets.

1 “(f) Within 30 days after any meeting, the Board
2 shall submit a written report to the Secretary of Defense,
3 through the Secretary of the Air Force, with its views and
4 recommendations pertaining to the Academy.

5 “(g) Upon approval by the Secretary, the Board may
6 call in advisers for consultation.

7 “(h) While performing duties, each member of the
8 Board and each adviser shall be reimbursed under Govern-
9 ment travel regulations for travel expenses.”.

10 (b) UNITED STATES MILITARY ACADEMY.—Section
11 4355 of such title is amended to read as follows:

12 **“§ 4355. Board of Visitors**

13 “(a) A Board of Visitors to the Academy is con-
14 stituted annually of—

15 “(1) two members of the Senate designated by
16 the Vice President or the President pro tempore of
17 the Senate;

18 “(2) one person, who is not a member of the
19 Senate, as designated by the Vice President or the
20 President pro tempore of the Senate;

21 “(3) three members of the House of Represent-
22 atives designated by the Speaker of the House of
23 Representatives;

1 “(4) one person, who is not a member of the
2 House of Representatives, designated by the Speaker
3 of the House of Representatives; and

4 “(5) eight persons designated by the President,
5 or his designee.

6 “(b) All Board members will pledge full participation
7 in executing their responsibilities to the Board. The per-
8 sons designated by the President serve for three years
9 each except that any member whose term of office has ex-
10 pired shall continue to serve until his successor is ap-
11 pointed. The President shall designate replacement mem-
12 bers each year to succeed the members appointed by the
13 President whose terms expire that year. At least two per-
14 sons designated by the President shall be graduates of the
15 United States Military Academy.

16 “(c) If a member of the Board dies or resigns, a suc-
17 cessor shall be designated for the unexpired portion of the
18 term by the official who designated the member. If a mem-
19 ber fails to attend or fully participate in two successive
20 Board meetings, Board membership will be automatically
21 terminated, unless granted prior excusal from those meet-
22 ings, for good cause, by the Board Chairman.

23 “(d) When possible, the Board should meet at least
24 four times a year, with at least two of those meetings at
25 the Academy. The Board or its members may make other

1 visits to the Academy in connection with the duties of the
2 Board.

3 “(e) Board meetings should last at least one full day.
4 The Board shall inquire into the morale, discipline, and
5 social climate, the curriculum, instruction, physical equip-
6 ment, fiscal affairs, academic methods, and other matters
7 relating to the Academy which the Board decides to con-
8 sider and receive candid and complete disclosure, con-
9 sistent with applicable laws concerning disclosure of infor-
10 mation, by the Secretary of the Army and Academy Super-
11 intendent of all institutional problems, and to recommend
12 appropriate action. Board members shall have unfettered
13 access to Academy grounds and cadets.

14 “(f) Within 30 days after any meeting, the Board
15 shall submit a written report to the Secretary of Defense,
16 through the Secretary of the Army, with its views and rec-
17 ommendations pertaining to the Academy.

18 “(g) Upon approval by the Secretary, the Board may
19 call in advisers for consultation.

20 “(h) While performing duties, each member of the
21 Board and each adviser shall be reimbursed under Govern-
22 ment travel regulations for travel expenses.”.

23 (c) UNITED STATES NAVAL ACADEMY.—Section
24 6968 of such title is amended to read as follows:

1 **“§ 6968. Board of Visitors**

2 “(a) A Board of Visitors to the Naval Academy is
3 constituted annually of—

4 “(1) two members of the Senate designated by
5 the Vice President or the President pro tempore of
6 the Senate;

7 “(2) one person, who is not a member of the
8 Senate, as designated by the Vice President or the
9 President pro tempore of the Senate;

10 “(3) three members of the House of Represent-
11 atives designated by the Speaker of the House of
12 Representatives;

13 “(4) one person, who is not a member of the
14 House of Representatives, designated by the Speaker
15 of the House of Representatives; and

16 “(5) eight persons designated by the President,
17 or his designee.

18 “(b) All Board members will pledge full participation
19 in executing their responsibilities to the Board. The per-
20 sons designated by the President serve for three years
21 each except that any member whose term of office has ex-
22 pired shall continue to serve until his successor is ap-
23 pointed. The President shall designate replacement mem-
24 bers each year to succeed the members appointed by the
25 President whose terms expire that year. At least two per-

1 sons designated by the President shall be graduates of the
2 United States Naval Academy.

3 “(c) If a member of the Board dies or resigns, a suc-
4 cessor shall be designated for the unexpired portion of the
5 term by the official who designated the member. If a mem-
6 ber fails to attend or fully participate in two successive
7 Board meetings, Board membership will be automatically
8 terminated, unless granted prior excusal from those meet-
9 ings, for good cause, by the Board Chairman.

10 “(d) When possible, the Board should meet at least
11 four times a year, with at least two of those meetings at
12 the Academy. The Board or its members may make other
13 visits to the Academy in connection with the duties of the
14 Board.

15 “(e) Board meetings should last at least one full day.
16 The Board shall inquire into the morale, discipline, and
17 social climate, the curriculum, instruction, physical equip-
18 ment, fiscal affairs, academic methods, and other matters
19 relating to the Academy which the Board decides to con-
20 sider and receive candid and complete disclosure, con-
21 sistent with applicable laws concerning disclosure of infor-
22 mation, by the Secretary of the Navy and Academy Super-
23 intendent of all institutional problems, and to recommend
24 appropriate action. Board members shall have unfettered
25 access to Academy grounds and cadets.

1 “(f) Within 30 days after any meeting, the Board
2 shall submit a written report to the Secretary of Defense,
3 through the Secretary of the Navy, with its views and rec-
4 ommendations pertaining to the Academy.

5 “(g) Upon approval by the Secretary, the Board may
6 call in advisers for consultation.

7 “(h) While performing duties, each member of the
8 Board and each adviser shall be reimbursed under Govern-
9 ment travel regulations for travel expenses.”.

10 **SEC. 533. DEAN OF THE FACULTY; DEAN OF ACADEMIC**
11 **BOARD.**

12 (a) UNITED STATES AIR FORCE ACADEMY.—Section
13 9335 of title 10, United States Code, is amended to read
14 as follows:

15 **“§ 9335. Dean of the Faculty**

16 “(a) There shall be a Dean of the Faculty at the
17 Academy responsible to the Superintendent for developing
18 and sustaining the curriculum and overseeing the faculty.
19 Notwithstanding any other provision in law, the qualifica-
20 tions, selection procedures, training, retention, and deter-
21 minations of appropriate pay grade of the Dean of Faculty
22 shall be prescribed by the Secretary of the Air Force. Can-
23 didates for Dean of Faculty shall be serving officers or
24 retired or former officers with terminal degrees. The Dean
25 may be either a military officer or a civilian.

1 “(b) While serving as Dean of the Faculty, an officer
2 incumbent who holds a grade lower than brigadier general
3 shall hold the grade of brigadier general, if appointed to
4 that grade by the President, by and with the advice and
5 consent of the Senate. The retirement age of an officer
6 so appointed is that of a permanent professor of the Acad-
7 emy. An officer so appointed is counted for purposes of
8 the limitation in section 526(a) of this title on general offi-
9 cers of the Air Force on active duty. A civilian incumbent
10 will be designated as a member of the Senior Executive
11 Service.”.

12 (b) UNITED STATES MILITARY ACADEMY.—Section
13 4335 of such title is amended to read as follows:

14 **“§ 4335. Dean of Academic Board**

15 “(a) There shall be a Dean of the Academic Board
16 at the Academy responsible to the Superintendent for de-
17 veloping and sustaining the curriculum and overseeing the
18 faculty. Notwithstanding any other provision in law, the
19 qualifications, selection procedures, training, retention,
20 and determinations of appropriate pay grade of the Dean
21 of the Academic Board shall be prescribed by the Sec-
22 retary of the Army. Candidates for Dean of Faculty shall
23 be serving officers or retired or former officers with ter-
24 minal degrees. The Dean may be either a military officer
25 or a civilian.

1 “(b) While serving as Dean of the Academic Board,
2 an officer incumbent who holds a grade lower than briga-
3 dier general shall hold the grade of brigadier general, if
4 appointed to that grade by the President, by and with the
5 advice and consent of the Senate. The retirement age of
6 an officer so appointed is that of a permanent professor
7 of the Academy. An officer so appointed is counted for
8 purposes of the limitation in section 526(a) of this title
9 on general officers of the Army on active duty. A civilian
10 incumbent will be designated as a member of the Senior
11 Executive Service.”.

12 **SEC. 534. REPEAL OF REQUIREMENT THAT MILITARY**
13 **ACADEMY SUPERINTENDENTS RETIRE AFTER**
14 **ASSIGNMENT.**

15 (a) REPEAL.—Sections 3921, 4333a, 6371, 6951a,
16 8921 and 9333a of title 10, United States Code, are re-
17 pealed.

18 (b) CLERICAL AMENDMENTS.—

19 (1) The table of sections at the beginning of
20 chapter 367 of such title is amended by striking the
21 item relating to section 3921.

22 (2) The table of sections at the beginning of
23 chapter 403 of such title is amended by striking the
24 item relating to section 4333a.

1 (3) The table of sections at the beginning of
2 chapter 573 of such title is amended by striking the
3 item relating to section 6371.

4 (4) The table of sections at the beginning of
5 chapter 603 of such title is amended by striking the
6 item relating to section 6951a.

7 (5) The table of sections at the beginning of
8 chapter 867 of such title is amended by striking the
9 item relating to section 8921.

10 (6) The table of sections at the beginning of
11 chapter 903 of such title is amended by striking the
12 item relating to section 9333a.

13 **Subtitle D—Other Military**
14 **Education and Training Matters**

15 **SEC. 541. EDUCATION LOAN REPAYMENTS FOR HEALTH**
16 **PROFESSIONS OFFICERS OF THE RESERVE**
17 **COMPONENTS.**

18 Section 16302(a)(5) of title 10, United States Code,
19 is amended by inserting “a basic professional qualifying
20 degree (as determined under regulations issued by the
21 Secretary of Defense) or graduate education in” after “re-
22 garding”.

1 **SEC. 542. CONFERRAL OF DEGREES TO GRADUATES OF THE**
2 **COMMUNITY COLLEGE OF THE AIR FORCE.**

3 (a) **AUTHORITY TO CONFER DEGREES.**—Section
4 9315(c) of title 10, United States Code, is amended—

5 (1) in paragraph (1), by striking “Air Edu-
6 cation and Training Command of the Air Force”
7 and inserting “Air University”; and

8 (2) in paragraph (2), by striking “Air Edu-
9 cation and Training Command of the Air Force”
10 and inserting “Air University”.

11 (b) Section 9317 of such title is amended—

12 (1) in the section heading, by striking “**grad-**
13 **uate-level degrees**” and inserting “**graduate**
14 **and associate-level degrees**”;

15 (2) by striking “and” at the end of paragraph
16 (2);

17 (3) by striking the period at the end of para-
18 graph (3) and inserting “; and”; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(4) an associate level degree upon graduates of
22 the Community College of the Air Force.”.

23 (c) **CLERICAL AMENDMENT.**—The table of sections
24 at the beginning of chapter 901 of such title is amended

1 by striking the item relating to section 9317 and inserting
2 the following:

“9317. Air University: graduate and associate-level degrees.”.

3 **SEC. 543. THREE YEAR EDUCATIONAL LEAVE OF ABSENCE.**

4 Section 708(a) of title 10, United States Code, is
5 amended by striking “two years” and inserting “three
6 years”.

7 **SEC. 544. LENGTH OF PHASE II JOINT PROFESSIONAL MILI-**
8 **TARY EDUCATION.**

9 Section 663 of title 10, United States Code, is
10 amended by striking subsection (e).

11 **SEC. 545. CHANGING THE TITLES OF THE HEADS OF THE**
12 **NAVAL POSTGRADUATE SCHOOL.**

13 (a) PRESIDENT OF THE NAVAL POSTGRADUATE
14 SCHOOL.—(1) Section 7042 of title 10, United States
15 Code, is amended—

16 (A) by striking “**Superintendent**” in the
17 section heading and inserting “**President**”; and

18 (B) by striking “Superintendent” each place it
19 appears and inserting “President”.

20 (2) Section 7044 of such title is amended by striking
21 “Superintendent” and inserting “President”;

22 (3) Subsection 7048(a) of such title is amended by
23 striking “Superintendent” and inserting “President”; and

24 (4) Subsection 7049(e) of such title is amended by
25 striking “Superintendent” and inserting “President”.

1 (b) PROVOST AND ACADEMIC DEAN.—(1) Section
2 7043 of title 10, United States Code, is amended—

3 (A) by amending the section heading to read as
4 follows:

5 **“§ 7043. Provost and Academic Dean”;**

6 (B) by amending subsection (a) to read as fol-
7 lows:

8 “(a) There is at the Naval Postgraduate School the
9 single civilian position of Provost and Academic Dean. The
10 Provost and Academic Dean shall be appointed, to serve
11 for periods of not more than five years, by the Secretary
12 of the Navy after consultation with the Naval Post-
13 graduate School Board of Advisors and consideration of
14 the recommendation of the leadership and faculty of the
15 Naval Postgraduate School.”; and

16 (C) in subsection (b), by striking “Academic
17 Dean” and inserting “Provost and Academic Dean”.

18 (2) Section 5102(c)(10) of title 5, United States
19 Code, is amended by striking “Academic Dean” and in-
20 serting “Provost and Academic Dean”.

21 (3) Section 7081(a) of title 10, United States Code,
22 is amended by striking “Academic Dean” and inserting
23 “Provost and Academic Dean”.

24 (c) CLERICAL AMENDMENTS.—The table of sections
25 at the beginning of chapter 605 of such title is amended

1 by striking the items related to sections 7042 and 7043
 2 and inserting the following new items:

“7042. President: assistants.

“7043. Provost and Academic Dean.”.

3 **SEC. 546. NEW MISSION STATEMENT AND EXPANDED ELIGI-**
 4 **BILITY FOR ENLISTED PERSONNEL AT THE**
 5 **NAVAL POSTGRADUATE SCHOOL.**

6 (a) COMBAT RELATED FOCUS OF THE NAVAL POST-
 7 GRADUATE SCHOOL.—(1) Section 7041 of title 10, United
 8 States Code, is amended to read as follows:

9 **“§ 7041. Function**

10 “There is a United States Naval Postgraduate School
 11 that provides advanced instruction, and technical and pro-
 12 fessional education to military members to enhance com-
 13 bat effectiveness and our national security.”.

14 (2) Section 7042(b)(1) of such title is amended by
 15 striking “advanced instruction and technical education”
 16 and inserting “advanced instruction, and technical and
 17 professional education”.

18 (b) EXPANDED ELIGIBILITY FOR ENLISTED PER-
 19 SONNEL.—Section 7045 of such title is amended—

20 (1) by striking “**Officers of the armed**
 21 **forces; enlisted members**” in the section head-
 22 ing and inserting “**Members of the other**
 23 **armed forces**”;

1 (2) by striking “officers” each place it appears
2 and inserting “members”; and

3 (3) in subsection (a)—

4 (A) by striking “(1)”; and

5 (B) by striking paragraph (2).

6 (c) REIMBURSEMENT OF COSTS.—Subsection (b) of
7 such section is amended—

8 (1) by striking paragraph (2); and

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

11 (d) RECIPROCAL AGREEMENTS.—Section 7047 of
12 such title is amended by striking “an officer” and insert-
13 ing “a member”.

14 (e) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 605 of such title is amended
16 by striking the item relating to section 7045 and inserting
17 the following:

“7045. Members of other armed forces: admission.”.

18 **SEC. 547. CHANGE IN DEPARTMENT OF DEFENSE SCHOOLS**
19 **ENROLLMENT FOR CHILDREN OF LOCALLY-**
20 **HIRED EMPLOYEES WORKING OVERSEAS.**

21 Section 1404 of the Defense Dependents’ Education
22 Act of 1978 (20 U.S.C. 923), is amended by adding at
23 the end the following new subsection:

24 “(e) The Secretary of Defense may authorize the en-
25 rollment in schools of the defense dependents’ education

1 system on a tuition-free basis the children of full-time, lo-
 2 cally-hired employees of the Department of Defense in an
 3 overseas area, when such employees are citizens or nation-
 4 als of the United States. The Secretary may program
 5 funds (including funds for construction) for the education
 6 of such children.”.

7 **Subtitle E—Administrative Matters**

8 **SEC. 551. ANNUAL REPORT TO CONGRESS CONCERNING** 9 **JOINT OFFICER MANAGEMENT.**

10 Section 667 of title 10, United States Code, is
 11 amended to read as follows:

12 **“§ 667. Annual report to Congress**

13 “The Secretary of Defense shall include in the annual
 14 report of the Secretary to Congress under section 113(c)
 15 of this title, for the period covered by the report, the fol-
 16 lowing information (which shall be shown for the Depart-
 17 ment of Defense as a whole and separately for the Army,
 18 Navy, Air Force, and Marine Corps):

19 “(1) The number of joint specialty officers, re-
 20 ported by grade and by branch or specialty.

21 “(2) An assessment of the extent to which the
 22 Secretary of each military department is assigning
 23 personnel to joint duty assignments in accordance
 24 with this chapter and the policies, procedures, and

1 practices established by the Secretary of Defense
2 under section 661(a) of this title.

3 “(3) The number of waivers granted under sec-
4 tion 619a(b)(1) of this title for officers in the grade
5 of colonel or, in the case of the Navy, captain, for
6 each of the years preceding the year in which the re-
7 port is submitted.

8 “(4) The officers whose service in joint duty as-
9 signments during the year covered by the report ter-
10 minated before the officers completed the full tour of
11 duty in those assignments, expressed as a percent of
12 the total number of officers in joint duty assign-
13 ments during that year.

14 “(5) The percentage of fill of student quotas for
15 each course of the National Defense University for
16 the year covered by the report.

17 “(6) A list of the joint task force headquarters
18 in which service was approved for crediting as a
19 joint duty assignment for the year covered by the re-
20 port.

21 “(7) A comparison of the promotion rates for
22 officers serving in or have served in joint duty as-
23 signments and were considered for promotion within
24 the promotion zone, with the promotion rates for
25 other officers in the same grade and the same com-

1 assignment” and inserting “a single tour of duty for
2 the purpose of awarding joint duty credit can be de-
3 fined as one in which the officer serves consecutive
4 tours in joint duty assignment positions that award
5 joint duty credit, or service as otherwise prescribed
6 by the Secretary of Defense”.

7 **SEC. 553. FEDERAL WRITE-IN BALLOTS FOR ABSENTEE**
8 **MILITARY VOTERS LOCATED IN THE UNITED**
9 **STATES.**

10 (a) DUTIES OF PRESIDENTIAL DESIGNEE.—Section
11 101(b)(3) of the Uniformed and Overseas Citizens Absen-
12 tee Voting Act (42 U.S.C. 1973ff(b)(3)) is amended by
13 striking “overseas voters” and inserting “absent uni-
14 formed services voters and overseas voters”.

15 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-
16 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

17 (1) in the section heading, by striking
18 **“OVERSEAS VOTERS”** and inserting **“AB-**
19 **SENT UNIFORMED SERVICES VOTERS**
20 **AND OVERSEAS VOTERS”**;

21 (2) in subsection (a), by striking “overseas vot-
22 ers” and inserting “absent uniformed services voters
23 and overseas voters”;

24 (3) by amending subsection (b) to read as fol-
25 lows:

1 “(b) SUBMISSION AND PROCESSING.—Except as oth-
2 erwise provided in this title, a Federal write-in absentee
3 ballot shall be submitted and processed in the manner pro-
4 vided by law for absentee ballots in the State involved.
5 A Federal write-in absentee ballot of an absent uniformed
6 services voter or overseas voter shall not be counted—

7 “(1) if the application of the absent uniformed
8 services voter or overseas voter for a State absentee
9 ballot is received by the appropriate State election
10 official after the State’s deadline for such a request
11 or less than 30 days before the general election,
12 whichever date is later; or

13 “(2) if a State absentee ballot of the absent
14 uniformed services voter or overseas voter is received
15 by the appropriate State election official not later
16 than the deadline for receipt of the State absentee
17 ballot under State law.”;

18 (3) in subsection (c)(1), by striking “overseas
19 voter” and inserting “absent uniformed services
20 voter or overseas voter”; and

21 (4) in subsection (d)—

22 (A) in the subsection heading, by striking
23 “OVERSEAS VOTER” and inserting “ABSENT
24 UNIFORMED SERVICES VOTER AND OVERSEAS
25 VOTER”; and

1 (B) by striking “overseas voter” both
 2 places it appears and inserting “absent uni-
 3 formed services voter or overseas voter”.

4 **Subtitle F—Military Justice**
 5 **Matters**

6 **SEC. 561. WAIVE TIME LOST WHEN A MEMBER IS ACQUIT-**
 7 **TED, RELEASED WITHOUT TRIAL, OR HAS HIS**
 8 **CONVICTION SET-ASIDE OR REVERSED ON**
 9 **APPEAL.**

10 Section 972 of title 10, United States Code, is
 11 amended—

12 (1) in subsection (a)(3), by inserting “, unless
 13 the confinement is excused as unavoidable” after
 14 “the trial”; and

15 (2) in subsection (b)(3), by inserting “, unless
 16 the confinement is excused as unavoidable” after
 17 “the trial”.

18 **SEC. 562. CHANGE IN UNIFORM CODE OF MILITARY JUS-**
 19 **TICE RELATING TO BLOOD ALCOHOL CON-**
 20 **CENTRATION.**

21 Subsection (b) of section 911 of title 10, United
 22 States Code, is amended by striking “0.10” in the two
 23 places it appears and inserting “0.08”.

1 **Subtitle G—Benefits**

2 **SEC. 571. IMMEDIATE LUMP SUM REIMBURSEMENT FOR** 3 **UNUSUAL NONRECURRING EXPENSES OUT-** 4 **SIDE THE CONTINENTAL UNITED STATES.**

5 Section 405 of title 37, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(d) **NONRECURRING EXPENSES.**—In addition to the
9 per diem paid under subsection (a), the Secretaries con-
10 cerned may reimburse members for actual nonrecurring
11 expenses incurred incident to being on duty outside of the
12 United States or in Hawaii or Alaska. The nonrecurring
13 expenses which may be reimbursed are expenses directly
14 related to the conditions or location of the assignment ei-
15 ther of a nature or a magnitude not normally incurred
16 by members assigned inside the continental United States
17 and not included in the per diem paid under subsection
18 (b).”.

19 **SEC. 572. REPEAL OF REQUIREMENT TO PAY SUBSISTENCE** 20 **CHARGES WHILE HOSPITALIZED.**

21 Section 1075 of title 10, United States Code, is re-
22 pealed.

1 **Subtitle H—Other Matters**

2 **SEC. 581. RELEASE OF TAXPAYER ADDRESSES TO HELP LO-** 3 **CATE INDIVIDUALS WITH MILITARY SERVICE** 4 **OBLIGATIONS.**

5 (a) **AUTHORITY.**—Section 6103(m) of the Internal
6 Revenue Code of 1986 (26 U.S.C. 6103(m)) is amended
7 by adding at the end the following new paragraph:

8 “(8) **MEMBERS OF THE ARMED FORCES.**—

9 (A) **IN GENERAL.**—Upon written request by the
10 Secretary of Defense, the Secretary of a military de-
11 partment, or the Secretary of Homeland Security
12 with respect to the Coast Guard when it is not oper-
13 ating as a service in the Navy, the Secretary may
14 disclose the mailing address of an individual to offi-
15 cers or employees of the Department of Defense or
16 Department of Homeland Security for use by such
17 officers or employees or their agents for the purpose
18 of locating such individual who is serving in a re-
19 serve component of the armed forces of the United
20 States.

21 (B) **PRIOR ATTEMPTS TO OBTAIN ADDRESS IN-**
22 **FORMATION FROM OTHER SOURCES.**—Such requests
23 shall be made only after the Secretary of Defense,
24 the Secretary of a military department or the Sec-
25 retary of Homeland Security, as the case may be,

1 has made every reasonable effort to locate the indi-
2 vidual through other sources.

3 “(C) EXCEPTION DURING NATIONAL EMER-
4 GENCY OR WAR.—During a national emergency de-
5 clared by the President or war declared by Congress,
6 the Secretary of Defense, the Secretary of a military
7 department or the Secretary of Homeland Security
8 may request the address of an individual, notwith-
9 standing subparagraph (B), if the individual pos-
10 sesses a critical skill and is needed for immediate
11 mobilization under section 12304, 12302, or
12 12301(a) of title 10.

13 “(D) EXPIRATION OF AUTHORITY.—No infor-
14 mation shall be released under this section after
15 September 30, 2009.”.

16 (b) DISCLOSURE TO CONTRACTORS.—Subsection (p)
17 of such section is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(9) DISCLOSURE TO CONTRACTORS.—

20 (A) IN GENERAL.—Notwithstanding any other
21 provision of this section, no return or return infor-
22 mation shall be disclosed to a contractor or other
23 agent of a Federal, State, or local agency unless
24 such agency, to the satisfaction of the Secretary—

1 “(i) has requirements in effect that require
2 each contractor or other agent of such agency
3 that would have access to returns or return in-
4 formation to provide safeguards (within the
5 meaning of paragraph (4)) to protect the con-
6 fidentiality of such returns or return informa-
7 tion;

8 “(ii) agrees to conduct a regular, on-site
9 review (mid-point review in the case of con-
10 tracts of less than 1 year in duration) of each
11 contractor or other agent to determine compli-
12 ance with such requirements;

13 “(iii) submits the findings of the most re-
14 cent review conducted under clause (ii) to the
15 Secretary as part of the report required by
16 paragraph (4)(E); and

17 “(iv) certifies to the Secretary for the most
18 recent annual period that all contractors or
19 other agents are in compliance with all such re-
20 quirements. Such certification shall be signed
21 by the head of the agency or his or her dele-
22 gate.

23 “The certification required by clause (iv) shall in-
24 clude the name and address of each contractor or
25 other agent, a description of the contract or agree-

1 ment of the contractor with the agency, or other au-
 2 thority for agency relationship, and the duration of
 3 such contract, agreement or authority.

4 “(B) RELATIONSHIP TO PROVISION GOVERNING
 5 DISCLOSURE FOR PURPOSES OF TAX ADMINISTRA-
 6 TION.—The requirements of this paragraph shall not
 7 apply to disclosures pursuant to subsection (n) for
 8 purposes of Federal tax administration.”.

9 (c) CONFORMING AND TECHNICAL AMENDMENTS.—

10 (1) Such section is further amended—

11 (A) in subsection (a)(3), by striking “(2) or
 12 (4)(B)” and inserting “(2), (4)(B), (5), (7), or (8)”;
 13 and

14 (B) in subsection (p)(4), by striking “under
 15 paragraph (2), (4), (6), or (7) of subsection (m)”
 16 and inserting “under paragraph (2), (4), (5), (6),
 17 (7), or (8) of subsection (m)”.

18 (2) Section 7213(a)(2) of such Code (26 U.S.C.
 19 7213(a)(2)) is amended by striking “or (7) of section
 20 6103” and inserting “(7), or (8) of section 6103”.

21 **SEC. 582. ALTERNATE INITIAL MILITARY SERVICE OBLIGA-**
 22 **TION FOR PERSONS WITH SPECIALIZED**
 23 **SKILLS.**

24 Subsection (a) of section 651 of title 10, United
 25 States Code, is amended to read as follows:

1 “(a)(1) Each person who becomes a member of an
2 armed force, other than a person described in paragraph
3 (2), shall serve in the armed forces for a total initial period
4 of not less than six years nor more than eight years, as
5 provided in regulations prescribed by the Secretary of De-
6 fense for the armed forces under his jurisdiction and by
7 the Secretary of Homeland Security for the Coast Guard
8 when it is not operating as a service in the Navy, unless
9 such person is sooner discharged under such regulations
10 because of personal hardship. Any part of such service
11 that is not active duty or that is active duty for training
12 shall be performed in a reserve component.

13 “(2) A person is not subject to paragraph (1) if that
14 person—

15 “(A) is deferred under the next to the last sen-
16 tence of section 6(d)(1) of the Military Selective
17 Service Act (50 U.S.C. App. 456(d)(1)); or

18 “(B) is accessed into the armed forces based on
19 unique skills acquired in a civilian occupation, as de-
20 termined by the Secretary concerned, and will serve
21 in a specialty requiring those skills.”.

22 **SEC. 583. BASIC TRAINING REQUIREMENT FOR CERTAIN**
23 **MEMBERS WITH SPECIALIZED SKILLS.**

24 Paragraph (1) of section 671(c) of title 10, United
25 States Code, is amended to read as follows:

1 “(1) Under regulations prescribed under paragraph
2 (2), a period of basic training (or equivalent training)
3 shorter than 12 weeks may be established by the Secretary
4 concerned for members of the armed forces who—

5 “(A) have been credentialed in a medical pro-
6 fession or occupation and are serving in a health-
7 care occupational specialty; or

8 “(B) have unique skills acquired in a civilian
9 occupation, as determined by the Secretary con-
10 cerned, and will serve in a military specialty or posi-
11 tion requiring those skills.

12 “Any such period shall be established under regulations
13 prescribed under paragraph (2) and may be established
14 notwithstanding section 4(a) of the Military Selective
15 Service Act (50 U.S.C. App. 454(a)).”

16 **SEC. 584. ELIMINATE MANDATORY TERMS OF OFFICE FOR**
17 **CERTAIN GENERAL AND FLAG STAFF OFFI-**
18 **CERS.**

19 (a) ARMY.—

20 (1) CHIEFS OF BRANCHES.—Section 3036 of
21 title 10, United States Code, is amended—

22 (A) by repealing subsection (c); and

23 (B) by redesignating subsections (d) and
24 (e) as subsections (c) and (d), respectively.

1 (2) JUDGE ADVOCATE GENERAL AND ASSIST-
2 ANT JUDGE ADVOCATE GENERAL.—Section 3037(a)
3 of such title is amended by striking “An officer ap-
4 pointed as the Judge Advocate General or Assistant
5 Judge Advocate General normally holds office for
6 four years. However, the President may terminate or
7 extend the appointment at any time.”.

8 (3) DEPUTY AND ASSISTANT CHIEFS OF
9 BRANCHES.—Section 3039(a) of such title is amend-
10 ed by striking “for a tour of duty of not more than
11 four years,”.

12 (4) CHIEF OF ARMY NURSE CORPS.—Section
13 3069(b) of such title is amended by striking “, but
14 not for more than four years, and may not be re-
15 appointed to the same position”.

16 (5) CHIEF OF THE ARMY MEDICAL SPECIALIST
17 CORPS.—Section 3070(b) of such title is amended by
18 striking “, but not for more than four years, and
19 may not be reappointed”.

20 (b) NAVY/MARINE CORPS.—

21 (1) CHIEF OF THE BUREAU OF MEDICINE AND
22 SURGERY.—Section 5137(a) of such title is amended
23 by striking “for a term of four years,”.

1 (2) CHIEF OF THE BUREAU OF NAVAL PER-
2 SONNEL.—Section 5141(a) of such title is amended
3 by striking “for a term of four years,”.

4 (3) CHIEF OF CHAPLAINS.—Subsection (c) of
5 section 5142 of such title is repealed.

6 (4) JUDGE ADVOCATE GENERAL.—Section
7 5148(b) of such title is amended by striking “, for
8 a term of four years”.

9 (5) DIRECTOR OF THE NURSE CORPS OR DIREC-
10 TOR OF THE MEDICAL SERVICE CORPS.—Section
11 5150(c) of such title is amended by striking “for a
12 term of four years,”.

13 (c) AIR FORCE JUDGE ADVOCATE GENERAL AND
14 DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(a)
15 of such title is amended—

16 (1) in subsection (a), by striking “The term of
17 office is four years, but may be sooner terminated
18 or extended by the President.”; and

19 (2) in subsection (d)(1), by striking “The term
20 of office of the Deputy Judge Advocate General is
21 four years, but may be sooner terminated or ex-
22 tended by the President.”.

1 **SEC. 585. PROHIBIT COURT-ORDERED PAYMENTS BEFORE**
 2 **RETIREMENT BASED ON IMPUTATION OF RE-**
 3 **TIRED PAY.**

4 (a) IN GENERAL.—Section 1408(c)(3) of title 10,
 5 United States Code, is amended—

6 (1) by inserting “(A)” after “(3)”; and

7 (2) by adding at the end the following new sub-
 8 paragraph:

9 “(B) Notwithstanding any other provision of
 10 law, a court may not order a member to make pay-
 11 ments based upon an imputation of a property inter-
 12 est in future retired pay of any kind to a spouse or
 13 former spouse before the date of the member’s ac-
 14 tual retirement.”.

15 (b) EFFECTIVE DATE.—The amendments made by
 16 subsection (a) shall apply to final court orders or court
 17 orders seeking enforcement of prior final decrees issued
 18 on or after the enactment of this Act.

19 **TITLE VI—COMPENSATION AND**
 20 **OTHER PERSONNEL BENEFITS**
 21 **Subtitle A—Pay and Allowances**

22 **SEC. 601. TERMINATION OF ASSIGNMENT INCENTIVE PAY**
 23 **FOR MEMBERS ON TERMINAL LEAVE.**

24 Paragraph (e) of section 307a of title 37, United
 25 States Code, is amended by inserting before the period at

1 the end the following: “, other than terminal leave when
2 the member will not be returning to the assignment”.

3 **SEC. 602. MORE FLEXIBLE RETIREMENT RULES FOR MILI-**
4 **TARY OFFICERS.**

5 (a) IN GENERAL.—Section 1370 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 1370. Commissioned officers: general rule; excep-**
8 **tions**

9 “(a) RULE FOR RETIREMENT IN HIGHEST GRADE
10 HELD SATISFACTORILY.—(1) Unless entitled to a higher
11 retired grade under some other provision of law, a commis-
12 sioned officer (other than a commissioned warrant officer)
13 of the Army, Navy, Air Force, or Marine Corps who re-
14 tires under any provision of law other than chapter 61
15 or chapter 1223 of this title shall, subject to the criteria
16 specified under paragraph (2) or (3), be retired in the
17 highest grade in which he served on active duty satisfac-
18 torily, as determined by the Secretary concerned.

19 “(2) In order to be eligible for voluntary retirement
20 in a grade at or below the grade of major or lieutenant
21 commander, a commissioned officer of the Army, Navy,
22 Air Force, or Marine Corps covered by paragraph (1)
23 must have served on active duty in that grade for not less
24 than six months.

1 “(3)(A) In order to be eligible for voluntary retire-
2 ment in a grade above major or lieutenant commander and
3 below brigadier general or rear admiral (lower half), a
4 commissioned officer of the Army, Navy, Air Force, or
5 Marine Corps covered by paragraph (1) must have served
6 on active duty in that grade for not less than three years,
7 except that the Secretary of Defense may authorize the
8 Secretary concerned to reduce such period to a period not
9 less than two years.

10 “(B) An officer at or above the grade of brigadier
11 general or rear admiral (lower half) may be retired in the
12 highest grade in which he served on active duty satisfac-
13 torily, upon approval by the Secretary concerned and con-
14 currence by the Secretary of Defense or another civilian
15 official in the Office of the Secretary of Defense appointed
16 by the President, by and with the advice and consent of
17 the Senate, to which the Secretary of Defense has dele-
18 gated such authority.

19 “(C) The President may waive subparagraph (A) in
20 individual cases involving extreme hardship or exceptional
21 or unusual circumstances. The authority of the President
22 under the preceding sentence may not be delegated.

23 “(4) A reserve or temporary officer who is notified
24 that he will be released from active duty without his con-
25 sent, and thereafter requests retirement under section

1 3911, 6323, or 8911 of this title and is retired pursuant
2 to that request, is considered for purposes of this section
3 to have been retired involuntarily. An officer retired pur-
4 suant to section 1186(b)(1) of this title is considered for
5 purposes of this section to have been retired voluntarily.

6 “(b) RETIREMENT IN NEXT LOWER GRADE.—An of-
7 ficer whose length of service in the highest grade he held
8 while on active duty does not meet the service in grade
9 requirements specified in subsection (a) or whose service
10 on active duty in that grade was not determined to be sat-
11 isfactory by the Secretary concerned shall be retired in the
12 next lower grade in which he served on active duty satis-
13 factorily, as determined by the Secretary concerned, for
14 not less than six months.

15 “(c) RESERVE OFFICERS.—(1) Unless entitled to a
16 higher grade, or to credit for satisfactory service in a high-
17 er grade, under some other provision of law, a person who
18 is entitled to retired pay under chapter 1223 of this title
19 shall, upon application under section 12731 of this title,
20 be credited with satisfactory service in the highest grade
21 in which that person served satisfactorily at any time in
22 the armed forces, as determined by the Secretary con-
23 cerned in accordance with this subsection.

24 “(2) In order to be credited with satisfactory service
25 in an officer grade (other than a warrant officer grade)

1 below the grade of lieutenant colonel or commander, a per-
2 son covered by paragraph (1) must have served satisfac-
3 torily in that grade (as determined by the Secretary con-
4 cerned) as a reserve commissioned officer in an active sta-
5 tus, or in a retired status on active duty, for not less than
6 six months.

7 “(3)(A)(1) In order to be credited with satisfactory
8 service in an officer grade above major or lieutenant com-
9 mander and below brigadier general or rear admiral (lower
10 half), a person covered by paragraph (1) must have served
11 satisfactorily in that grade (as determined by the Sec-
12 retary concerned) as a reserve commissioned officer in an
13 active status, or in a retired status on active duty, for not
14 less than three years, except that the Secretary of Defense
15 may authorize the Secretary concerned to reduce such pe-
16 riod to a period not less than two years.

17 “(2) An officer at or above the grade of lieutenant
18 general or vice admiral may be retired in the highest grade
19 in which he served satisfactorily, upon approval by the
20 Secretary concerned and concurrence by the Secretary of
21 Defense or another civilian official in the Office of the Sec-
22 retary of Defense appointed by the President, by and with
23 the advice and consent of the Senate, to which the Sec-
24 retary of Defense has delegated such authority.

1 “(B) A person covered by subparagraph (A)(1) who
2 has completed at least six months of satisfactory service
3 in grade and is transferred from an active status or dis-
4 charged as a reserve commissioned officer solely due to
5 the requirements of a nondiscretionary provision of law
6 requiring that transfer or discharge due to the person’s
7 age or years of service may be credited with satisfactory
8 service in the grade in which serving at the time of such
9 transfer or discharge, notwithstanding the failure of the
10 person to complete three years of service in that grade.

11 “(C) To the extent authorized by the Secretary con-
12 cerned, a person who, after having been recommended for
13 promotion in a report of a promotion board but before
14 being promoted to the recommended grade, served in a
15 position for which that grade is the minimum authorized
16 grade may be credited for purposes of subparagraph
17 (A)(1) as having served in that grade for the period for
18 which the person served in that position while in the next
19 lower grade. The period credited may not include any pe-
20 riod before the date on which the Senate provides advice
21 and consent for the appointment of that person in the rec-
22 ommended grade.

23 “(D) To the extent authorized by the Secretary con-
24 cerned, a person who, after having been found qualified
25 for Federal recognition in a higher grade by a board under

1 section 307 of title 32, serves in a position for which that
2 grade is the minimum authorized grade and is appointed
3 as a reserve officer in that grade may be credited for the
4 purposes of subparagraph (A)(1) as having served in that
5 grade. The period of the service for which credit is af-
6 farded under the preceding sentence may only be the pe-
7 riod for which the person served in the position after the
8 Senate provides advice and consent for the appointment.

9 “(4) A person whose length of service in the highest
10 grade held does not meet the service in grade requirements
11 specified in this subsection shall be credited with satisfac-
12 tory service in the next lower grade in which that person
13 served satisfactorily (as determined by the Secretary con-
14 cerned) for not less than six months.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to the computation
17 of retired or retainer pay of any individual who becomes
18 entitled to that pay on or after the date of enactment of
19 this Act.

20 **SEC. 603. MORE FLEXIBLE COMPUTATION OF RETIRED PAY**
21 **FOR OFFICERS AND SENIOR ENLISTED MEM-**
22 **BERS.**

23 (a) MODIFICATION OF RETIRED PAY FORMULAS.—
24 (1) Chapter 71 of title 10, United States Code, is amended
25 by inserting after section 1401a the following new section:

1 **“§ 1401b. Maximum multiplier in the computation of**
2 **retired pay**

3 “Notwithstanding any other provision of law that lim-
4 its retired pay computed under this chapter or under chap-
5 ter 1223 of this title to a maximum of 75 percent of the
6 member’s base determined under section 1406 or 1407 of
7 this title, the maximum amount of retired pay as a per-
8 centage of such base will be limited as follows:

9 “(1) For members retired before October 1,
10 2003, use limitations prescribed in other sections of
11 law.

12 “(2) For members retired on or after October
13 1, 2003, use the limitations prescribed in other sec-
14 tions of law except in the case of—

15 “(A) members retired in the grade O–7
16 and above with more than 30 years of cred-
17 itable service in the computation of the multi-
18 plier percentage under section 1409 of this title,
19 such percentage is not limited to 75 percent for
20 any time served in excess of 30 years otherwise
21 creditable after October 1, 2003; and

22 “(B) members retired in the grades E–8
23 through O–6, inclusive, with more than 30
24 years of creditable service in the computation of
25 the multiplier percentage under section 1409 of
26 this title, such percentage is not limited to 75

1 percent for any time served under conditions
2 authorized such additional credit during a pe-
3 riod established by the Secretary of Defense.”.

4 (2) The table of sections at the beginning of such
5 chapter is amended by inserting after the item relating
6 to section 1401a the following new item:

“1401b. Maximum multiplier in the computation of retired pay.”.

7 (b) **EFFECTIVE DATE.**—The amendments made by
8 this section shall apply with respect to the computation
9 of retired or retainer pay of any individual who becomes
10 entitled to that pay on or after the date of enactment of
11 this Act.

12 **SEC. 604. ELIMINATE RETIRED PAY LIMIT APPLICABLE TO**
13 **GENERAL AND FLAG OFFICERS.**

14 (a) **RETIRED PAY BASE FOR MEMBERS WHO FIRST**
15 **BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.**—Sec-
16 tion 1406 of title 10, United States Code, is amended by
17 adding at the end the following new subsection:

18 “(j) **RETIRED PAY BASE.**—In the case of a member
19 at grade O–7 and above, the rates of basic pay used to
20 compute the pay base prescribed in this section shall be
21 the rates applicable to the grade or position without re-
22 gard to any provision of law limiting such pay to the rate
23 of pay for level III of the Executive Schedule.”.

24 (b) **RETIRED PAY BASE FOR MEMBERS WHO FIRST**
25 **BECAME MEMBERS AFTER SEPTEMBER 7, 1980.**—Sec-

1 tion 1407 of such title is amended by adding at the end
2 the following new subsection:

3 “(g) RETIRED PAY BASE.—In the case of a member
4 at grade O–7 and above, the rates of basic pay used to
5 compute the pay base prescribed in this section shall be
6 the rates applicable to the grade or position without re-
7 gard to any provision of law limiting such pay to the rate
8 of pay for level III of the Executive Schedule.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to the computation
11 of retired or retainer pay of any individual who becomes
12 entitled to that pay on or after the date of enactment of
13 this Act.

14 **SEC. 605. GRANT BASIC ALLOWANCE FOR HOUSING WAIV-**
15 **ERS FOR 12 MONTHS OR LESS ON PERMA-**
16 **NENT CHANGE OF STATION ASSIGNMENTS**
17 **THAT ARE PRINCIPALLY FOR EDUCATION OR**
18 **TRAINING.**

19 Paragraph (3) of section 403(d) of title 37, United
20 States Code, is amended by adding at the end the fol-
21 lowing new subparagraph:

22 “(C) Where a member receives a permanent change
23 of station or permanent change of assignment, within the
24 continental United States, of 12 months duration or less
25 for purposes of participating in professional military edu-

1 cation or training classes, the amount of the basic allow-
 2 ance for housing for the member may be based on the
 3 area in which the dependents reside or the member's last
 4 duty station, whichever the Secretary concerned deter-
 5 mines to be most equitable. The dependents must continue
 6 to live at the member's last duty station in order to qualify
 7 for the rate based on that area.”.

8 **Subtitle B—Bonuses and Special**
 9 **and Incentive Pays**

10 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
 11 **SPECIAL PAYS FOR RESERVE FORCES.**

12 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
 13 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
 14 302g(f) of title 37, United States Code, is amended by
 15 striking “December 31, 2004” and inserting “December
 16 31, 2005”.

17 (b) SELECTED RESERVE REENLISTMENT BONUS.—
 18 Section 308b(f) of such title is amended by striking “De-
 19 cember 31, 2004” and inserting “December 31, 2005”.

20 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
 21 tion 308c(e) of such title is amended by striking “Decem-
 22 ber 31, 2004” and inserting “December 31, 2005”.

23 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
 24 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section

1 308d(c) of such title is amended by striking “December
2 31, 2004” and inserting “December 31, 2005”.

3 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
4 tion 308e(e) of such title is amended by striking “Decem-
5 ber 31, 2004” and inserting “December 31, 2005”.

6 (f) READY RESERVE ENLISTMENT AND REENLIST-
7 MENT BONUS.—Section of 308h(g) of such title is amend-
8 ed by striking “December 31, 2004” and inserting “De-
9 cember 31, 2005”.

10 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-
11 tion 308i(f) of such title is amended by striking “Decem-
12 ber 31, 2004” and inserting “December 31, 2005”.

13 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
14 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
15 LECTED RESERVE.—Section 16302(d) of title 10, United
16 States Code, is amended by striking “January 1, 2005”
17 and inserting “January 1, 2006”.

18 **SEC. 612. BONUS FOR OFFICERS TO SERVE IN THE SE-**
19 **LECTED RESERVE IN A CRITICAL SKILL OR**
20 **MANPOWER SHORTAGE.**

21 (a) IN GENERAL.—Chapter 5 of title 37, United
22 States Code, is amended by adding at the end the fol-
23 lowing new section:

1 **“§ 308j. Special pay: bonus for officers to serve in the**
2 **Selected Reserve in a critical skill or**
3 **manpower shortage**

4 “(a) BONUS AUTHORIZATION.—The Secretary of De-
5 fense may pay—

6 “(1) an affiliation bonus to an officer of an
7 armed force, including a warrant officer, (other than
8 an officer who has previously served in the Selected
9 Reserve or an officer who is entitled to retired pay)
10 who executes a written agreement to serve in the Se-
11 lected Reserve of the Ready Reserve for a period of
12 not less than three years in a designated critical offi-
13 cer skill or manpower shortage after being dis-
14 charged or released from active duty under honor-
15 able conditions, once the officer affiliates with a unit
16 or position in the Selected Reserve; and

17 “(2) an accession bonus to a person who exe-
18 cutes a written agreement to accept a commission as
19 an officer of the armed forces and serve in the Se-
20 lected Reserve of the Ready Reserve in a designated
21 critical officer skill for a period of not less than
22 three years, upon acceptance of the agreement by
23 the Secretary concerned.

24 “(b) DESIGNATION OF CRITICAL OFFICER SHORT-
25 AGE.—The Secretary concerned shall designate the critical

1 officer skill shortages and critical manpower shortages for
2 the purposes of this section.

3 “(1) A skill may be designated as a critical offi-
4 cer skill for an armed force under this subsection
5 if—

6 “(A) to meet requirements of the armed
7 force, it is critical for the armed force to have
8 a sufficient number of officers who are qualified
9 in that skill; or

10 “(B) to mitigate a current or projected sig-
11 nificant shortage of personnel in the armed
12 force who are qualified in that skill, it is critical
13 to access into that armed force in sufficient
14 numbers persons who are qualified in that skill
15 or are to be trained in that skill.

16 “(2) A manpower shortage may be designated
17 for a current or projected shortage in a unit or over-
18 all shortage in a pay grade.

19 “(c) LIMITATION ON AMOUNT OF BONUS.—The
20 amount of a bonus under subsection (a) may not exceed
21 \$12,000.

22 “(d) PAYMENT METHOD.—Upon acceptance of a
23 written agreement by the Secretary concerned, the total
24 amount of the bonus payable under the agreement be-
25 comes fixed. The agreement shall specify whether the

1 bonus shall be paid by the Secretary in a lump sum or
2 installments.

3 “(e) RELATION TO OTHER ACCESSION BONUS AU-
4 THORITY.—An officer or individual may not receive a
5 bonus under this section and financial assistance under
6 chapter 1608, 1609 or 1611 of title 10, or under section
7 302g of this title, for the same period of service.

8 “(f) REPAYMENT FOR FAILURE TO COMMENCE OR
9 COMPLETE OBLIGATED SERVICE.—(1) An individual who,
10 after receiving all or part of the bonus under an agreement
11 referred to in subsection (a), does not accept a commission
12 as an officer or does not commence to or does not satisfac-
13 torily participate in the Selected Reserve for the total pe-
14 riod of service specified in the agreement shall repay to
15 the United States such compensation or benefit, except
16 under conditions established by the Secretary concerned.

17 “(2) The Secretary concerned shall set forth whether
18 repayment is required in whole or in part, the method for
19 computing the amount of the repayment, and the condi-
20 tions under which an exception to the required repayment
21 would apply.

22 “(3) An obligation to repay the United States im-
23 posed under paragraph (1) is for all purposes a debt owed
24 to the United States. A discharge in bankruptcy under
25 title 11 that is entered less than five years after the termi-

1 nation of an agreement entered into under subsection (a)
2 does not discharge the individual signing the agreement
3 from a debt arising under such agreement or under para-
4 graph (1).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by adding
7 at the end the following new item:

“308j. Special pay: bonus for officers to serve in the Selected Reserve in critical
skill or manpower shortage.”.

8 **SEC. 613. CRITICAL SKILLS RETENTION BONUS; ELIGI-**
9 **BILITY OF MEMBERS SERVING ON INDEFI-**
10 **NITE REENLISTMENT IS INVOLVED.**

11 Section 323(a) of title 37, United States Code, is
12 amended—

13 (1) in paragraph (1), by striking “or” at the
14 end;

15 (2) by striking the period at the end of para-
16 graph (2) and inserting “; or”; and

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

19 “(3) in the case of an enlisted member serving
20 on an indefinite reenlistment, the member executes
21 a written agreement to remain on active duty for at
22 least 1 year.”.

1 **SEC. 614. FOREIGN LANGUAGE PROFICIENCY PAY.**

2 Section 1596a of title 10, United States Code, is
3 amended—

4 (a) in subsection (a)(2), by striking “during a contin-
5 gency operation supported by the armed forces”; and

6 (b) in subsection (c), by inserting before the period
7 at the end the following: “and shall not be considered base
8 pay for any purpose”.

9 **SEC. 615. REPAYMENT OF UNEARNED PORTIONS OF BO-**
10 **NUSES, SPECIAL PAYS, AND EDUCATIONAL**
11 **BENEFITS.**

12 (a) REPAYMENT OF UNEARNED PORTIONS OF BO-
13 NUSES.—(1) Chapter 5 of title 37, United States Code,
14 is amended by adding at the end the following new section:

15 **“§ 327. Repayment of unearned portions of bonuses,**
16 **incentives, special pay or similar pay-**
17 **ments, or educational benefits or sti-**
18 **pends when conditions of payment not**
19 **met**

20 “(a) IN GENERAL.—A member of the uniformed
21 services who has received a bonus, incentive, special pay
22 or similar payment, or an educational benefit or stipend,
23 and who is, by law, subject to the repayment provisions
24 of this section shall repay to the United States such com-
25 pensation or benefit when the member does not meet the

1 conditions of the pay or benefit, except under conditions
2 established by the Secretary concerned.

3 “(b) REGULATIONS.—The Secretary concerned may
4 set forth in regulations procedures for determining the
5 amount of any repayment, and the conditions under which
6 an exception to the required repayment would apply. The
7 Secretary concerned may specify in such regulations the
8 conditions under which any future installment payment of
9 a bonus, incentive, special pay, or similar payment or ben-
10 efit will not be made when the member does not meet the
11 conditions of pay or benefit. For the military departments,
12 this section shall be administered under regulations pre-
13 scribed by the Secretary of Defense.

14 “(c) DEBT.—An obligation to repay the United
15 States under subsection (a) is, for all purposes, a debt
16 owed the United States.

17 “(d) EFFECT OF BANKRUPTCY.—A discharge in
18 bankruptcy under title 11 does not discharge a person
19 from a debt under this section if the final decree of dis-
20 charge is entered less than five years after the date of
21 the termination of the service or the date of the termi-
22 nation of the agreement on which the debt is based. This
23 subsection applies to any case commenced under title 11
24 after March 30, 2005.”.

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

“327. Repayment of unearned portions of bonuses, incentives, special pay or
 similar payments, or educational benefits or stipends, when
 conditions of payment not met.”.

4 (b) AVIATION CAREER OFFICER RETENTION
 5 BONUS.—Subsection (g) of section 301b of such title is
 6 amended to read as follows:

7 “(g) REPAYMENT OF BONUS.—An officer who does
 8 not complete the period of active duty specified in the
 9 agreement entered into under subsection (a) shall be sub-
 10 ject to the repayment provisions of section 327 of this
 11 title.”.

12 (c) MEDICAL OFFICER MULTIYEAR RETENTION
 13 BONUS.—Subsection (c) of section 301d of such title is
 14 amended to read as follows:

15 “(c) REPAYMENT OF BONUS.—An officer who does
 16 not complete the period of active duty specified in the
 17 agreement entered into under subsection (a) shall be sub-
 18 ject to the repayment provisions of section 327 of this
 19 title.”.

20 (d) DENTAL OFFICER MULTIYEAR RETENTION
 21 BONUS.—Subsection (d) of section 301e of such title is
 22 amended to read as follows:

23 “(d) REPAYMENT OF BONUS.—An officer who does
 24 not complete the period of active duty specified in the

1 agreement entered into under subsection (a) shall be sub-
2 ject to the repayment provisions of section 327 of this
3 title.”.

4 (e) MEDICAL OFFICER SPECIAL PAY.—Section 302
5 of such title is amended—

6 (1) in subsection (c), by amending the last sen-
7 tence in paragraph (2) to read as follows: “If such
8 entitlement is terminated, the officer concerned shall
9 be subject to the repayment provisions of section
10 327 of this title.”.

11 (2) by amending subsection (f) to read as fol-
12 lows:

13 “(f) REPAYMENT.—An officer who does not complete
14 the period for which the payment was made under sub-
15 section (a)(4) or (b)(1) shall be subject to the repayment
16 provisions of section 327 of this title.”.

17 (f) OPTOMETRIST RETENTION SPECIAL PAY.—Para-
18 graph (4) of section 302a(b) of such title is amended to
19 read as follows:

20 “(4) REPAYMENT.—The Secretary concerned may
21 terminate at any time the eligibility of an officer to receive
22 retention special pay under paragraph (1). An officer who
23 does not complete the period for which the payment was
24 made under paragraph (1) shall be subject to the repay-
25 ment provisions of section 327 of this title.”.

1 (g) DENTAL OFFICER SPECIAL PAY.—Section 302b
2 of such title is amended—

3 (1) in subsection (b), by striking the second
4 sentence in paragraph (2);

5 (2) by amending subsection (e) to read as fol-
6 lows:

7 “(e) REPAYMENT.—An officer who does not complete
8 the period of active duty for which the payment was made
9 under subsection (a)(4) shall be subject to the repayment
10 provisions of section 327 of this title.”;

11 (3) by striking subsection (f); and

12 (4) by redesignating subsections (g) and (h) as
13 subsections (f) and (g), respectively.

14 (h) ACCESSION BONUS FOR REGISTERED NURSES.—
15 Subsection (d) of section 302d of such title is amended
16 to read as follows:

17 “(d) An officer who does not become and remain li-
18 censed as a registered nurse during the period for which
19 the payment is made, or who does not complete the period
20 of active duty specified in the agreement entered into
21 under subsection (a) shall be subject to the repayment
22 provisions of section 327 of this title.”.

23 (i) NURSE ANESTHETIST SPECIAL PAY.—Section
24 302e of such title is amended—

1 (1) in subsection (c), by striking the last sen-
2 tence; and

3 (2) by amending subsection (e) to read as fol-
4 lows:

5 “(e) An officer who does not complete the period of
6 active duty specified in the agreement entered into under
7 subsection (a) shall be subject to the repayment provisions
8 of section 327 of this title.”.

9 (j) RESERVE, RECALLED OR RETAINED HEALTH
10 CARE OFFICERS SPECIAL PAY.—Subsection (e) of section
11 302f of such title is amended by striking “refund” and
12 inserting “repay.”.

13 (k) SELECTED RESERVE HEALTH CARE PROFES-
14 SIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES
15 SPECIAL PAY.—Section 302g of such title is amended—

16 (1) by striking subsections (d) and (e);

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

19 “(d) REPAYMENT.—An officer who does not complete
20 the period of service in the Selected Reserve of an armed
21 force specified in the agreement entered into under sub-
22 section (a) shall be subject to the repayment provisions
23 of section 327 of this title.”; and

24 (3) by redesignating subsection (f) as sub-
25 section (e).

1 (l) ACCESSION BONUS FOR DENTAL OFFICERS.—

2 Subsection (d) of section 302h of such title is amended
3 to read as follows:

4 “(d) A person after signing a written agreement who
5 thereafter is not commissioned as an officer of the armed
6 forces, or does not become licensed as a dentist, or does
7 not complete the period of active duty specified in the
8 agreement entered into under subsection (a) shall be sub-
9 ject to the repayment provisions of section 327 of this
10 title.”.

11 (m) ACCESSION BONUS FOR PHARMACY OFFI-

12 CERS.—Subsection (e) of section 302j of such title is
13 amended to read as follows:

14 “(e) A person after signing a written agreement who
15 thereafter is not commissioned as an officer of the armed
16 forces, or does not become and remain certified or licensed
17 as a pharmacist, or does not complete the period of active
18 duty specified in the agreement entered into under sub-
19 section (a) shall be subject to the repayment provisions
20 of section 327 of this title.”.

21 (n) REENLISTMENT BONUS FOR ACTIVE MEM-

22 BERS.—Subsection (d) of section 308 of such title is
23 amended to read as follows:

24 “(d) REPAYMENT OF BONUS.—A member who does
25 not complete the term of enlistment for which a bonus was

1 paid to the member under this section, or a member who
2 is not technically qualified in the skill for which a bonus
3 was paid to him under this section, shall be subject to
4 the repayment provisions of section 327 of this title.”.

5 (o) REENLISTMENT BONUS FOR SELECTED RE-
6 SERVE.—Subsection (d) of section 308b of such title is
7 amended to read as follows:

8 “(d) A member who does not complete the term of
9 enlistment in the element of the Selected Reserve of the
10 Ready Reserve for which the bonus was paid to the mem-
11 ber under this section, shall be subject to the repayment
12 provisions of section 327 of this title.”.

13 (p) ENLISTMENT BONUS FOR SELECTED RE-
14 SERVE.—Subsection (d) of section 308c of such title is
15 amended to read as follows:

16 “(d) REPAYMENT.—A member who does not partici-
17 pate satisfactorily in training with his unit during a term
18 of enlistment for which a bonus has been paid to him
19 under this section shall be subject to the repayment provi-
20 sions of section 327 of this title.”.

21 (q) RESERVE AFFILIATION BONUS.—Subsection (d)
22 of section 308e of such title is amended to read as follows:

23 “(d) REPAYMENT.—A member who does not partici-
24 pate satisfactorily in training with his unit during a term
25 of enlistment for which a bonus has been paid to him

1 under this section shall be subject to the repayment provi-
2 sions of section 327 of this title.”.

3 (r) READY RESERVE ENLISTMENT BONUS.—Section
4 308g of such title is amended—

5 (1) by amending subsection (d) to read as fol-
6 lows:

7 “(d) REPAYMENT.—A person who does not serve sat-
8 isfactorily in the element of the Ready Reserve in the com-
9 bat or combat support skill for the period for which the
10 bonus was paid under this section shall be subject to the
11 repayment provisions of section 327 of this title.”;

12 (2) by striking subsections (e) and (f); and

13 (3) by redesignating subsections (g) and (h) as
14 subsections (e) and (f), respectively.

15 (s) READY RESERVE REENLISTMENT, ENLISTMENT,
16 AND VOLUNTARY EXTENSION OF ENLISTMENT BONUS.—
17 Section 308h of such title is amended—

18 (1) by amending subsection (c) to read as fol-
19 lows:

20 “(c) REPAYMENT.—A person who does not complete
21 the period of enlistment or extension of enlistment for
22 which the bonus was paid under this section shall be sub-
23 ject to the repayment provisions of section 327 of this
24 title.”;

25 (2) by striking subsections (d) and (e); and

1 (3) by redesignating subsections (f) and (g) as
2 subsections (d) and (e), respectively.

3 (t) PRIOR SERVICE ENLISTMENT BONUS.—Sub-
4 section (d) of section 308i of such title is amended to read
5 as follows:

6 “(d) A person who receives a bonus payment under
7 this section and who, during the period for which the
8 bonus was paid, does not serve satisfactorily in the ele-
9 ment of the Selected Reserve of the Ready Reserve with
10 respect to which the bonus was paid shall be subject to
11 the repayment provisions of section 327 of this title.”.

12 (u) ENLISTMENT BONUS.—Subsection (b) of section
13 309 of such title is amended to read as follows:

14 “(b) A member who does not complete the term of
15 enlistment for which a bonus was paid to the member
16 under this section, or a member who is not technically
17 qualified in the skill for which a bonus was paid, shall
18 be subject to the repayment provisions of section 327 of
19 this title.”.

20 (v) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
21 CERS EXTENDING ACTIVE DUTY.—Subsection (b) of sec-
22 tion 312 of such title is amended to read as follows:

23 “(b) REPAYMENT.—An officer who does not complete
24 the period of active duty in connection with supervision,
25 operation, and maintenance of naval nuclear propulsion

1 plants which the officer agreed to serve, and for which
2 the payment was made under subsection (a)(3) or (d)(1),
3 shall be subject to the repayment provisions of section 327
4 of this title.”.

5 (w) NUCLEAR CAREER ACCESSION BONUS.—Para-
6 graph (2) of section 312b(a) of such title is amended to
7 read as follows:

8 “(2) An officer who does not commence or complete
9 satisfactorily the nuclear power training specified in the
10 agreement under paragraph (1) shall be subject to the re-
11 payment provisions of section 327 of this title.”.

12 (x) ENLISTED MEMBERS EXTENDING DUTY AT DES-
13 IGNATED LOCATIONS OVERSEAS.—Subsection (d) of sec-
14 tion 314 of such title is amended to read as follows:

15 “(d) A member who, having entered into a written
16 agreement to extend a tour of duty for a period under
17 subsection (a), receives a bonus payment under subsection
18 (b)(2) for a 12-month period covered by the agreement
19 and ceases during that 12-month period to perform the
20 agreed tour of duty shall be subject to the repayment pro-
21 visions of section 327 of this title.”.

22 (y) SPECIAL WARFARE OFFICERS EXTENDING PE-
23 RIOD OF ACTIVE DUTY.—Subsection (h) of section 318
24 of such title is amended to read as follows:

1 “(h) An officer who, having entered into a written
2 agreement under subsection (b) and has received all or
3 part of a bonus under this section, does not complete the
4 period of active duty in special warfare service as specified
5 in the agreement, shall be subject to the repayment provi-
6 sions of section 327 of this title.”.

7 (z) SURFACE WARFARE OFFICERS EXTENDING PE-
8 RIOD OF ACTIVE DUTY.—Subsection (f) of section 319 of
9 such title is amended to read as follows:

10 “(f) An officer who, having entered into a written
11 agreement under subsection (b) and having received all or
12 part of a bonus under this section, does not complete the
13 period of active duty as a department head on a surface
14 vessel specified in the agreement, shall be subject to the
15 repayment provisions of section 327 of this title.”.

16 (aa) JUDGE ADVOCATE CONTINUATION PAY.—Sub-
17 section (f) of section 321 of such title is amended to read
18 as follows:

19 “(f) An officer who has entered into a written agree-
20 ment under subsection (b) and has received all or part
21 of the amount payable under the agreement but who does
22 not complete the total period of active duty specified in
23 the agreement, shall be subject to the repayment provi-
24 sions of section 327 of this title.”.

1 (bb) 15-YEAR CAREER STATUS BONUS FOR MEM-
2 BERS ENTERING SERVICE ON OR AFTER AUGUST 1,
3 1986.—Subsection (f) of section 322 of such title is
4 amended to read as follows:

5 “(f) If a person paid a bonus under this section does
6 not complete a period of active duty beginning on the date
7 on which the election of the person under subsection (a)(1)
8 is received and ending on the date on which the person
9 completes 20 years of active duty service as described in
10 subsection (a)(2), the person shall be subject to the repay-
11 ment provisions of section 327 of this title.”.

12 (cc) RETENTION INCENTIVES FOR MEMBERS QUALI-
13 FIED IN A CRITICAL MILITARY SKILL.—Subsection (g) of
14 section 323 of such title is amended to read as follows:

15 “(g) A member who has entered into a written agree-
16 ment under subsection (a), and who does not complete the
17 total period of active duty specified in the agreement, shall
18 be subject to the repayment provisions of section 327 of
19 this title.”.

20 (dd) ACCESSION BONUS FOR NEW OFFICERS IN
21 CRITICAL SKILLS.—Subsection (f) of section 324 of such
22 title is amended to read as follows:

23 “(f) An individual who, having received all or part
24 of the bonus under an agreement referred to in subsection
25 (a), is not thereafter commissioned as an officer or does

1 not commence or does not complete the total period of ac-
2 tive duty service specified in the agreement, shall be sub-
3 ject to the repayment provisions of section 327 of this
4 title.”.

5 (ee) INCENTIVE BONUS: SAVINGS PLAN FOR EDU-
6 CATION EXPENSES AND OTHER CONTINGENCIES.—Sub-
7 section (g) of section 325 of such title is amended to read
8 as follows:

9 “(g) If a person does not complete the qualifying
10 service for which the person is obligated under a commit-
11 ment for which a benefit has been paid under this section,
12 the person shall be subject to the repayment provisions
13 of section 327 of this title.”.

14 (ff) ENLISTMENT INCENTIVES FOR PURSUIT OF
15 SKILLS TO FACILITATE NATIONAL SERVICE.—Subsection
16 (i) of section 510 of title 10, United States Code, is
17 amended to read as follows:

18 “(i) If a National Call to Service participant who has
19 entered into an agreement under subsection (b) and re-
20 ceived or benefitted from an incentive under subsection
21 (e)(1) or (e)(2) fails to complete the total period of service
22 specified in such agreement, the National Call to Service
23 participant shall be subject to the repayment provisions
24 of section 327 of title 37.”.

1 (gg) SCHOLARSHIP PROGRAM FOR QUALIFYING PER-
2 SONNEL FOR ACQUISITION POSITIONS IN THE DEPART-
3 MENT OF DEFENSE.—Paragraph (3) of section 1744(d)
4 of such title is amended to read as follows:

5 “(3) For a uniformed member who is separated from
6 service before the end of the period for which the person
7 has agreed to continue in the service in an acquisition po-
8 sition shall be subject to the repayment provisions of sec-
9 tion 327 of title 37. For an employee of the Department
10 of Defense, the Secretary may waive in whole or in part
11 a required repayment under this subsection if the Sec-
12 retary determines the recovery would be against equity
13 and good conscience or would be contrary to the best inter-
14 ests of the United States.”.

15 (hh) ADVANCED EDUCATION ASSISTANCE.—Section
16 2005 of such title is amended—

17 (1) in subsection (a), by amending paragraph
18 (3) to read as follows:

19 “(3) that if such person does not complete the
20 period of active duty specified in the agreement, or
21 does not fulfill any term or condition prescribed pur-
22 suant to clause (4), such person shall be subject to
23 the repayment provisions of section 327 of title 37.”;

24 (2) by striking subsections (c), (d), (g) and (h);

1 (3) by redesignating subsections (e) and (f) as
2 subsections (c) and (d), respectively; and

3 (4) by amending subsection (d), as redesignated
4 by paragraph (3), to read as follows:

5 “(d) The Secretary concerned shall require, as a con-
6 dition to the Secretary providing financial assistance
7 under section 2107 or 2107a of this title to any person,
8 that such person enter into an agreement described in sub-
9 section (a). In addition to the requirements of subsections
10 (a)(1) through (a)(4), any agreement required by this sub-
11 section shall provide that if such person does not complete
12 the education requirements specified in the agreement, or
13 does not fulfill any term or condition prescribed pursuant
14 to subsection (a)(4), the person shall be subject to the re-
15 payment provisions of section 327 of title 37 without the
16 Secretary first ordering such person to active duty as pro-
17 vided for under subsection (a)(2) and sections 2107(f) and
18 2107a(f) of this title.”.

19 (ii) TUITION FOR OFF-DUTY TRAINING OR EDU-
20 CATION.—Section 2007 of such title is amended by adding
21 at the end the following new subsection:

22 “(f) REPAYMENT.—If such person does not complete
23 the period of active duty specified in the agreement under
24 subsection (b), such person shall be subject to the repay-
25 ment provisions of section 327 of title 37.”.

1 (jj) ADVANCED TRAINING, FAILURE TO COMPLETE
2 OR TO ACCEPT COMMISSION.—Section 2105 of such title
3 is amended—

4 (1) by striking “A member” and inserting “(a)
5 A member”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(b) REPAYMENT.—If such person does not complete
9 the period of active duty specified under subsection (a),
10 the person shall be subject to the repayment provisions
11 of section 327 of title 37.”.

12 (kk) FINANCIAL ASSISTANCE PROGRAM FOR SPE-
13 CIALY SELECTED MEMBERS.—Section 2107 of such title
14 is amended by adding at the end the following new sub-
15 section:

16 “(j) REPAYMENT.—A person after signing a written
17 agreement who thereafter is not commissioned as an offi-
18 cer or does not complete the period of service as specified
19 in subsection (b), (f) or (h)(2), shall be subject to the re-
20 payment provisions of section 327 of title 37.”.

21 (ll) HEALTH PROFESSIONS SCHOLARSHIP AND FI-
22 NANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.—
23 Subparagraph (C) of section 2123(e)(1) of such title is
24 amended to read as follows:

1 “(C) If such person does not complete the period of
 2 active duty obligation specified under subsection (a), such
 3 person shall be subject to the repayment provisions of sec-
 4 tion 327 of title 37.”.

5 (mm) FINANCIAL ASSISTANCE: NURSE OFFICER
 6 CANDIDATES.—Subsection (d) of section 2130a of such
 7 title is amended to read as follows:

8 “(d) REPAYMENT.—A person who does not complete
 9 a nursing degree program in which the person is enrolled
 10 in accordance with the agreement entered into under sub-
 11 section (a), or having completed the nursing degree pro-
 12 gram, does not become an officer in the Nurse Corps of
 13 the Army or the Navy or an officer designated as a nurse
 14 officer of the Air Force or commissioned corps of the Pub-
 15 lic Health Service; or does not complete the period of obli-
 16 gated active service required under the agreement, shall
 17 be subject to the repayment provisions of section 327 of
 18 title 37.”.

19 (nn) EDUCATION LOAN REPAYMENT PROGRAM:
 20 COMMISSIONED OFFICERS IN SPECIFIED HEALTH PRO-
 21 FESSIONS.—Subsection (g) of section 2173 of such title
 22 is amended—

23 (1) by inserting “(1)” after “(g)”; and

24 (2) by adding at the end the following new
 25 paragraph:

1 “(2) An officer who does not complete the period of
2 active duty specified in the agreement entered into under
3 subsection (a)(3), or the alternative obligation under para-
4 graph (1), shall be subject to the repayment provisions of
5 section 327 of title 37.”.

6 (00) SCHOLARSHIP PROGRAM FOR DEGREE PRO-
7 GRAM FOR DEGREE OR CERTIFICATION IN INFORMATION
8 ASSURANCE.—Section 2200a of such title is amended—
9 (1) by amending subsection (e) to read as fol-
10 lows:

11 “(e) REPAYMENT FOR PERIOD OF UNSERVED OBLI-
12 GATED SERVICE.—(1) A member of an armed force who
13 does not complete the period of active duty specified in
14 the service agreement under section (b) shall be subject
15 to the repayment provisions of section 327 of title 37.

16 “(2) A civilian employee of the Department of De-
17 fense who voluntarily terminates service before the end of
18 the period of obligated service required under an agree-
19 ment entered into under subsection (b) shall refund to the
20 United States an amount determined by the Secretary of
21 Defense as being appropriate to obtain adequate service
22 in exchange for financial assistance and otherwise to
23 achieve the goals set forth in section 2200(a) of this title.

24 “(A) OBLIGATION AS DEBT.—An obligation to
25 reimburse the United States imposed under para-

1 graph (1) is for all purposes a debt owed to the
2 United States.

3 “(B) REPAYMENT.—The Secretary of Defense
4 may waive, in whole or in part a refund required
5 under paragraph (1) if the Secretary determines
6 that recovery would be against equity and good con-
7 science or would be contrary to the best interests of
8 the United States.

9 “(C) EFFECT OF DISCHARGE IN BANK-
10 RUPTCY.—A discharge in bankruptcy under title 11
11 that is entered less than five years after the termi-
12 nation of an agreement under this section does not
13 discharge the person signing such agreement from a
14 debt arising under such agreement or under this
15 subsection.”;

16 (2) by striking subsection (f); and

17 (3) by redesignating subsection (g) as sub-
18 section (f).

19 (pp) CADETS: AGREEMENT TO SERVICE AS OFFI-
20 CER.—Section 4348 of such title is amended by adding
21 at the end the following new subsection:

22 “(f) A cadet or former cadet who does not fulfill the
23 terms of the agreement as specified under section (a), or
24 the alternative obligation under subsection (b), shall be

1 subject to the repayment provisions of section 327 of title
2 37.”.

3 (qq) MIDSHIPMEN: AGREEMENT FOR LENGTH OF
4 SERVICE.—Section 6959 of such title is amended by add-
5 ing at the end the following new subsection:

6 “(f) A midshipman or former midshipman who does
7 not fulfill the terms of the agreement as specified under
8 section (a), or the alternative obligation under subsection
9 (b), shall be subject to the repayment provisions of section
10 327 of title 37.”.

11 (rr) CADETS: AGREEMENT TO SERVICE AS OFFI-
12 CER.—Section 9348 of such title is amended by adding
13 at the end the following new subsection:

14 “(f) A cadet or former cadet who does not fulfill the
15 terms of the agreement as specified under section (a), or
16 the alternative obligation under subsection (b), shall be
17 subject to the repayment provisions of section 327 of title
18 37.”.

19 (ss) CADETS: NUMBER, APPOINTMENT, OBLIGATION
20 TO SERVE.—Section 182 of title 14, United States Code,
21 is amended by adding at the end the following new sub-
22 section:

23 “(g) A cadet or former cadet who does not fulfill the
24 terms of the obligation to serve as specified under section
25 (b), or the alternative obligation under subsection (c),

1 shall be subject to the repayment provisions of section 327
2 of title 37.”.

3 (tt) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
4 THE SELECTED RESERVE.—Section 16135 of title 10
5 United States Code, is amended to read as follows:

6 “§ 16135. **Failure to participate satisfactorily; pen-**
7 **alties**

8 “(a) A member of the Selected Reserve of the Ready
9 Reserve of an armed force who does not participate satis-
10 factorily in required training as a member of the Selected
11 Reserve during a term of enlistment or other period of
12 obligated service that created entitlement of the member
13 to educational assistance under this chapter, and during
14 which the member has received such assistance, shall, at
15 the option of the Secretary concerned—

16 “(1) be ordered to active duty for a period of
17 two years or the period of obligated service the per-
18 son has remaining under section 16132 of this title,
19 whichever is less; or

20 “(2) be subject to the repayment provisions
21 under section 327 of title 37.

22 “(b) Any repayment under the provisions of section
23 327 of title 37 shall not affect the period of obligation
24 of such member to serve as a Reserve in the Selected Re-
25 serve.”.

1 (uu) HEALTH PROFESSIONS STIPEND PROGRAM—
2 PENALTIES AND LIMITATIONS.—Subparagraph (B) of
3 section 16203(a)(1) of such title is amended to read as
4 follows:

5 “(B) shall be subject to the repayment provisions of
6 section 327 of title 37.”.

7 (vv) MARINE CORPS PLATOON LEADERS CLASS:
8 COLLEGE TUITION ASSISTANCE PROGRAM.—Subsection
9 (f) of section 16401 of such title is amended—

10 (1) in paragraph (1), by striking “may be re-
11 quired to repay the full amount of financial assist-
12 ance” and inserting “shall be subject to the repay-
13 ment provisions of section 327 of title 37”; and

14 (2) by amending paragraph (2) to read as fol-
15 lows:

16 “(2) Any requirement to repay any portion of
17 financial assistance received under this section shall
18 be administered under Secretary of Defense regula-
19 tions issued under section 327 of title 37. The Sec-
20 retary of the Navy may waive the obligations ref-
21 erenced in paragraph (1) in the case of a person
22 who—”.

23 (ww) CONVERSION TO MILITARY OCCUPATIONAL SE-
24 CURITY INCENTIVE BONUS.—Subsection (e) of section

1 326 of title 37, United States Code, is amended to read
2 as follows:

3 “(e) REPAYMENT OF BONUS.—A member who fails
4 to serve in such military occupational specialty for the pe-
5 riod specified in the agreement executed under subsection
6 (a) shall be subject to the repayment provisions of section
7 327 of this title.”.

8 (xx) EFFECTIVE DATE.—(1) The amendments made
9 by this section shall take effect on April 1, 2005.

10 (2) Notwithstanding paragraph (1)—

11 (A) the amendments made by this section do
12 not apply to any bonus, incentive, special pay or
13 similar payment (such as education assistance or sti-
14 pend), which the United States became obligated to
15 pay before April 1, 2005; and

16 (B) the following provisions in effect on March
17 30, 2005, shall continue to apply, in accordance with
18 the provisions thereof, with respect to any bonus, in-
19 centive, special pay, or an educational benefit or sti-
20 pend, which the United States became obligated to
21 pay before April 1, 2005:

22 (i) sections 301b(g), 301d(c), 301e(d),
23 302(f), 302a(b)(4), 302b, 302d(d), 302e, 302f,
24 302g, 302h, 302j, 308(d), 308b(d), 308c(d),
25 308e(d), 308g(d), 308h(c), 308i(d), 309(b),

1 312(b), 312b(a)(2), 314(d), 318(h), 319(h),
2 321(f), 322(f), 323(g), 324(f), 325(g), and
3 326(e) of title 37, United States Code;

4 (ii) sections 510, 1744(d)(3); 2005(a)(3),
5 (e), (d), (f), and (g); 2007; 2105; 2107;
6 2123(e)(1)(C); 2130a(d); 2173(g); 2200a(e)(3);
7 4348; 6959; 9348; 16135; 16203(a)(1)(B); and
8 16401(f)(1) of title 10, United States Code;
9 and

10 (iii) section 182 of title 14, United States
11 Code.

12 **Subtitle C—Travel and** 13 **Transportation Allowances**

14 **SEC. 621. LODGING COSTS INCURRED IN CONNECTION** 15 **WITH STUDENT DEPENDENT TRAVEL.**

16 Section 430(b) of title 37, United States Code, is
17 amended—

18 (1) by redesignating paragraphs (2) and (3) as
19 paragraphs (3) and (4), respectively; and

20 (2) by inserting after paragraph (1) the fol-
21 lowing new paragraph (2):

22 “(2) The allowance described in paragraph (1)
23 may include reimbursement at a rate prescribed by
24 the Secretaries concerned for lodging costs incurred
25 when, for reasons beyond the control of the student,

1 the student is required to procure accommodations
2 while en route.”.

3 **SEC. 622. EXPANDED TRAVEL AND TRANSPORTATION AL-**
4 **LOWANCES FOR FAMILY MEMBERS TO AT-**
5 **TEND BURIAL CEREMONIES.**

6 Section 411f of title 37, United States Code, is
7 amended—

8 (1) by amending subsection (b) to read as fol-
9 lows:

10 “(b) LIMITATIONS.—Allowances under subsection (a)
11 may be provided to the same location determined under
12 section 1482 of title 10, and may not exceed the rates
13 for two days and the time necessary for such travel.”; and

14 (2) in subsection (c)(1)(C), by striking “If no
15 person described in subparagraph (A) or (B) is pro-
16 vided travel and transportation allowances under
17 subsection (a)(1), the” and inserting “The”.

1 **Subtitle D—Other Matters**

2 **SEC. 631. PROTECTION AGAINST DOUBLE TAXATION FOR**
3 **SERVICE MEMBERS ABSENT FROM THEIR**
4 **RESIDENCE OR DOMICILE SOLELY BY REA-**
5 **SON OF COMPLIANCE WITH MILITARY OR-**
6 **DERS.**

7 Section 511(c) of the Servicemembers Civil Relief Act
8 (50 U.S.C. App. 571) is amended by adding at the end
9 the following new paragraph:

10 “(5) USE, EXCISE, OR SIMILAR TAXES.—A tax juris-
11 diction may not impose a sales, use, excise, or similar tax
12 on the personal property of a nonresident servicemember
13 when the laws of the tax jurisdiction fail to provide a cred-
14 it against such taxes for sales, use, excise, or similar taxes
15 previously paid on the same property to another tax juris-
16 diction.”.

17 **SEC. 632. ACCUMULATION OF ANNUAL LEAVE BY INTEL-**
18 **LIGENCE SENIOR LEVEL EMPLOYEES.**

19 Section 1607 of title 10, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(d) ACCUMULATION OF ANNUAL LEAVE TO EM-
23 PLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS.—
24 Employees in Intelligence Senior Level positions des-
25 ignated under subsection (a) may accumulate annual leave

1 consistent with the provisions of section 6304(f) of title
2 5.”.

3 **TITLE VII—HEALTH CARE**
4 **PROVISIONS**

5 **SEC. 701. EXEMPTION OF NONAPPROPRIATED FUND**
6 **HEALTH BENEFITS PROGRAM FROM NON-**
7 **FEDERAL LAWS, TAXES, AND MANDATES.**

8 Section 349 of the National Defense Authorization
9 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
10 2727) is amended by adding at the end the following new
11 subsection:

12 “(c) EXEMPTION.—(1) No tax, fee, other monetary
13 payment, or health plan requirement may be imposed, di-
14 rectly or indirectly, on the Nonappropriated Fund Uni-
15 form Health Benefits Program of the Department of De-
16 fense or on a carrier or an underwriting or plan adminis-
17 tration contractor of that program by any State, United
18 States Territory, the District of Columbia, or the Com-
19 monwealth of Puerto Rico, or by any political subdivision
20 or other non-federal government authority thereof. This
21 prohibition shall apply to the same extent as the prohibi-
22 tion in section 8909(f) of title 5, United States Code, ap-
23 plies to the health insurance program authorized by chap-
24 ter 89 of such title.

1 “(2) Paragraph (1) shall not be construed to exempt
2 the Nonappropriated Fund Uniform Health Benefits Pro-
3 gram of the Department of Defense or any carrier or un-
4 derwriting or plan administration subcontractor of that
5 program from the imposition, payment, or collection of a
6 tax, fee, or other monetary payment on the net income
7 or profit accruing to or realized by that program or by
8 such carrier or underwriting or plan administration sub-
9 contractor from business conducted under this chapter, if
10 that tax, fee, or payment is applicable to a broad range
11 of business activity.”.

12 **TITLE VIII—ACQUISITION POL-**
13 **ICY, ACQUISITION MANAGE-**
14 **MENT, AND RELATED MAT-**
15 **TERS**

16 **Subtitle A—Acquisition Policy and**
17 **Management**

18 **SEC. 801. DEFENSE ACQUISITION WORKFORCE CHANGES.**

19 (a) SELECTION CRITERIA AND PROCEDURES.—Sec-
20 tion 1732(b)(1)(A) of title 10, United States Code, is
21 amended by striking “within grade GS–13 or above of the
22 General Schedule” and inserting “in a position as des-
23 ignated by the Secretary of Defense”.

1 (b) CRITICAL ACQUISITION POSITIONS.—Section
2 1733 of such title is amended by striking subsection (b)
3 and inserting the following:

4 “(b) DESIGNATION OF CRITICAL ACQUISITION POSI-
5 TIONS.—(1) The Secretary of Defense shall designate the
6 acquisition positions in the Department of Defense that
7 are critical acquisition positions. Such positions shall in-
8 clude the following:

9 “(A) Program Executive Officer.

10 “(B) Program Manager of a major defense ac-
11 quisition program (as defined in section 2430 of this
12 title) or of a significant nonmajor defense acquisition
13 program (as defined in section 1737(a)(3) of this
14 title).

15 “(C) Deputy program manager of a major de-
16 fense acquisition program.

17 “(D) Any other acquisition position of signifi-
18 cant responsibility determined by the Secretary to be
19 critical.

20 “(2) The Secretary shall periodically publish a list of
21 the positions designated under this subsection.

22 (c) SCHOLARSHIP PROGRAMS.—Section 1742(3) of
23 such title is amended by adding at the end the following:

24 “(A) WRITTEN AGREEMENT.—Scholarship recipients
25 shall be required to sign a written agreement defining the

1 terms for the scholarship. Such terms shall address cri-
2 teria for continuing eligibility and repayment if the recipi-
3 ent fails to make the eligibility criteria and a continuing
4 service obligation.

5 “(B) REPAYMENT.—(i) In addition to the repay-
6 ments that may be required by subparagraph (A), any per-
7 son participating in a scholarship program established
8 under this section shall agree to pay to the United States
9 the total amount of educational assistance provided to the
10 person under this program if the person is voluntarily sep-
11 arated from government service or involuntarily separated
12 for cause from the Department of Defense before the end
13 of the period for which the person has agreed to continue
14 in the service of the Department of Defense in an acquisi-
15 tion position.

16 “(ii) If an employee fails to fulfill his agreement to
17 pay to the Government the total amount of educational
18 assistance provided to the person under this program, a
19 sum equal to the amount of the educational assistance is
20 recoverable by the Government from the employee or his
21 estate by—

22 “(I) setoff against accrued pay, compensation,
23 amount of retirement credit, or other amount due
24 the employee from the Government; and

1 “(II) such other method as is provided by law
2 for the recovery of amounts owing to the Govern-
3 ment.

4 “(iii) The Secretary may waive in whole or in part
5 a required repayment under this subsection if the Sec-
6 retary determines the recovery would be against equity
7 and good conscience or would be contrary to the best inter-
8 ests of the United States.

9 “(iv) EFFECT OF DISCHARGE IN BANKRUPTCY.—A
10 discharge in bankruptcy under title 11 that is entered less
11 than five years after the termination of an agreement
12 under this section does not discharge the person signing
13 such agreement from a debt arising under such agree-
14 ment.

15 “(C) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be considered to require that a position be of-
17 fered to a person after such person successfully completes
18 the course of education agreed to. However, if no position
19 described in the required written agreement of subsection
20 (3)(A) is offered within the time specified in the agree-
21 ment, the agreement shall be considered terminated.”.

22 (d) AUTHORITY TO ESTABLISH DIFFERENT MIN-
23 IMUM REQUIREMENTS.—Section 1764(b) of such title is
24 amended—

1 (1) in paragraph (1), by striking “(5)” and in-
2 serting “(6)”;

3 (2) by redesignating paragraph (5) as para-
4 graph (6); and

5 (3) by inserting after paragraph (4) the fol-
6 lowing new paragraph (5):

7 “(5) Deputy Program Manager.”.

8 **SEC. 802. DELEGATION TO THE DEFENSE CONTRACT MAN-**
9 **AGEMENT AGENCY TO MAKE DETERMINA-**
10 **TIONS CONCERNING RESTRUCTURING**
11 **COSTS.**

12 Paragraph (2) of section 2325(a) of title 10, United
13 States Code, is amended by striking “an Assistant Sec-
14 retary of Defense” and inserting “the Director, Defense
15 Contract Management Agency”.

16 **SEC. 803. DISPOSAL OF EXCESS AND OBSOLETE MATERIALS**
17 **CONTAINED IN THE NATIONAL DEFENSE**
18 **STOCKPILE.**

19 (a) DISPOSAL AUTHORIZED.—Subject to conditions
20 specified in subsection (b), the President may dispose ex-
21 cess and obsolete materials contained in the National De-
22 fense Stockpile as set forth in the following table, with
23 the quantity of each material authorized for disposal to
24 be either the remaining inventory or the quantity set forth,
25 whichever is greater:

Cobalt	4,497,460 pounds contained cobalt
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Beryllium metal (vacuum cast)	5 short tons
Chromite Chemical	34,000 short dry tons
Chromite Refractory	83,791 short tons
Chromium Ferroalloy	63,279 short tons
Columbium Concentrates	747,978 pounds contained columbium
Columbium Metal Ingot	60,751 pounds contained columbium
Diamond, Stones	780,426 carats
Germanium	34,263 kilograms
Platinum	20,880 troy ounces
Platinum-Palladium	4,918 troy ounces
Tantalum Carbide Powder	8,158 pounds contained tantalum
Tantalum Metal Powder	34,607 pounds contained tantalum
Tantalum Minerals	1,287,016 pounds contained tantalum
Tantalum Oxide	41,320 pounds contained tantalum
Tungsten Ferro	280,415 pounds contained tungsten
Tungsten Metal Powder	919,666 pounds contained tungsten
Tungsten Ores & Concentrates	60,375,212 pounds contained tungsten

1 (b) MINIMIZATION OF DISRUPTION AND LOSS.—Dis-

2 disposal of materials under this section should minimize—

3 (1) undue disruption of the usual markets of

4 producers, processors, and consumers of the mate-

5 rials proposed for disposal; or

6 (2) avoidable loss to the United States.

7 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-

8 ITY.—The disposal authority provided in subsection (a) is

9 new disposal authority and is in addition to, and shall not

10 affect, any other disposal authority provided by law re-

11 garding the materials in the National Defense Stockpile.

12 **SEC. 804. PRIVATIZATION OF MILITARY UTILITIES LO-**

13 **CATED ON NON-FEDERAL LAND.**

14 Section 2688 of title 10, United States Code, is

15 amended—

16 (1) by adding at the end the following new sub-

17 section:

1 “(j) CONVEYANCES ON PROPERTY OWNED BY OTH-
2 ERS.—(1) Notwithstanding subsection (b), for those in-
3 stallations where the United States does not own a pre-
4 ponderance of the land underlying the installation, the
5 Secretary concerned may carry out a conveyance under
6 subsection (a), without using competitive procedures, if
7 the prospective conveyee—

8 “(A)(i) is a utility company whose service area
9 is adjacent to or covers part or all of the installa-
10 tion;

11 “(ii) is a regulated utility company;

12 “(iii) has a franchise to serve the area encom-
13 passing part or all of the installation; and

14 “(iv) has a franchise granted by the state; or

15 “(B)(i) is a governmental entity;

16 “(ii) operates a public airport adjoining the in-
17 stallation;

18 “(iii) owns the property underlying a substan-
19 tial part or all of the installation; and

20 “(iv) owns the utility system for the adjoining
21 airport.

22 “(2) Clause (A)(iii) of paragraph (1) shall apply only
23 if the state in which the installation is located grants fran-
24 chises for the type of utility system being conveyed.

1 “(3) If more than one prospective conveyee meets the
2 requirements of paragraph (1), the Secretary may limit
3 competition to only those prospective conveyees.”;

4 (2) in subsection (c)—

5 (A) by redesignating paragraphs (2) and
6 (3) as paragraphs (3) and (4), respectively; and

7 (B) by inserting after paragraph (1) the
8 following new paragraph (2):

9 “(2) Notwithstanding paragraph (1), if the con-
10 veyance is made in accordance with subsection (j),
11 and is made—

12 “(A) to a regulated utility company which
13 is wholly owned by or is a governmental entity,
14 or

15 “(B) to a governmental entity under clause
16 (B) of subsection (j)(1)—

17 “the Secretary may determine that the interest con-
18 veyed has a value of \$1.00. Such determination shall
19 be conclusive for all purposes.”;

20 (3) in subsection (f), by adding at the end the
21 following new paragraph:

22 “(3) In any conveyance to which paragraph (2)
23 of subsection (c) applies, the Secretary shall require
24 that the utility system, without notice, charge, or
25 cost, revert to the ownership of the United States if

1 the utility company to which the system was con-
2 veyed—

3 “(A) if wholly owned by a governmental
4 entity when the system was conveyed, ceases to
5 be wholly owned by a governmental entity, or

6 “(B) if a governmental entity when the
7 system was conveyed, changes to a non-govern-
8 mental entity.”; and

9 (4) in subsection (h)—

10 (A) in the subsection heading, by striking
11 “UTILITY SYSTEM DEFINED” and inserting
12 “DEFINITIONS”; and

13 (B) by adding at the end the following new
14 paragraphs:

15 “(3) The term ‘governmental entity’ means
16 public bodies created in accordance with state law
17 for the purpose of exercising the authority of the
18 state.

19 “(4) The term ‘independent regulatory body’
20 means the Federal Energy Regulatory Commission,
21 a state-wide agency, or an agency with less than
22 state-wide jurisdiction when operating pursuant to
23 state authority. Such a body must have the power to
24 fix, establish, or control the rates and services of
25 utility systems.

1 “(5) The term ‘non-independent regulatory
2 body’ means a body that regulates a utility system
3 which is owned or operated by the regulatory body
4 or by the same entity that created the regulatory
5 body, such as a municipality that owns or operates
6 and regulates its own municipal utility system.

7 “(6) The term ‘regulated utility company’
8 means a utility company regulated by an inde-
9 pendent regulatory body, as opposed to a non-inde-
10 pendent regulatory body.”.

11 **SEC. 805. ELIMINATION OF DELAYS IN ASSIGNMENT OF**
12 **REAL PROPERTY TO FEDERAL SPONSORING**
13 **AGENCIES FOR PUBLIC BENEFIT CONVEY-**
14 **ANCES.**

15 Section 550 of title 40, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(i) DIRECT CONVEYANCE OF BASE CLOSURE PROP-
19 ERTIES.—(1) In regard to base closure properties disposed
20 of under subsections (c), (d), (e), and (f), the duties, au-
21 thorities, and responsibilities of the Secretary of Edu-
22 cation, the Secretary of Health and Human Services, the
23 Secretary of the Interior, and the Secretary of Housing
24 and Urban Development, respectively, under those sub-
25 sections, shall be exercised by the Secretary of Defense.

1 Notwithstanding the previous sentence, the Secretary of
 2 Education, the Secretary of Health and Human Services,
 3 the Secretary of the Interior, and the Secretary of Hous-
 4 ing and Urban Development shall retain their responsi-
 5 bility under subsections (c), (d), (e), and (f), respectively,
 6 to recommend the need for use of the properties for school,
 7 classroom, or other educational use, for protection of pub-
 8 lic health, including research, for public park or recreation
 9 area, and for low income housing assistance.

10 “(2)(A) For purposes of this section, the term ‘base
 11 closure properties’ means those properties of the Depart-
 12 ment of Defense made excess to the needs of the Depart-
 13 ment of Defense pursuant to actions under a base closure
 14 law.

15 “(B) For purposes of this section, the term ‘base clo-
 16 sure law’ has the same meaning as provided in section
 17 101(17) of title 10.”.

18 **SEC. 806. TREATMENT OF CERTAIN FORMER MILITARY IN-**

19 **STALLATION LANDS AS HUBZONES.**

20 Section (3)(p)(1) of the Small Business Act (15
 21 U.S.C. 632 (p)(1)) is amended—

22 (1) in subparagraph (C), by striking “or” at
 23 the end;

24 (2) in subparagraph (D), by striking the period
 25 at the end and inserting “or”; and

1 (3) by inserting at the end the following new
2 subparagraph:

3 “(E) lands within the external boundaries
4 of a military installation that not more than 7
5 years earlier was closed, realigned, transferred,
6 converted, or redeveloped under the authority
7 of—

8 “(i) the Defense Base Closure and
9 Realignment Act of 1990 (part A of title
10 XXIX of Public Law 101–510; 10 U.S.C.
11 2687 note);

12 “(ii) title II of the Defense Authoriza-
13 tion Amendments and Base Closure and
14 Realignment Act (Public Law 100–526; 10
15 U.S.C. 2687 note);

16 “(iii) section 2687 of title 10, United
17 States Code;

18 “(iv) any other provision of law au-
19 thorizing or directing the Secretary of De-
20 fense or the Secretary of a military depart-
21 ment to dispose of real property at the
22 military installation for purposes of rede-
23 velopment, while retaining the authority to
24 enter into a leaseback of all or a portion
25 of the property for military use; or

1 “(v) excludes lands under the jurisdic-
2 tion, custody, and control of a non-DoD
3 federal agency from the HUBZone Pro-
4 gram.”.

5 **SEC. 807. REPEAL OF REDUNDANT LIMITATIONS ON THE**
6 **PROCUREMENT OF TOTALLY ENCLOSED**
7 **LIFEBOATS.**

8 (a) Section 8124 of the Department of Defense Ap-
9 propriations Act, 1994 (Public Law 103–139; 107 Stat.
10 1469) is repealed.

11 (b) Section 8093 of the Department of Defense Ap-
12 propriations Act, 1995 (Public Law 103–335; 108 Stat.
13 2638) is repealed.

14 **SEC. 808. AMENDMENTS TO SMALL BUSINESS COMPETI-**
15 **TIVENESS DEMONSTRATION PROGRAM ACT**
16 **OF 1988; STREAMLINING DATA COLLECTION.**

17 The Small Business Competitiveness Demonstration
18 Program Act of 1988 (15 U.S.C. 644 note, parts A and
19 B) is amended—

20 (1) by striking paragraph 702(3);

21 (2) in section 711—

22 (A) in subsection (b)—

23 (i) by amending paragraph (1) to read
24 as follows:

1 “(1) the competitive capabilities of small busi-
2 ness firms in designated industry groups will enable
3 them to successfully compete on an unrestricted
4 basis for Federal contracting opportunities, in excess
5 of \$500,000,”

6 (ii) by striking paragraph (2);

7 (iii) by redesignating paragraph (3) as
8 paragraph (2);

9 (B) by amending subsection (d) to read as
10 follows:

11 “(d) APPLICATION.—The Program shall apply to
12 contract solicitations for the procurement of services in the
13 designated industry groups as detailed in section 717.”;

14 (3) by amending section 712 to read as follows:

15 **“SEC. 712. ENHANCED SMALL BUSINESS PARTICIPATION**
16 **GOALS.**

17 “(a) ENHANCED GOALS FOR DESIGNATED INDUSTRY
18 GROUPS.—Each participating agency shall establish an
19 annual small business participation goal that is 40 percent
20 of the dollar value of the contract awards for each of the
21 designated industry groups. In attaining its small business
22 participation goal for contract awards for each of the des-
23 ignated industry groups, each participating agency shall
24 limit the use of small business set-aside procedures (15
25 U.S.C. 644(a)) to only those requirements with an antici-

1 pated contract award price, including all options, of
2 \$500,000 or less.

3 “(b) SMALL BUSINESS RESERVE.—During the term
4 of the Program, all contract opportunities in the des-
5 ignated industry groups in section 717 shall be reserved
6 for exclusive competition among small business concerns
7 in accordance with the competition standard specified in
8 section 15(j) of the Small Business Act (15 U.S.C.
9 644(j)), if the estimated award value of the contract is
10 at or below the simplified acquisition threshold.

11 “(c) ENCOURAGE AND PROMOTE JOINT VENTURES
12 AND TEAMING AGREEMENTS.—Federal departments and
13 agencies participating under the “Small Business Com-
14 petitiveness Demonstration Program” shall encourage and
15 promote joint ventures, teaming agreements, and other
16 similar arrangements, which permit small business con-
17 cerns to compete effectively for contract solicitations for
18 which an individual small business concern would lack the
19 requisite capacity or capability needed to establish respon-
20 sibility for the award of a contract. Contracts awarded to
21 such small business joint ventures and teams shall be ac-
22 counted as small business awards if small businesses par-
23 ticipating in such arrangements perform not less than fifty
24 one percent of the requirement.”;

25 (4) by amending section 713 to read as follows:

1 **“SEC. 713. PROCUREMENT PROCEDURES.**

2 “(a) FULL AND OPEN COMPETITION.—Except as
3 provided in subsections (b) each contract opportunity with
4 an anticipated value of more than \$500,000 for the pro-
5 curement of goods and services from firms in the des-
6 ignated industry groups (unless set aside pursuant to sec-
7 tion 8(a) of the Small Business Act (15 U.S.C. 637(a)),
8 section 2323 of title 10, United States Code, section 7102
9 (15 U.S.C. 644 note) or (15 U.S.C. 632(p)) shall be solici-
10 ited on an unrestricted basis.

11 “(b) RESTRICTED COMPETITION.—Requirements
12 with an anticipated value of \$500,000 or less, including
13 all options, shall be solicited to the maximum extent prac-
14 ticable pursuant to 15(a) and 15(q) of the Small Business
15 Act (15 U.S.C. 644(a) and (q)).”;

16 (5) by repealing section 714;

17 (6) by amending section 716 to read as follows:

18 **“SEC. 716. REPORTS TO CONGRESS.**

19 “(a) IN GENERAL.—Within 180 days after data for
20 each of fiscal years 1991 through 2010 are available from
21 the Federal Procurement Data Center, the Administrator
22 of the Small Business Administration shall report the re-
23 sults of the Small Business Competitiveness Demonstra-
24 tion Program to the Senate Committee on Small Business
25 and Entrepreneurship, the House of Representatives Com-
26 mittee on Small Business, the Senate Committee on Gov-

1 ernment Affairs and the House of Representatives Com-
2 mittee on Government Reform. The views of the Adminis-
3 trator of the Small Business Administration shall be in-
4 cluded in the report.

5 “(b) RECOMMENDATIONS.—Limitation on the use of
6 small business set-aside procedures above \$500,000 shall
7 remain in effect through fiscal year 2010. The Adminis-
8 trator of the Small Business Administration in consulta-
9 tion with the Administrator of the Office of Federal Pro-
10 curement Policy may make adjustments to the \$500,000
11 small business set-aside ceiling based on the Federal-wide
12 small business achievement of 40 percent with respect to
13 each of the designated industry groups. The 40 percent
14 small business goal accomplishment or non-accomplish-
15 ment shall include all small business awards as the numer-
16 ator irrespective of the type of preference program and
17 shall include small business awards pursuant to full and
18 open competition, excluding foreign military sales. The de-
19 nominator shall include all awards to business concerns,
20 excluding foreign military sales.”; and

21 (7) in section 718—

22 (A) by striking subsection (b); and

23 (B) by redesignating subsections (c), (d),
24 and (e) as subsections (b), (c), and (d), respec-
25 tively.

1 **SEC. 809. DEMONSTRATION PROGRAMS USING DESIGN-**
2 **BUILD CONTRACTS.**

3 (a) **AUTHORITY TO CARRY OUT PROGRAM.**—The
4 Secretary of the Navy and the Secretary of the Army each
5 may conduct a demonstration program to assess the feasi-
6 bility and desirability to enter into design for design-build
7 contract (fast-track design funding) prior to authorization
8 and appropriation of the project, using design funds made
9 available under the authority of section 2807 of title 10,
10 United States Code, for the design portion of the contract
11 in order to reduce facility acquisition time.

12 (b) **DESIGN-BUILD CONTRACTING.**—For purposes of
13 the demonstration program, the Secretary concerned shall
14 have, in addition the authority in paragraph (c)(5) of sec-
15 tion 2305a of title 10, United States Code, the authority,
16 notwithstanding any other provision of law, to accelerate
17 design efforts for design-build contracts (fast-track design
18 funding) to complete the design effort for any military
19 construction or family housing construction project, prior
20 to the project being authorized and appropriated, if—

21 (1) the contractor to which the contract was
22 awarded has been selected using design-build selec-
23 tion procedures established under section 2305a of
24 title 10, United States Code;

25 (2) a request for the authorization and appro-
26 priation of construction funds has been submitted to

1 Congress as part of the President's annual budget;
2 and

3 (3) the Government's liability in a Termination
4 for Convenience would not exceed costs above that
5 attributable to the final design of the project.

6 (c) USE OF DESIGN FUNDS IN DESIGN-BUILD CON-
7 TRACTS.—Notwithstanding section 2807(a) of title 10,
8 United States Code, projects conducted as part of this pro-
9 gram may include projects specifically authorized by law.

10 (d) USE OF DESIGN FUNDS IN DESIGN-BUILD CON-
11 TRACTS FOR FACILITIES FOR RESERVE COMPONENTS.—
12 Notwithstanding section 18233(e) of title 10, United
13 States Code, projects conducted as part of this program
14 may include projects specifically authorized by law.

15 (e) EXPIRATION.—The Secretary of the Navy and the
16 Secretary of the Army may not enter into a contract for
17 a military construction project under the demonstration
18 program described in subsections (a), (b), and (c) after
19 September 30, 2008.

20 **SEC. 810. TWO-YEAR EXTENSION OF LABORATORY REVITAL-**
21 **IZATION DEMONSTRATION PROGRAM.**

22 Subsection (g) of section 2892 of the Military Con-
23 struction Authorization Act for Fiscal Year 1996 (division
24 B of Public Law 104–106; 110 Stat. 590; 10 U.S.C. 2805
25 note), as amended by section 2871 of the Strom Thur-

1 mond National Defense Authorization Act for Fiscal Year
 2 1999 (Public Law 105–261; 112 Stat. 2225)), is further
 3 amended by striking “September 30, 2003” and inserting
 4 “September 30, 2005”.

5 **Subtitle B—Amendments to Gen-**
 6 **eral Contracting Authorities,**
 7 **Procedures, and Limitations**

8 **SEC. 821. TRANSPORTATION OF DEPARTMENT OF DEFENSE**
 9 **PASSENGERS OR SUPPLIES BY AIR CAR-**
 10 **RIERS.**

11 Section 2710 of the Emergency Wartime Supple-
 12 mental Appropriations Act, 2003 (Public Law 108–11;
 13 117 Stat.559), is repealed.

14 **SEC. 822. ONE-YEAR EXTENSION OF PROGRAM APPLYING**
 15 **SIMPLIFIED PROCEDURES TO CERTAIN COM-**
 16 **MERCIAL ITEMS.**

17 Section 4202(e) of the Clinger-Cohen Act of 1996
 18 (divisions D and E of Public Law 104–106; 10 U.S.C.
 19 2304 note) is amended by striking “January 1, 2006” and
 20 inserting “January 1, 2007”.

21 **SEC. 823. PILOT AUTHORITY FOR FOLLOW-ON PRODUCTION**
 22 **AGREEMENTS RELATING TO CERTAIN PRO-**
 23 **TOTYPE PROJECTS.**

24 (a) FOLLOW-ON PRODUCTION AGREEMENTS.—A
 25 transaction entered into under section 845 of the National

1 Defense Authorization Act for Fiscal Year 1994 as
2 amended (Public Law 103–160; 10 U.S.C. 2371 note) for
3 a prototype project may provide for the award of a follow-
4 on production agreement to the participants in the trans-
5 action for a specific number of units at specific target
6 prices. The number of units specified in the transaction
7 shall be determined on the basis of a balancing of the level
8 of the investment made in the project by the participants
9 other than the Federal Government with the interest of
10 the Federal Government in having competition among
11 sources in the acquisition of the product or products
12 prototyped under the project.

13 (b) APPROPRIATE USE OF AUTHORITY.—The Sec-
14 retary of Defense shall ensure that no official of an agency
15 enters into a transaction under the authority of this sec-
16 tion for a follow-on production agreement unless use of
17 a transaction is necessary to continue business arrange-
18 ments established for prototype projects that included the
19 significant participation of a nontraditional defense con-
20 tractor when the nontraditional defense contractor con-
21 tinues to participate to a significant extent in the pre-pro-
22 duction or production of the item.

23 (c) ADVANCE PAYMENTS.—A cumulative total of up
24 to \$20,000,000 of advances to participants in the trans-
25 actions under this section is allowed without regard to sub-

1 section 3324(a) of title 31, United States Code, regarding
2 advance payments.

3 (d) COMPETITIVE PROCEDURES.—A follow-on pro-
4 duction agreement provided for in a transaction under
5 paragraph (a) may be awarded to the participants in the
6 transaction without the use of competitive procedures, not-
7 withstanding the requirements of section 2304 of title 10,
8 United States Code, if—

9 (1) competitive procedures were used for the se-
10 lection of parties for participation in the prototype
11 transaction;

12 (2) the participants in the prototype transaction
13 successfully completed the prototype project provided
14 for in the transaction;

15 (3) the number of units provided for in the fol-
16 low-on production agreement does not exceed the
17 number of units specified in the prototype other
18 transaction for such potential follow-on production
19 agreement; and

20 (4) the prices established in the follow-on pro-
21 duction agreement do not exceed target prices speci-
22 fied in the prototype other transaction for such a po-
23 tential follow-on production agreement.

24 (e) PROTECTION OF CERTAIN INFORMATION FROM
25 DISCLOSURE.—

1 (1) Disclosure of information described in para-
2 graph (2) is not required, and may not be compelled,
3 under section 552 of title 5, United States Code, for
4 five years after the date on which the information is
5 received by the Department of Defense.

6 (2)(A) Paragraph (1) applies to information de-
7 scribed in paragraph (B) that is in the records of
8 the Department of Defense if the information was
9 submitted to the Department in a competitive or
10 noncompetitive process having the potential for re-
11 sulting in an award, to the party submitting the in-
12 formation, of a cooperative agreement for perform-
13 ance of basic, applied, or advanced research author-
14 ized by section 2358 of this title or another trans-
15 action authorized by subsection (a).

16 (B) The information referred to in subpara-
17 graph (A) is the following:

18 (i) A proposal, proposal abstract, and sup-
19 porting documents.

20 (ii) A business plan submitted on a con-
21 fidential basis.

22 (iii) Technical information submitted on a
23 confidential basis.

24 (f) PERIOD OF AUTHORITY.—The authority to con-
25 duct a pilot program under this section shall terminate

1 on September 30, 2010. The termination of the authority
2 shall not affect the validity of continued performance on
3 agreements that are awarded or modified during the pe-
4 riod of the pilot program.

5 **SEC. 824. CHARGING OF FEES FOR LOGISTICS DATA.**

6 (a) IN GENERAL.—Chapter 141 of title 10, United
7 States Code, is amended by inserting after section 2410m
8 the following new section:

9 **“§ 2410n. Charging of fees for logistics data**

10 “The Secretary of Defense may establish fees, at a
11 level sufficient to recover costs, for materials provided by
12 the Defense Logistics Information Services to the public,
13 state and local governments and federal entities from the
14 Federal Logistics Information System.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by adding
17 at the end the following item:

“2410n. Charging of fees for logistics data.”.

18 **SEC. 825. SALE AND EXCHANGE OF MISSILE PROPELLANTS**
19 **AND ELECTRICITY.**

20 (a) IN GENERAL.—Section 2404 of title 10, United
21 States Code, is amended—

22 (1) by striking “fuel” each place it appears and
23 inserting “energy”;

24 (2) in subsection (d), by striking “of the De-
25 partment of Defense”;

1 (3) in subsection (e), by striking “such blends”
2 and inserting “such blends, and additives thereto”;

3 (4) by redesignating subsection (f) as sub-
4 section (g); and

5 (5) by inserting after subsection (e) the fol-
6 lowing new subsection (f):

7 “(f) MISSILE PROPELLANT DEFINED.—In this sec-
8 tion, the term ‘missile propellant’ means the chemical
9 product which is utilized as an energy, oxidizer, catalyst
10 or inert additive in the engines of rockets and missiles or
11 used in high energy lasers.”; and

12 (6) in subsection (g), as redesignated by para-
13 graph (4), by adding at the end the following new
14 paragraphs:

15 “(5) Missile propellant.

16 “(6) Electricity.”.

17 (b) CLERICAL AMENDMENTS.—(1) The heading of
18 such section is amended to read as follows:

19 “**§ 2404. Energy acquisitions, exchanges and waivers**”.

20 (2) The table of sections at the beginning of chapter
21 141 of such title is amended by striking the item relating
22 to section 2404 and inserting the following new item:

 “2404. Energy acquisitions, exchanges and waivers.”.

1 **SEC. 826. ELIMINATION OF SOLICITATION ISSUANCE**
2 **DELAY.**

3 (a) **ELIMINATION OF THE SMALL BUSINESS ACT 15-**
4 **DAY CONTRACT AWARD DELAY.**—Paragraph (3) of sec-
5 tion 8(e) of the Small Business Act (15 U.S.C. 637(e)(3))
6 is amended by adding at the end the following new sub-
7 paragraphs:

8 “(C) Notwithstanding subparagraphs (A) and (B),
9 the 15-day wait period may be eliminated when—

10 “(i) the notice required by paragraph (1)(A)
11 and the solicitation are issued simultaneously;

12 “(ii) five days are added to the period specified
13 in subparagraph (B) for submission of bids or pro-
14 posed offers;

15 “(iii) the acquisition does not involve the bun-
16 dling of contracts as that term is defined in section
17 3(o) of the Small Business Act (15 U.S.C. 632(o));
18 and

19 “(iv) the acquisition does not exceed
20 \$7,000,000.

21 “(D) Subparagraph (C) shall not be used if the head
22 of an agency determines its use is inconsistent with any
23 international agreement to which the United States is a
24 party.”.

25 (b) **ELIMINATION OF THE OFFICE OF FEDERAL PRO-**
26 **CUREMENT POLICY ACT 15-DAY SOLICITATION ISSUANCE**

1 DELAY.—Section 18(a) of the Office of Federal Procure-
2 ment Policy Act (41 U.S.C. 416(a)) is amended by adding
3 at the end the following new paragraph:

4 “(8)(A) Notwithstanding paragraph (3)(A), the 15-
5 day wait period may be eliminated when—

6 “(i) the notice required by paragraph (1)(A)
7 and the solicitation are issued simultaneously;

8 “(ii) five days are added to the period specified
9 in paragraph (3)(B) for submission of bids or pro-
10 posals;

11 “(iii) the acquisition does not involve the bun-
12 dling of contracts as that term is defined in section
13 3(o) of the Small Business Act (15 U.S.C. 632(o));
14 and

15 “(iv) the acquisition does not exceed
16 \$7,000,000.

17 “(B) Subparagraph (A) shall not be used if the head
18 of an agency determines its use is inconsistent with any
19 international agreement to which the United States is a
20 party.”.

21 **SEC. 827. PILOT PROGRAM TO CONTRACT WITH LOCAL**
22 **GOVERNMENTS FOR SERVICES.**

23 (a) ACQUISITION AUTHORITY.—Subject to the provi-
24 sions of chapter 146 of title 10, United States Code, but
25 notwithstanding any other provision of law related to the

1 award of public contracts, the Secretary of a military de-
2 partment may enter into a contract or other agreement
3 for the provision of local governmental services at an in-
4 stallation of the Department of Defense with the local gov-
5 ernmental entity responsible in accordance with state law
6 for serving the area that includes the installation or facil-
7 ity. The Secretary may enter into such a contract or
8 agreement without utilizing competitive procedures and
9 without regard to whether the local governmental entity
10 to which the Secretary makes award is required by law
11 to provide those services to the public without direct
12 charge: provided, however, that such law does not require
13 the provision of those services to federal facilities without
14 charge.

15 (b) LIMITATIONS.—The authority provided in sub-
16 section (a) may be used at no more than two installations
17 in each military department and may not be applied after
18 September 30, 2010.

19 (c) DEFINITIONS.—In this section, the term “local
20 governmental services” means refuse collection and dis-
21 posal, libraries, recreation, facility repair and mainte-
22 nance, and utilities.

1 **SEC. 828. PROCUREMENT OF BALL AND ROLLER BEARINGS.**

2 (a) LIMITATION.—Paragraph (5) of subsection (a) of
3 section 2534 of title 10, United States Code, is amended
4 to read as follows:

5 “(5) BALL BEARINGS AND ROLLER BEARINGS.—Ball
6 bearings and roller bearings or bearing components, ex-
7 cept ball bearings and roller bearings being procured for
8 use in an end product manufactured by a manufacturer
9 that does not satisfy the requirements of subsection (b)
10 or in a component part manufactured by such a manufac-
11 turer. ‘Bearing components’ means the bearing element,
12 retainer, inner race, or outer race.”.

13 (b) INAPPLICABILITY TO CERTAIN CONTRACTS.—
14 Paragraph (2) of subsection (j) of such section is amended
15 to read as follows:

16 “(2) This section does not apply with respect to a
17 contract or subcontract to purchase items described in
18 subsection (a)(5) if such contract or subcontract is for the
19 acquisition of commercial items, unless commercial ball
20 and roller bearings are being acquired as end items.”.

21 **SEC. 829. INCREASED THRESHOLD FOR AWARDING CON-**
22 **TRACTS UNDER OTHER THAN COMPETITIVE**
23 **PROCEDURES.**

24 Section 2304(f)(1)(B) of title 10, United States
25 Code, is amended—

1 (1) in clause (ii), by striking “\$50,000,000”
2 and inserting “75,000,000”; and

3 (2) in clause (iii), by striking “\$50,000,000”
4 and inserting “\$75,000,000”.

5 **SEC. 830. INCREASED THRESHOLD FOR REQUIRING CON-**
6 **TRACTORS TO PROVIDE SPECIFIED EM-**
7 **PLOYEE INFORMATION TO COOPERATIVE**
8 **AGREEMENT HOLDERS.**

9 Section 2416(d) of title 10, United States Code, is
10 amended by striking “\$500,000” and inserting
11 “\$1,000,000”.

12 **SEC. 831. LIMITATION ON TASK AND DELIVERY ORDER**
13 **CONTRACTS.**

14 Subsection 2304a(f) of title 10, United States Code,
15 is amended to read as follows:

16 “(f) CONTRACT PERIOD.—The head of an agency en-
17 tering into a task or delivery order contract under this
18 section may provide for the contract to cover any period
19 up to five years and may extend the contract period for
20 one or more successive periods pursuant to an option pro-
21 vided in the contract or a modification to the contract.
22 In no event, however, may the total contract period as ex-
23 tended exceed ten years.”.

1 **SEC. 832. OBLIGATION OF PERFORMANCE BOND SURETY**
2 **UPON DEFAULT OF CONTRACTOR.**

3 (a) OBLIGATION OF PERFORMANCE BOND SUR-
4 ETY.—Section 3131 of title 40, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(f) OBLIGATION OF PERFORMANCE BOND SURETY
8 UPON DEFAULT OF CONTRACTOR.—Upon notice of con-
9 tractor default and demand upon the performance bond
10 by the United States, and notwithstanding any remedies
11 the United States may have against the defaulting con-
12 tractor, the performance bond surety shall enter a take-
13 over agreement with the United States for completion of
14 the defaulted work or remit to the United States funds
15 not in excess of the penal sum of the bond to fund a sepa-
16 rate completion contract or satisfy any other liability it
17 has under the performance bond. In the event the per-
18 formance bond surety disputes the basis of contractor de-
19 fault, and after satisfying its obligations to the United
20 States under the performance bond, the performance bond
21 surety’s sole remedy shall be by claim for money damages
22 to the extent it has standing pursuant to the Contract Dis-
23 putes Act (41 U.S.C. 601, et seq.), or is otherwise sub-
24 rogated to the rights of the defaulted contractor.”.

25 (b) REVOCATION OF AUTHORITY OF PERFORMANCE
26 BOND SURETY.—Paragraph (1) of section 9305(d) of title

1 31, United States Code, is amended by striking “or sec-
2 tion 9304 or 9306 of this title” and inserting “, section
3 9304 or 9306 of this title, or section 3131 of title 40”.

4 **Subtitle C—Acquisition-Related**
5 **Reports and Other Matters**

6 **SEC. 841. STREAMLINING REAL PROPERTY TRANSACTIONS.**

7 (a) Section 2662 of title 10, United States Code, is
8 amended—

9 (1) by amending subsection (a) to read as fol-
10 lows:

11 “(a) GENERAL NOTICE AND WAIT REQUIRE-
12 MENTS.—The Secretary concerned shall provide a report
13 of the facts concerning the proposed transaction to the
14 Committee on Armed Services of the Senate and the Com-
15 mittee on Armed Services of the House of Representatives
16 if the estimated price, annual rental, or value exceeds the
17 unspecified minor military construction ceiling in section
18 2805(a)(1) of this title. Such transactions are—

19 “(1) An acquisition of fee title to any real prop-
20 erty,

21 “(2) A lease of any real property to the United
22 States,

23 “(3) A lease or license of real property owned
24 by the United States,

1 “(4) A transfer of real property owned by the
2 United States to another Federal agency or another
3 military department or to a State,

4 “(5) A report of excess real property owned by
5 the United States to a disposal agency, or

6 “(6) Any termination or modification by either
7 the grantor or grantee of an existing license or per-
8 mit to a military department of real property owned
9 by the United States, under which substantial in-
10 vestments have been or are proposed to be made in
11 connection with the use of the property by the mili-
12 tary department.”.

13 (2) in subsection (b), by striking “\$750,000”
14 and inserting “the unspecified minor military con-
15 struction project ceiling in section 2805(a)(1) of this
16 title”; and

17 (3) in subsection (e), by striking “\$750,000”
18 and inserting “the unspecified minor military con-
19 struction project ceiling in section 2805(a)(1) of this
20 title”.

21 (b) Section 2672 of title 10, United States Code, is
22 amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) by striking “(1) The” and insert-
2 ing “The”;

3 (ii) by redesignating subparagraphs
4 (A) and (B) as paragraphs (1) and (2);
5 and

6 (iii) in paragraph (2), as redesignated,
7 by striking “\$750,000” and inserting “the
8 unspecified minor military construction
9 project ceiling in section 2805(a)(1) of this
10 title”; and

11 (B) by striking paragraph (2); and

12 (2) in subsection (b), by striking “\$750,000”
13 and everything that follows through the period at
14 the end of the sentence and inserting “the unspec-
15 ified minor military construction project ceiling in
16 section 2805(a)(1) of this title”.

17 **SEC. 842. REPEAL OF ANNUAL REPORTING REQUIREMENT**

18 **CONCERNING MANAGEMENT OF DEPOT EM-**

19 **PLOYEES.**

20 Section 2472 of title 10, United States Code, is
21 amended—

22 (1) by striking “(a) PROHIBITION ON MANAGE-
23 MENT BY END STRENGTH.—”; and

24 (2) by striking subsection (b).

1 **SEC. 843. SIMPLIFICATION OF ANNUAL REPORTING RE-**
2 **QUIREMENTS CONCERNING FUNDS EX-**
3 **PENDED FOR DEPOT MAINTENANCE AND RE-**
4 **PAIR WORKLOADS.**

5 Section 2466(d) of title 10, United States Code, is
6 amended to read as follows:

7 “(d) ANNUAL REPORTS.—(1) Not later than April 1
8 of each year, the Secretary of Defense shall submit to Con-
9 gress a report identifying, for each of the military depart-
10 ments and each Defense Agency, the percentage of the
11 funds referred to in subsection (a) that was expended dur-
12 ing the preceding fiscal year and are projected to be ex-
13 pended in the current and the next fiscal years for per-
14 formance of depot-level maintenance and repair workloads
15 by the public and private sectors, as required by this sec-
16 tion.

17 “(2) Not later than 60 days after the date on which
18 the Secretary submits a report under this subsection, the
19 Comptroller General shall submit to Congress the Comp-
20 troller General’s views on whether the Department of De-
21 fense has complied with the requirements of subsection (a)
22 for the preceding fiscal year covered by the report and that
23 the expenditure projections for the current and next fiscal
24 years are reasonable.”.

1 **SEC. 844. SMALL BUSINESS PROGRAMS: CHANGE OF OF-**
2 **FICE TITLE.**

3 Section 15(k) of the Small Business Act (15 U.S.C.
4 644(k)) is amended—

5 (1) by amending the heading to read as follows:

6 “(k) OFFICE OF SMALL BUSINESS PROGRAMS; DI-
7 RECTOR”;

8 and

9 (2) by striking “and Disadvantaged Business
10 Utilization” each place it appears and inserting
11 “Business Programs”.

12 **SEC. 845. PROVISIONS RELATING TO REAL PROPERTY.**

13 (a) IN GENERAL.—(1) Section 2661 of title 10,
14 United States Code, is amended by adding at the end the
15 following new subsections:

16 “(c) COMMISSIONS ON LAND PURCHASE CON-
17 TRACTS.—The maximum amount payable as a commission
18 on a contract for the purchase of land from funds appro-
19 priated for the Department of Defense is 2 percent of the
20 purchase price.

21 “(d) AVAILABILITY OF FUNDS FOR ACQUISITION OF
22 CERTAIN INTERESTS IN LANDS.—Appropriations avail-
23 able to the Department of Defense for operation and
24 maintenance or construction may be used for the acqui-
25 sition of land or interests in land under section 2672 of

1 this title and for the acquisition of interests in land under
2 section 2675 of this title.”.

3 (2) Section 2679 of such title is amended—

4 (A) by striking the title and inserting the fol-
5 lowing:

6 **“§ 2679. Use of facilities by private organizations or**
7 **as polling places”;**

8 (B) by redesignating subsections (a), (b), (c),
9 and (d) as paragraphs (1), (2), (3), and (4), respec-
10 tively;

11 (C) by inserting before paragraph (1), as redes-
12 igned, the following:

13 “(a) USE OF SPACE AND EQUIPMENT BY VETERANS’
14 ORGANIZATIONS.—”; and

15 (D) by adding at the end the following new sub-
16 sections:

17 “(b) LICENSES TO AMERICAN NATIONAL RED CROSS
18 FOR ERECTION AND USE OF BUILDINGS.—Under such
19 conditions as he may prescribe, the Secretary concerned
20 may issue a revocable license to the American National
21 Red Cross to—

22 “(1) erect and maintain, on any military instal-
23 lation under the Secretary’s jurisdiction, buildings
24 for the storage of supplies; or

1 “(2) use, for the storage of supplies, buildings
2 erected by the United States.

3 “Supplies stored in buildings erected or used under this
4 section are available to aid the civilian population in a seri-
5 ous national disaster.

6 “(c) USE OF CERTAIN FACILITIES AS POLLING
7 PLACES.—(1) Notwithstanding chapter 29 of title 18 (in-
8 cluding sections 592 and 593 of such title) or any other
9 provision of law, the Secretary of Defense or Secretary
10 of a military department may not (except as provided in
11 paragraph (3)) prohibit the designation or use of a quali-
12 fying facility under the jurisdiction of the Secretary as an
13 official polling place for local, State, or Federal elections.

14 “(2) A Department of Defense facility is a qualifying
15 facility for purposes of this subsection if as of December
16 31, 2000—

17 “(A) the facility is designated as an official
18 polling place by a State or local election official; or

19 “(B) the facility has been used as such an offi-
20 cial polling place since January 1, 1996.

21 “(3) The limitation in paragraph (1) may be waived
22 by the Secretary with respect to a particular Department
23 of Defense facility if the Secretary determines that local
24 security conditions require prohibition of the designation

1 or use of that facility as an official polling place for any
2 election.”.

3 (3) Section 2664 of such title is repealed.

4 (4) Sections 2666, 2670, and 2673 of such title are
5 repealed.

6 (b) CLERICAL AMENDMENTS.—The table of sections
7 for chapter 159 of such title is amended—

8 (1) by striking the items relating to sections
9 2664, 2666, 2670, and 2673; and

10 (2) by striking the item relating to section 2679
11 and inserting the following:

“2679. Use of facilities by private organizations or as polling places.”.

12 **TITLE IX—DEPARTMENT OF DE-**
13 **FENSE ORGANIZATION AND**
14 **MANAGEMENT**

15 **Subtitle A—Duties and Functions**
16 **of Department of Defense Officers**

17 **SEC. 901. TRANSFER OF RESPONSIBILITY FOR THE ASSEM-**
18 **BLED CHEMICAL WEAPONS ALTERNATIVES**
19 **PROGRAM.**

20 Section 142(a) of the Strom Thurmond National De-
21 fense Authorization Act for Fiscal Year 1999 (Public Law
22 105–261; 50 U.S.C. 1521 note) is amended to read as
23 follows:

24 “(a) PROGRAM MANAGEMENT.—Oversight of the As-
25 sembled Chemical Weapons Alternatives program shall be

1 transferred from the Under Secretary of Defense for Ac-
2 quisition, Technology and Logistics to the Secretary of the
3 Army not later than January 1, 2005. Upon transfer of
4 oversight, the program may be managed as part of the
5 Department of the Army management organization speci-
6 fied in 50 U.S.C. 1521(e). The Army shall continue to
7 implement fully the alternative technologies previously se-
8 lected for the destruction of lethal chemical munitions at
9 Pueblo Chemical Depot, Colorado, and Blue Grass Army
10 Depot, Kentucky by the Under Secretary of Defense for
11 Acquisition, Technology and Logistics.”.

12 **SEC. 902. EXPANDED ELIGIBILITY TO SERVE AS THE DEP-**
13 **UTY CHIEF OF NAVAL OPERATIONS AND AS-**
14 **SISTANT CHIEF OF NAVAL OPERATIONS.**

15 (a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Sec-
16 tion 5036(a) of title 10, United States Code, is amended
17 by striking “in the line”.

18 (b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—
19 Section 5037(a) of such title is amended by striking “in
20 the line”.

21 **SEC. 903. REPEAL OF REQUIRED PERIODIC INSPECTOR**
22 **GENERAL AUDITS OF UNDEFINITIZED CON-**
23 **TRACTUAL ACTIONS.**

24 Section 908 of the Defense Acquisition Improvement
25 Act of 1986 (as contained in section 101(c) of Public Law

1 99–500 and identically enacted in section 101(c) [title X]
2 of Public Law 99–591 and title IX of division A of Public
3 Law 99–661) (10 U.S.C. 2326 note) is amended by strik-
4 ing subsection (b).

5 **SEC. 904. REPEAL OF MANDATORY INSPECTOR GENERAL**
6 **REVIEW OF ADVISORY AND ASSISTANCE**
7 **SERVICES CONTRACT WAIVERS.**

8 Section 2399(e)(2) of title 10, United States Code,
9 is amended by striking “The Inspector General of the De-
10 partment of Defense shall review each such waiver and
11 shall include in the Inspector General’s semi-annual report
12 an assessment of those waivers made since the last such
13 report.”.

14 **SEC. 905. CHAIN OF SUCCESSION FOR THE CHIEF, NA-**
15 **TIONAL GUARD BUREAU.**

16 (a) DESIGNATION OF SENIOR OFFICER IN NATIONAL
17 GUARD BUREAU.—Section 10502 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new subsection:

20 “(e) SUCCESSION.—Unless otherwise directed by the
21 President or Secretary of Defense, when there is a vacancy
22 in the office of the Chief of the National Guard Bureau
23 or in the event the Chief is unable to perform his duties,
24 the more senior officer of either the Army National Guard
25 of the United States or the Air National Guard of the

1 United States on duty with the National Guard Bureau
 2 shall serve as the acting Chief until a successor is ap-
 3 pointed or the Chief once again is able to perform his du-
 4 ties.”.

5 (b) CLERICAL AMENDMENTS.—(1) The heading of
 6 such section is amended by adding at the end the fol-
 7 lowing: “; succession”.

8 (2) The item relating to such section in the table of
 9 sections at the beginning of chapter 1011 of such title is
 10 amended by inserting before the period at the end the fol-
 11 lowing: “; succession”.

12 (c) REPEALER.—Subsections (d) and (e) of section
 13 10505 of such title are repealed.

14 **Subtitle B—Reports**

15 **SEC. 911. REPEAL OF QUARTERLY REPORTING REQUIRE-** 16 **MENT CONCERNING PAYMENTS FOR DIS-** 17 **TRICT OF COLUMBIA WATER AND SEWER** 18 **SERVICES.**

19 (a) WATER AND WATER SERVICE SUPPLIED FOR
 20 THE USE OF THE GOVERNMENT OF THE UNITED
 21 STATES.—Section 106(b) of the District of Columbia Pub-
 22 lic Works Act of 1954 (sec. 34–2401.25(b), D.C. Official
 23 Code), as amended by section 401 of the Miscellaneous
 24 Appropriations Act, 2001 (as enacted by reference in sec-

1 tion 1(a)(4) of the Consolidated Appropriations Act,
2 2001), is amended by striking paragraph (5).

3 (b) SANITARY SEWER SERVICE CHARGES FOR
4 UNITED STATES GOVERNMENT.—Section 212(b) of the
5 District of Columbia Public Works Act of 1954 (sec. 34–
6 2112(b), D.C. Official Code), as amended by section 401
7 of the Miscellaneous Appropriations Act, 2001 (as enacted
8 by reference in section 1(a)(4) of the Consolidated Appro-
9 priations Act, 2001), is amended by striking paragraph
10 (5).

11 **SEC. 912. REPEAL OF REPORTING REQUIREMENT CON-**
12 **CERNING THE COOPERATIVE THREAT RE-**
13 **DUCTION PROGRAM.**

14 Section 1307 of the National Defense Authorization
15 Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat.
16 2165), is repealed.

17 **SEC. 913. REPEAL OF ANNUAL REPORTING REQUIREMENT**
18 **CONCERNING THREAT POSED BY WEAPONS**
19 **OF MASS DESTRUCTION, BALLISTIC MIS-**
20 **SILES, AND CRUISE MISSILES.**

21 Section 234 of the National Defense Authorization
22 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
23 1664; 50 U.S.C. 2367), is repealed.

1 **Subtitle C—Other Matters**

2 **SEC. 921. MANPOWER AND BUDGET ISSUES IN THE DE-**
3 **FENSE PRISONER OF WAR/MISSING PER-**
4 **SONNEL OFFICE.**

5 Section 1501(a)(5) of title 10, United States Code,
6 is amended by striking subparagraph (C).

7 **SEC. 922. THREE-YEAR EXTENSION OF MENTOR-PROTÉGÉ**
8 **PROGRAM.**

9 Section 831 of the National Defense Authorization
10 Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
11 2302 note) is amended—

12 (1) in subsection (j)—

13 (A) in paragraph (1), by striking “Sep-
14 tember 30, 2005” and inserting “September 30,
15 2008”; and

16 (B) in paragraph (2), by striking “Sep-
17 tember 30, 2008” and inserting “September 30,
18 2011”; and

19 (2) in subsection (l)(3), by striking “2007” and
20 inserting “2010”.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE**
4 **BUDGET REQUEST FOR PROCUREMENT OF**
5 **RESERVE EQUIPMENT.**

6 Section 114(e) of title 10, United States Code, is re-
7 pealed.

8 **SEC. 1002. REPEAL OF REQUIREMENT FOR TWO-YEAR**
9 **BUDGET CYCLE FOR THE DEPARTMENT OF**
10 **DEFENSE.**

11 Section 1405 of the Department of Defense Author-
12 ization Act, 1986 (31 U.S.C. 1105 note) is repealed.

13 **SEC. 1003. EXTENSION OF AUTHORITY TO PROVIDE WAR**
14 **RISK INSURANCE FOR MERCHANT MARINE**
15 **VESSELS.**

16 (a) Section 1294 of title 46, United States Code, is
17 amended by striking “June 30, 2005” and inserting “De-
18 cember 31, 2010”.

19 (b) Section 1288(a) of title 46, United States Code,
20 Appendix, is amended by striking “Upon the request of
21 the Secretary of Transportation, the Secretary of the
22 Treasury may invest or reinvest all or any part of the fund
23 in securities of the United States or in securities guaran-
24 teed as to principal and interest by the United States.”
25 and inserting “The Secretary of Transportation may re-

1 quest the Secretary of the Treasury to invest such portion
2 of the Fund as is not, in the judgment of the Secretary
3 of Transportation, required to meet the current needs of
4 the fund. Such investments shall be made by the Secretary
5 of the Treasury in public debt securities of the United
6 States, with maturities suitable to the needs of the fund,
7 and bearing interest rates determined by the Secretary of
8 the Treasury, taking into consideration current market
9 yields on outstanding marketable obligations of the United
10 States of comparable maturity.”.

11 **SEC. 1004. CAPTURE OF ALL EXPIRED FUNDS FROM THE**
12 **MILITARY PERSONNEL AND OPERATION AND**
13 **MAINTENANCE APPROPRIATIONS ACCOUNTS**
14 **FOR USE IN THE FOREIGN CURRENCY FLUC-**
15 **TUATIONS ACCOUNT.**

16 Section 2779 of title 10, United States Code, is
17 amended—

18 (1) in subsection (a)(2), by striking “second fis-
19 cal year” and inserting “fifth fiscal year”; and

20 (2) in subsection (d)(2), by striking “second fis-
21 cal year” and inserting “fifth fiscal year”.

1 **SEC. 1005. REIMBURSEMENT FOR USE OF PERSONAL CEL-**
 2 **LULAR TELEPHONES WHEN USED FOR OFFI-**
 3 **CIAL GOVERNMENT BUSINESS.**

4 (a) IN GENERAL.—(1) Chapter 134 of title 10,
 5 United States Code, is amended by inserting after section
 6 2257 the following new section:

7 **“§ 2258. Personal cellular telephones: reimbursement**
 8 **when used for Government business**

9 “(a) GENERAL AUTHORITY.—The Secretary of De-
 10 fense may reimburse members of the Army, Navy, Air
 11 Force, and Marine Corp, and civilian officers and employ-
 12 ees of the Department of Defense, for cellular telephone
 13 use on a privately owned cellular telephone when used on
 14 official Government business. Such reimbursement shall
 15 be on a flat-rate basis.

16 “(b) REIMBURSEMENT RATE.—The Secretary of De-
 17 fense may prescribe the reimbursement rate for purposes
 18 of subsection (a). That reimbursement rate may not ex-
 19 ceed the equivalent Government costs of providing a cel-
 20 lular telephone to employees on official Government busi-
 21 ness.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
 23 at the beginning of subchapter II of such chapter is
 24 amended by inserting after the item relating to section
 25 2257 the following new item:

“2258. Personal cellular telephones: reimbursement when used for Government business.”.

1 **SEC. 1006. PURCHASE OF PROMOTIONAL ITEMS OF NOMI-**
 2 **NAL VALUE FOR RECRUITMENT PURPOSES.**

3 (a) IN GENERAL.—Chapter 81 of title 10, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing new section:

6 **“§ 1599e. Authority to purchase items of nominal**
 7 **value for recruitment purposes**

8 “The Secretary of Defense may purchase promotional
 9 items of nominal value for use in the recruitment of indi-
 10 viduals for employment under this chapter. The Secretary
 11 shall prescribe guidelines for the administration of the pre-
 12 ceding sentence.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for such chapter is amended by adding at the end the fol-
 15 lowing new item:

“1599e. Authority to purchase items of nominal value for recruitment pur-
 poses.”.

16 **SEC. 1007. MICROCLAIM WAIVER AUTHORITY.**

17 (a) IN GENERAL.—Chapter 131 of title 10, United
 18 States Code, is amended by adding at the end the fol-
 19 lowing new section:

20 **“§ 2229. General Waiver Authority**

21 “(a) Pursuant to regulations published by the Sec-
 22 retary of Defense, the Secretary or his designees may
 23 waive indebtedness owed to United States Government

1 and arising out of the activities of, or referred to, the De-
2 partment of Defense, and not referred to another execu-
3 tive or legislative agency for further collection action,
4 when, based on a cost benefit analysis, the costs of collec-
5 tion are expected to exceed the amounts recoverable.

6 “(b) The authority pursuant to this section may be
7 delegated to the lowest level to ensure costs of processing
8 waivers do not exceed costs of processing collections. Exer-
9 cise of this waiver authority for amounts in excess of the
10 micropurchase threshold amount is not authorized.

11 “(c) Waivers under subsection (a) may be applied to
12 indebtedness owed by military and civilian personnel, fees
13 for jury duty, or similar items where application of the
14 waiver authority would be more economical to the Govern-
15 ment than processing the action to completion. Application
16 of the waiver to any transaction is at the sole discretion
17 of the Secretary or designee and may not be reviewed in
18 a court of law.

19 “(d) Nothing in this section requires the exercise of
20 the waiver authority and no rights are conferred hereby
21 on any third party.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by adding
24 at the end the following new item:

“2229. Microclaim waiver authority.”.

1 **Subtitle B—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1011. EXCHANGE AND SALE OF OBSOLETE NAVY SERV-**
4 **ICE CRAFT AND BOATS.**

5 (a) IN GENERAL.—Subsection (d) of section 7305 of
6 title 10, United States Code, is amended to read as fol-
7 lows:

8 “(d) EXCHANGE OR SALE OF SIMILAR ITEMS.—(1)
9 Notwithstanding any other provision of law, the Secretary
10 and his designees, in acquiring similar personal property
11 pursuant to section 503 of title 40, may, under regulations
12 to be prescribed by the Secretary—

13 “(A) exchange or sell obsolete Navy service
14 craft and boats, and

15 “(B) retain from the proceeds of the sale of
16 such personal property amounts necessary to re-
17 cover, to the extent practicable, the full costs, direct
18 and indirect, incurred by the Navy in preparing such
19 property for exchange or sale, including the costs for
20 towing, storage, defueling, removal and disposal of
21 hazardous wastes, environmental surveys to deter-
22 mine the presence of regulated polychlorinated
23 biphenyl (PCB) containing materials, and if found,
24 the removal and disposal of regulated PCB-con-
25 taining materials, and other related costs.

1 “The Secretary or his designees may use such retained
2 proceeds in whole or in part payment for the preparation
3 of additional obsolete Navy service craft and boats for fu-
4 ture sale or exchange under this authority.

5 “(2) Such amounts shall be deposited into an account
6 that shall be available for such costs without regard to
7 fiscal year limitations. Amounts that are not needed to
8 pay such costs shall be transferred at least annually to
9 the general fund or to a specific account in the Treasury
10 as otherwise authorized by law.

11 “(3) Section 3709 of the Revised Statutes does not
12 apply to sales of property pursuant to this subsection.”.

13 **SEC. 1012. AWARD CONTRACTS FOR SHIP DISMANTLING ON**
14 **NET COST BASIS.**

15 (a) IN GENERAL.—Chapter 633 of title 10, United
16 States Code, is amended by inserting after section 7305
17 the following new section:

18 **“§ 7305a. Contracts for ship dismantling awarded on**
19 **net cost basis**

20 “(a) AUTHORIZATION.—Notwithstanding any other
21 provision of law, the Secretary of the Navy may award
22 on a net cost basis contracts for the dismantling of ships
23 stricken from the Naval Vessel Register. In exercising au-
24 thority under this section, the Secretary shall to the max-
25 imum extent practicable use the competitive procedure or

1 combination of competitive procedures that is best suited
2 under the circumstances of the procurement.

3 “(b) RETENTION OF PROCEEDS.—When the Sec-
4 retary of the Navy awards a ship dismantling contract on
5 a net cost basis, the contractor may retain the proceeds
6 from the sale of scrap and reusable items from the vessel
7 being dismantled.

8 “(c) DEFINITIONS.—For purposes of this section:

9 “(1) The term ‘scrap’ means personal property
10 that has no value except for its basic material con-
11 tent.

12 “(2) The term ‘net cost basis’ means the dif-
13 ferential between the gross cost of performance of
14 the contract less the offeror’s estimate of the value
15 under the contract of scrap and reusable items that
16 the contractor will remove from the vessel during
17 performance of the contract.

18 “(3) The term ‘reusable items’ means any de-
19 militarized components or removable portions of the
20 ship or equipment that the Navy has identified as
21 excess to its needs but which have potential resale
22 value on the open market.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 7305 the following new
2 item:

“7305a. Contracts for ship dismantling awarded on net cost basis.”.

3 **Subtitle C—Counter-Drug**
4 **Activities**

5 **SEC. 1021. USE OF TWO-YEAR EXTENSION OF COUNTER-**
6 **DRUG FUNDS FOR COUNTERTERRORISM IN**
7 **COLOMBIA.**

8 (a) **AUTHORITY.**—In fiscal years 2005 and 2006, the
9 Secretary of Defense may use funds available for drug
10 interdiction and counterdrug activities to provide assist-
11 ance to the Government of Colombia to support a unified
12 campaign against narcotics trafficking and activities by
13 organizations designated as terrorist organizations, such
14 as the Revolutionary Armed Forces of Colombia (FARC),
15 the National Liberation Army (ELN), and the United
16 Self-Defense Forces of Colombia (AUC). This includes au-
17 thority to take actions to protect human health and wel-
18 fare in emergency circumstances, including rescue oper-
19 ations for any United States citizen, to include United
20 States armed forces personnel, United States civilian em-
21 ployees, and civilian contractors employed by the United
22 States.

23 (b) **RELATIONSHIP TO EXISTING AUTHORITY.**—The
24 authority in this section is in addition to authorities cur-
25 rently available to provide assistance to Colombia.

1 **Subtitle D—Other Department of**
2 **Defense Provisions**

3 **SEC. 1031. CONTROL AND SUPERVISION OF TRANSPOR-**
4 **TATION WITHIN THE DEPARTMENT OF DE-**
5 **FENSE.**

6 (a) IN GENERAL.—Title 10, United States Code, is
7 amended as follows:

8 (1) Section 4744 is amended—

9 (A) by redesignating section 4744 as sec-
10 tion 2648;

11 (B) in the first sentence, by striking “the
12 Army” and inserting “Defense”; and

13 (C) in the first paragraph, by striking
14 “Army transport agencies or, within bulk space
15 allocations made to the Department of the
16 Army, on vessels operated by any military
17 transport agency of”.

18 (2) Section 4745 is amended—

19 (A) by redesignating section 4745 as sec-
20 tion 2649;

21 (B) in paragraph (a)—

22 (i) by striking “(1) on vessels oper-
23 ated by Army transport agencies, or (2)
24 within bulk space allocations made to the
25 Department of the Army”;

1 (ii) by striking “any transport agency
2 of”; and

3 (C) by striking “the Army and the Sec-
4 retary of Transportation” and inserting “De-
5 fense”.

6 (3) Section 4747 is amended—

7 (A) by redesignating section 4747 as sec-
8 tion 2650;

9 (B) by striking “Army transport agencies
10 or, within bulk space allocations made to the
11 Department of the Army, on vessels operated
12 by any transport agency of”; and

13 (C) by striking “the Army” and inserting
14 “Defense”.

15 (4) Section 4741 is repealed.

16 (5) Section 4743 is repealed.

17 (6) Section 4746 is repealed.

18 (7) Section 9741 is repealed.

19 (8) Section 9743 is repealed.

20 (9) Section 9746 of title 10, United States
21 Code, is amended—

22 (A) by redesignating section 9746 as sec-
23 tion 2651;

24 (B) by inserting “vessels or” after “trans-
25 ported on”;

1 (C) by striking “Air Force transport agen-
2 cies or, within bulk space allocations made by
3 the Department of the Air Force, on vessels or
4 airplanes operated by any military transport
5 agency of”;

6 (D) in paragraph (1), by striking “the Air
7 Force” and inserting “Defense”; and

8 (E) in paragraph (4)—

9 (i) by striking subparagraph (A); and

10 (ii) by redesignating subparagraph

11 (B) as subparagraph (A).

12 (b) CLERICAL AMENDMENTS.—

13 (1)(A) The table of sections at the beginning of
14 chapter 447 of such title is amended by striking the
15 item relating to section 4744.

16 (B) The table of sections at the beginning of
17 chapter 157 of such title is amended by adding at
18 the end the following new item:

“2647. Persons and supplies: sea transportation.”.

19 (2)(A) The table of sections at the beginning of
20 chapter 447 of such title is amended by striking the
21 item relating to section 4745.

22 (B) The table of sections at the beginning of
23 chapter 157 of such title is amended by adding at
24 the end the following new item:

“2648. Civilian passengers and commercial cargoes: transports in trans-Atlantic service.”.

1 (3)(A) The table of sections at the beginning of
2 chapter 447 of such title is amended by striking the
3 item relating to section 4747.

4 (B) The table of sections at the beginning of
5 chapter 157 of such title is amended by adding at
6 the end the following new item:

“2648. Passengers and merchandise to Guam: sea transport.”.

7 (4) The table of sections at the beginning of
8 chapter 447 of such title is amended by striking the
9 item relating to section 4741.

10 (5) The table of sections at the beginning of
11 chapter 447 of such title is amended by striking the
12 item relating to section 4743.

13 (6) The table of sections at the beginning of
14 chapter 447 of such title is amended by striking the
15 item relating to section 4746.

16 (7) The table of sections at the beginning of
17 chapter 947 of such title is amended by striking the
18 item relating to section 9741.

19 (8)(A) The table of sections at the beginning of
20 chapter 447 of such title is amended by striking the
21 item pertaining to section 4746; and

1 (B) The table of sections at the beginning of
 2 chapter 157 of such title is amended by adding at
 3 the end the following new item:

“2651. Civilian personnel in Alaska.”.

4 **Subtitle E—Other Matters**

5 **SEC. 1041. REPEAL OF PROHIBITION ON CONTRACTS FOR** 6 **PERFORMANCE OF SECURITY-GUARD FUNC-** 7 **TIONS.**

8 Section 2465 of title 10, United States Code, is
 9 amended—

10 (1) by striking “**or security-guard**” in the
 11 section heading; and

12 (2) in subsection (a), by striking “or security
 13 guard”.

14 **SEC. 1042. ESTABLISHMENT OF AUXILIARIES WITHIN THE** 15 **MILITARY DEPARTMENTS.**

16 (a) IN GENERAL.—Part IV of subtitle A of title 10,
 17 United States Code, is amended by inserting after chapter
 18 172 the following new chapter:

19 **“CHAPTER 173—AUXILIARIES**

“Sec.

“2921. Administration of auxiliaries.

“2922. Purpose of an auxiliary.

“2923. Eligibility, enrollments.

“2924. Members of the auxiliary; status.

“2925. Disenrollment.

“2926. Membership in other organizations.

“2927. Use of member’s equipment and facilities.

“2928. Availability of appropriations.

“2929. Assignment and performance of duties.

“2930. Injury or death in line of duty.

“2931. Limitation on liability.

1 **“§ 2921. Administration of auxiliaries**

2 “(a) An auxiliary of a military department is a non-
3 military organization administered by the Secretary con-
4 cerned. For command, control, and administrative pur-
5 poses, the auxiliary shall include such organizational ele-
6 ments and units as are approved by the Secretary, which
7 may include a national board and staff (to be known as
8 the ‘auxiliary headquarters unit’), districts, regions, divi-
9 sions, and other organizational elements and units. The
10 auxiliary organization and its officers shall have such
11 rights, privileges, powers, and duties as may be granted
12 to them by the Secretary, consistent with this title and
13 other applicable provisions of law. The Secretary may des-
14 ignate the authority and responsibilities of the officers of
15 the auxiliary that the Secretary considers necessary or ap-
16 propriate for the functioning, organization, and internal
17 administration of the auxiliary.

18 “(b) The national board of an auxiliary, and any aux-
19 iliary district or region, may form a corporation under
20 State law in accordance with policies established by the
21 Secretary.

22 **“§ 2922. Purpose of an auxiliary**

23 “‘The purpose of an auxiliary is to assist the military
24 department under which it is established, as authorized
25 by the Secretary concerned, in performing any non-combat

1 function, power, duty, role, mission, or operation author-
2 ized by law for that military department.

3 **“§ 2923. Eligibility, enrollments**

4 “An auxiliary shall be composed of citizens of the
5 United States, who by reason of their special training or
6 experience are deemed by the Secretary concerned to be
7 qualified for duties and functions of the auxiliary, and who
8 may be enrolled therein pursuant to regulations estab-
9 lished by the Secretary.

10 **“§ 2924. Members of the auxiliary; status**

11 “(a) Except as otherwise provided in this chapter, a
12 member of an auxiliary shall not be considered a Federal
13 employee.

14 “(b) A member of an auxiliary, while performing
15 duty, shall be considered to be a Federal employee for the
16 purposes of the provisions of law relating to—

17 “(1) ethics, conflicts of interest, corruption, and
18 any other criminal or civil statutes and regulations
19 governing the conduct of Federal employees;

20 “(2) compensation for work injuries under
21 chapter 81 of title 5; and

22 “(3) resolution of claims relating to damage to
23 or loss of personal property of the member incident
24 to service under section 3721 of title 31.

1 “(c) A member of the auxiliary, while assigned to
2 duty, shall be deemed to be a person acting under an offi-
3 cer of the United States or an agency thereof for purposes
4 of section 1442(a)(1) of title 28.

5 “(d) A member of the auxiliary, while assigned to
6 duty, shall be deemed to be a member of a uniformed serv-
7 ice for purposes of sections 2928 and 2930 of this title.

8 **“§ 2925. Disenrollment**

9 “Members of an auxiliary may be disenrolled pursu-
10 ant to applicable regulations established by the Secretary
11 concerned.

12 **“§ 2926. Membership in other organizations**

13 “Members of an auxiliary may be appointed or en-
14 listed in a Reserve component, pursuant to applicable reg-
15 ulations. Membership in the auxiliary shall not bar mem-
16 bership in any other naval or military organization.

17 **“§ 2927. Use of member’s equipment and facilities**

18 “At no cost to the government, the Secretary con-
19 cerned may utilize for any purpose incident to carrying
20 out his department’s functions and duties, equipment or
21 facilities placed at his department’s disposition for any
22 such purpose by any member of the auxiliary while per-
23 forming duties or missions assigned by the Secretary.

1 **“§ 2928. Availability of appropriations**

2 “Appropriations authorized for operation and mainte-
3 nance of a military department may be used to pay actual
4 necessary traveling expenses and subsistence, or commuta-
5 tion of ration allowance in lieu of subsistence, of members
6 of the auxiliary assigned to authorized duties, but shall
7 not be available for the payment of compensation for per-
8 sonal services, incident to such operation, other than to
9 personnel of the military department.

10 **“§ 2929. Assignment and performance of duties**

11 “No member of an auxiliary, solely by reason of such
12 membership, shall be vested with, or exercise, any right,
13 privilege, power, or duty vested in or imposed upon the
14 personnel of the military department concerned, except
15 that any such member may, under applicable regulations,
16 be assigned duties which, after appropriate training and
17 examination, he has been found competent to perform, to
18 effectuate the purposes of the auxiliary. No member of the
19 auxiliary shall be placed in charge of an activity or organi-
20 zation assigned to the military department unless he has
21 been designated specifically by authority of the Secretary
22 concerned to perform such duty. Members of the auxiliary,
23 when assigned to duties as herein authorized, shall, unless
24 otherwise limited by the Secretary concerned, be vested
25 with the same power and authority in the execution of
26 such duties as members of the regular or Reserve compo-

1 nents of that military department assigned to similar duty.
2 When any member of the auxiliary is assigned to such
3 duty, he may, pursuant to regulations issued by the Sec-
4 retary, be paid actual necessary traveling expenses, includ-
5 ing a per diem allowance in conformity with standardized
6 Government travel regulations in lieu of subsistence, while
7 traveling and while on duty away from his home. No per
8 diem shall be paid for any period during which quarters
9 and subsistence in kind are furnished by the Government.
10 No member of an auxiliary, while performing auxiliary
11 duty, shall exercise command.

12 **“§ 2930. Injury or death in line of duty**

13 “(a) If a member of an auxiliary is physically injured,
14 or dies as a result of physical injury, and the injury is
15 incurred while performing any duty to which he has been
16 assigned pursuant to this chapter, the law authorizing
17 compensation for employees of the United States suffering
18 injuries while in the performance of their duties, applies,
19 subject to this section. That law shall be administered by
20 the Secretary of Labor to the same extent as if the mem-
21 ber was a civil employee of the United States and was
22 injured in the performance of that duty. For benefit com-
23 putation, regardless of pay or pay status, the member is
24 considered to have had monthly pay of the monthly equiva-
25 lent of the minimum rate of basic pay in effect for grade

1 GS-9 of the General Schedule on the date the injury is
2 incurred.

3 “(b) This section does not apply if a worker’s com-
4 pensation law provides coverage because of a concurrent
5 employment status of the member. When the member or
6 a dependent is entitled to a benefit under this section and
7 also to a concurrent benefit from the United States on
8 account of the same disability or death, the member or
9 dependent, as appropriate, shall elect which benefit to re-
10 ceive.

11 “(c) If a claim is filed under this section with the
12 Secretary of Labor for benefits because of an alleged in-
13 jury or death, the Secretary of Labor shall notify the Sec-
14 retary concerned who shall direct an investigation into the
15 facts surrounding the alleged injury or death. The Sec-
16 retary then shall certify to the Secretary of Labor whether
17 or not the injured or deceased person was a member of
18 an auxiliary, the person’s military status, and whether or
19 not the injury or death was incurred incident to military
20 service.

21 “(d) A member of an auxiliary who incurs a physical
22 disability or contracts sickness or disease while performing
23 a duty to which the member has been assigned pursuant
24 to this chapter is entitled to the same hospital treatment

1 afforded a member of the Reserves of the armed forces
2 while serving on active duty.

3 “(e) In administering section 8133 of title 5, for a
4 person covered by this section—

5 “(1) the percentages applicable to payments
6 under that section are—

7 “(A) 45 percent under subsection (a)(2) of
8 that section, where the member died fully or
9 currently insured under title II of the Social Se-
10 curity Act (42 U.S.C. 401 et seq.), with no ad-
11 ditional payments for a child or children so long
12 as the widow or widower remains eligible for
13 payments under that subsection;

14 “(B) 20 percent under subsection (a)(3) of
15 that section, for one child, and 10 percent addi-
16 tional for each additional child, not to exceed a
17 total of 75 percent, where the member died
18 fully or currently insured under title II of the
19 Social Security Act; and

20 “(C) 25 percent under subsection (a)(4) of
21 that section, if one parent was wholly dependent
22 for support upon the deceased member at the
23 time of the member’s death and the other was
24 not dependent to any extent; 16 percent to each
25 if both were wholly dependent; and if one was,

1 or both were, partly dependent, a proportionate
2 amount in the discretion of the Secretary of
3 Labor;

4 “(2) payments may not be made under sub-
5 section (a)(5) of that section; and

6 “(3) the Secretary of Labor shall inform the
7 Commissioner of Social Security whenever a claim is
8 filed and eligibility for compensation is established
9 under section 8133(a)(2) and (3) of title 5. The
10 Commissioner of Social Security then shall certify to
11 the Secretary of Labor whether or not the member
12 concerned was fully or currently insured under title
13 II of the Social Security Act at the time of the mem-
14 ber’s death.

15 **“§ 2931. Limitation on liability**

16 “A member of an auxiliary, while assigned to duty,
17 shall be deemed a volunteer of a nonprofit organization
18 or governmental entity for purposes of chapter 139 of title
19 42 (popularly known as the ‘Volunteer Protection Act’).
20 Subsection (d) of section 4 of such Act (42 U.S.C.
21 14503(d)) shall not apply for purposes of any claim
22 against a member of an auxiliary.”.

23 (b) CLERICAL AMENDMENT.—The tables of chapters
24 at the beginning of such subtitle and the beginning of part

1 I of such subtitle are amended by inserting after the item
 2 relating to chapter 172 the following new item:

“**173. Auxiliaries** **2921**”.

3 **SEC. 1043. NATIONAL DEFENSE HERITAGE FOUNDATION.**

4 (a) IN GENERAL.—Part IV of Subtitle A of title 10,
 5 United States Code is amended by adding at the end the
 6 following new chapter:

7 **“CHAPTER 173—NATIONAL DEFENSE HERITAGE**
 8 **FOUNDATION**

“Sec.

“2905. Establishment and Purpose.

“2906. Composition and Operation.

“2907. Corporate Powers and Obligations.

“2908. Tax exemptions; contributions toward costs of local government; con-
 tributions, gifts, or transfers to or for use of United States.

“2909. Liability of United States.

“2910. Promotion of local fundraising support.

“2911. Authorization of appropriations.

9 **“§ 2905. Establishment and purpose**

10 “(a) ESTABLISHMENT.—A National Defense Herit-
 11 age Foundation is hereby established as a charitable and
 12 nonprofit corporation for the purposes specified in sub-
 13 section (b), and shall be organized and operated as a char-
 14 itable foundation under title 76, section 501(c)(3), United
 15 States Code.

16 “(b) PURPOSES.—The Foundation shall encourage,
 17 accept, and administer private gifts of money and real and
 18 personal property or any income therefrom for the benefit
 19 of, or in connection with, the preservation, protection, and

1 continued beneficial use of historic properties owned or
2 controlled by the Department of Defense.

3 **“§ 2906. Composition and operation**

4 “(a) BOARD OF DIRECTORS.—The National Defense
5 Heritage Foundation shall be governed by a Board of Di-
6 rectors hat shall consist of—

7 “(1) the Secretary of Defense, ex officio;

8 “(2) the Secretaries of the Military Depart-
9 ments, ex officio;

10 “(3) the Director of the National Park Service,
11 ex officio;

12 “(4) five experts in the field of historic preser-
13 vation appointed by the Secretary of Defense from
14 the disciplines of architecture, history, archeology, or
15 other appropriate disciplines;

16 “(5) three at-large members from the general
17 public appointed by the Secretary of Defense; and

18 “(6) the Chairman of the Advisory Council on
19 Historic Preservation, ex officio.

20 “(b) TERM OF APPOINTMENT.—The initial terms of
21 the five historic preservation experts and the three at-large
22 members shall be staggered to assure continuity of admin-
23 istration. Thereafter, the term shall be six years, unless
24 a successor is chosen to fill a vacancy occurring prior to
25 the expiration of the term for which his predecessor was

1 chosen, in which event the successor shall be chosen only
2 for the remainder of that term.

3 “(c) CHAIRPERSON AND SECRETARY.—The Secretary
4 of Defense shall be the Chairman of the Board and the
5 Director of the National Park Service shall be the Sec-
6 retary of the Board.

7 “(d) MEMBERSHIP AND OPERATION.—Except as to
8 those Board members serving in their official capacities,
9 service as a member of the Board shall not constitute em-
10 ployment by, or the holding of, an office of the United
11 States for the purposes of any Federal law. A majority
12 of the members of the Board serving at any one time shall
13 constitute a quorum for the transaction of business, and
14 the Foundation shall have an official seal, which shall be
15 judicially noticed. The Board shall meet at the call of the
16 Chairman and there shall be at least one meeting each
17 year.

18 “(e) COMPENSATION AND TRAVEL EXPENSES.—No
19 compensation shall be paid to the members of the Board
20 for their services as members, but they shall be reimbursed
21 for actual and necessary traveling and subsistence ex-
22 penses incurred by them in the performance of their duties
23 as such members out of National Defense Heritage Foun-
24 dation funds available to the Board for such purposes.

1 “(f) VOLUNTEER STATUS.—The Secretary of De-
2 fense may accept, without regard to civil service classifica-
3 tion laws, rules, or regulations, the services of the Founda-
4 tion, the Board, and the officers and employees of the
5 Board, without compensation from the Department of De-
6 fense, as volunteers in the performance of the functions
7 authorized herein.

8 “(g) EMPLOYEES.—An officer or employee of the
9 Foundation—

10 “(1) shall not by virtue of the appointment or
11 employment of the office or employee, be considered
12 a Federal employee for any purpose; and

13 “(2) may not be paid by the Foundation a sal-
14 ary in excess of \$134,000 per year.

15 **“§ 2907. Corporate powers and obligations**

16 “(a) GIFTS.—(1) The Foundation is authorized to ac-
17 cept, receive, solicit, hold, administer, and use any gifts,
18 devises, or bequests, either absolutely or in trust, of real
19 or personal property or any income therefrom or other in-
20 terest therein for the benefit of or in connection with, the
21 preservation, protection, and continued beneficial use of
22 historic properties owned or controlled by the Department
23 of Defense; provided, that the Foundation may not accept
24 any such gift, devise, or bequest that entails any expendi-
25 ture other than from the resources of the Foundation.

1 “(2) An interest in real property includes, among
2 other things, easements or other rights for preservation,
3 conservation, protection, or enhancement of historic prop-
4 erties.

5 “(3) A gift, device, or bequest may be accepted by
6 the Foundation even though it is encumbered, restricted,
7 or subject to beneficial interests of private persons if any
8 current or future interest therein supports the purposes
9 for which the Foundation has been established.

10 “(b) PROPERTY AND INCOME DEALINGS AND TRANS-
11 ACTIONS.—(1) Except as otherwise required by the instru-
12 ment of transfer, the Foundation may sell, lease, invest,
13 reinvest, retain, or otherwise dispose of or deal with any
14 property or income thereof as the Board may from time
15 to time determine.

16 “(2) The Foundation shall not engage in any busi-
17 ness, nor shall the Foundation make any investment that
18 may not lawfully be made by a trust company in the Dis-
19 trict of Columbia, except that the Foundation may make
20 any investment authorized by the instrument of transfer,
21 and may retain any property accepted by the Foundation.

22 “(3) The Foundation may utilize the services and fa-
23 cilities of the Department of Defense, the Department of
24 the Interior, and the Department of Justice, and such
25 services and facilities may be made available on request

1 to the extent practicable with or without reimbursement
2 therefore. Monies reimbursed to any Department shall be
3 returned by the Department to the account from which
4 the funds for which the reimbursement is made were
5 drawn and may, without further appropriation, be ex-
6 pended for any purpose for which such account is author-
7 ized.

8 “(c) CORPORATE SUCCESSION; POWERS AND DUTIES
9 OF TRUSTEE; SUITS; PERSONAL LIABILITY FOR MALFEA-
10 SANCE.—The Foundation shall have perpetual succession,
11 with all the usual powers and obligations of a corporation
12 acting as a trustee, including the power to sue and to be
13 sued in its own name, but the members of the Board shall
14 not be personally liable, except for malfeasance.

15 “(d) AUTHORITY FOR EXECUTION OF CONTRACTS,
16 INSTRUMENTS, AND NECESSARY OR APPROPRIATE
17 ACTS.—The Foundation shall have the power to enter into
18 contracts, to execute instruments, and generally to do any
19 and all lawful acts necessary or appropriate to its pur-
20 poses.

21 “(e) BYLAWS, RULES, AND REGULATIONS; CON-
22 TRACTS FOR SERVICES.—In carrying out the provisions
23 of this subchapter, the Board may adopt bylaws, rules,
24 and regulations necessary for the administration of its
25 functions and contract for any necessary services.

1 **“§ 2908. Tax exemptions; contributions toward costs**
2 **of local government; contributions, gifts,**
3 **or transfers to or for use of United States**

4 “(a) TAX EXEMPTIONS.—The Foundation and any
5 income or property received or owned by it, and all trans-
6 actions relating to such income or property, shall be ex-
7 empt from all Federal, State, and local taxation with re-
8 spect thereto.

9 “(b) CONTRIBUTION TO COSTS OF LOCAL GOVERN-
10 MENT.—The Foundation may, however, in the discretion
11 of its directors, contribute toward the costs of local gov-
12 ernment in amounts not in excess of those which it would
13 be obligated to pay such government if it were not exempt
14 from taxation by virtue of the foregoing or by virtue of
15 its being a charitable and nonprofit corporation and may
16 agree so to contribute with respect to property transferred
17 to it and the income derived therefrom if such agreement
18 is a condition of the transfer.

19 “(c) TRANSFERS TO OR FOR USE OF UNITED
20 STATES.—Contributions, gifts, and other transfers made
21 to or for the use of the Foundation shall be regarded as
22 contributions, gifts, or transfers to or for the use of the
23 United States.

24 **“§ 2909. Liability of United States**

25 “The United States shall not be liable for any debts,
26 defaults, acts, or omissions of the Foundation.

1 **“§ 2910. Promotion of local fundraising support**

2 “(a) ESTABLISHMENT.—The Foundation shall design
3 and implement a comprehensive program to assist and
4 promote philanthropic programs of support at the indi-
5 vidual military installation level.

6 “(b) IMPLEMENTATION.—The program under sub-
7 section (a) shall be implemented to—

8 “(1) assist in the creation of local nonprofit
9 support organizations; and

10 “(2) provide support, national consistency, and
11 management-improving suggestions for local non-
12 profit support organizations.

13 “(c) PROGRAM.—The program under subsection (a)
14 shall include the greatest number of military installations
15 as is practicable.

16 “(d) REQUIREMENTS.—The program under sub-
17 section (a) shall include, at a minimum—

18 “(1) a standard adaptable organizational design
19 format to establish and sustain responsible manage-
20 ment of a local nonprofit support organization for
21 support of a military installation;

22 “(2) standard and legally tenable bylaws and
23 recommended money-handling procedures that can
24 easily be adapted as applied to individual military in-
25 stallations; and

1 “(3) a standard training curriculum to orient
2 and expand the operating expertise of personnel em-
3 ployed by local nonprofit support organizations.

4 “(e) ANNUAL REPORT.—The Foundation shall report
5 the progress of the program under subsection (a) in the
6 annual report of the Foundation.

7 “(f) AFFILIATIONS.—(1) Nothing in this section re-
8 quires:

9 “(A) a nonprofit support organization or
10 friends group to modify current practices or to affil-
11 iate with the Foundation; or

12 “(B) a local nonprofit support organization, es-
13 tablished as a result of this section, to be bound
14 through its charter or corporate bylaws to be perma-
15 nently affiliated with the Foundation.

16 “(2) An affiliation with the Foundation shall be es-
17 tablished only at the discretion of the governing board of
18 a nonprofit organization.

19 **“§ 2911. Authorization of appropriations**

20 “(a) AUTHORIZATION.—There are authorized to be
21 appropriated to the Department of Defense such sums as
22 may be necessary to achieve the purposes of the Founda-
23 tion.

24 “(b) USE OF AMOUNTS APPROPRIATED.—(1) Subject
25 to paragraph (2), amounts appropriated under this section

1 shall be made available to the Foundation for use for
 2 matching, in whole or in part, contributions (whether in
 3 currency, services, or property) made to the Foundation
 4 by private persons and State and local government agen-
 5 cies.

6 “(2) No Federal funds authorized under this section
 7 shall be used by the foundation for administrative ex-
 8 penses of the Foundation, including salaries, travel and
 9 transportation expenses, and other overhead expenses.

10 “(c) ADDITIONAL AUTHORIZATION.—The amounts
 11 authorized to be appropriated under this section are in
 12 addition to any amounts provided or available to the
 13 Foundation under any other Federal law.”.

14 (b) CLERICAL AMENDMENT.—The table of chapters
 15 of Part IV of Subtitle A of such title is amended by adding
 16 at the end the following new item:

“173. National Defense Heritage Foundation 2905”.

17 **SEC. 1044. USE OF MILITARY AIRCRAFT TO TRANSPORT**
 18 **MAIL TO AND FROM OVERSEAS LOCATIONS.**

19 Section 3401 of title 39, United States Code, is
 20 amended—

21 (1) in subsection (b)—

22 (A) by inserting “military owned, operated
 23 or chartered aircraft; or on” after “the Virgin
 24 Islands, on”; and

1 (B) by inserting “military owned, char-
 2 tered or operated aircraft or” after “Whenever
 3 adequate service by”; and

4 (2) in subsection (c), by inserting “by military
 5 owned, chartered or operated aircraft or” after
 6 “shall be transported”.

7 **SEC. 1045. USE OF THE NATIONAL DRIVER REGISTER FOR**
 8 **PERSONNEL SECURITY INVESTIGATIONS AND**
 9 **DETERMINATIONS.**

10 (a) IN GENERAL.—Chapter 303 of title 49, United
 11 States Code, is amended by inserting after section 30305
 12 the following new section:

13 **“§ 30305a. National driver register information for**
 14 **use in personnel security investigations**
 15 **and determinations and personnel inves-**
 16 **tigations with regard to Federal employ-**
 17 **ment security checks for Federal employ-**
 18 **ment**

19 “An individual who has or who seeks access to na-
 20 tional security information for purposes of Executive
 21 Order 12968, or successor Executive orders, or an indi-
 22 vidual who is being investigated for Federal employment
 23 under authority of Executive Order 10450, or successor
 24 Executive orders, may request that the chief driver licens-
 25 ing official of a State provide information about the indi-

1 vidual pursuant to section 30305(a) of this title to a Fed-
 2 eral department or agency that is authorized to investigate
 3 the individual for the purpose of assisting in the deter-
 4 mination of the eligibility of the individual for access to
 5 national security information or for Federal employment.
 6 The Federal Department or agency that receives such in-
 7 formation may use it in accordance with applicable law.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 for such chapter 303 of title 49 is amended by inserting
 10 after the item relating to section 30305 the following new
 11 item:

“30305a. National driver register information for use in personnel security in-
 vestigations and determinations and personnel investigations
 with regard to Federal employment security checks for Federal
 employment.”.

12 **SEC. 1046. CONFORMING AMENDMENTS TO GENERAL DEFINI-**
 13 **NITIONS.**

14 (a) IN GENERAL.—Section 101(e)(3) of title 10,
 15 United States Code, is amended by striking “Secretary of
 16 Defense” and inserting “Secretary concerned”.

17 (b) CONFORMING AMENDMENTS TO DEFINITION OF
 18 CONGRESSIONAL DEFENSE COMMITTEES.—Title 10 is
 19 further amended as follows:

20 (1) Sections 2676(d), 2694a(e), 2803(b),
 21 2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c),
 22 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A),
 23 2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1),

1 2827(b), 2828(f), 2835(g), 2836(f), 2837(c)(2),
2 2853(e)(2), 2854(b), 2854a(c)(1), 2865(e)(2),
3 2866(e)(2), 2875(e), 2881a(d)(2), 2881a(e),
4 2883(f), and 2884(a), are amended by striking “ap-
5 appropriate committees of Congress” in each place it
6 appears and inserting “congressional defense com-
7 mittees”.

8 (2)(A) Subsection (c) of section 2801 is amend-
9 ed by striking paragraph (4) and inserting the fol-
10 lowing new paragraph (4):

11 “(4) The term ‘congressional defense commit-
12 tees’ includes, with respect to any project to be car-
13 ried out by, or for the use of, an intelligence compo-
14 nent of the Department of Defense, the Permanent
15 Select Committee on Intelligence of the House of
16 Representatives and the Select Committee on Intel-
17 ligence of the Senate.”;

18 (B) Section 2694a is amended by striking sub-
19 section (i) and inserting the following new subsection
20 (i):

21 “(i) DEFINITION OF STATE.—The term ‘State’ in-
22 cludes the District of Columbia, the Commonwealth of
23 Puerto Rico, the Commonwealth of the Northern Mariana
24 Islands, and the Territories.”.

1 (c) CONFORMING AMENDMENTS TO DEFINITION OF
2 BASE CLOSURE LAWS.—(1) Section 2871 of such title is
3 amended by redesignating paragraphs (3) through (8) as
4 paragraphs (2) through (7), respectively.

5 (2) Section 3341(e) of title 5, United States Code,
6 is amended by striking paragraph (1) and inserting the
7 following new paragraph (1):

8 “(1) the term ‘base closure law’ has the meaning
9 given such term in section 101(a)(17) of title 10.”.

10 (3) Title 40, United States Code, is amended—

11 (A) in section 554(a), by striking paragraph (1)
12 and inserting the following new paragraph (1):

13 “(1) BASE CLOSURE LAW.—The term ‘base closure
14 law’ has the meaning given such term in section
15 101(a)(17) of title 10.”; and

16 (B) in section 572(b), by striking subparagraph (B)
17 of paragraph (1) and inserting the following new subpara-
18 graph (B):

19 “(B) BASE CLOSURE LAW.—The term ‘base closure
20 law’ has the meaning given such term in section
21 101(a)(17) of title 10.”;

22 (4) Section 120(h)(4)(E) of the Comprehensive Envi-
23 ronmental Response, Compensation, and Liability Act of
24 1980 (Public Law 96–510; 42 U.S.C. 9620(h)) is amend-

1 ed by striking clause (ii) and inserting the following new
2 clause (ii):

3 “(ii) For purposes of this paragraph, the term ‘base
4 closure law’ has the meaning given such term in 10 U.S.C.
5 101(a)(17).”.

6 (5) Section 1333(i) of the National Defense Author-
7 ization Act for Fiscal Year 1994 (Public Law 103–160;
8 107 Stat. 1800), is amended by striking paragraph (1)
9 and inserting the following new paragraph (1):

10 “(1) The term ‘base closure law’ has the meaning
11 given such term in 10 U.S.C. 101(a)(17).”.

12 (6) Section 2814 of the National Defense Authoriza-
13 tion Act for Fiscal Year 1995 (Public Law 103–337, 108
14 Stat. 3056), is amended by striking subsection (b) and
15 inserting the following new subsection (b):

16 “(b) BASE CLOSURE LAW DEFINED.—The term
17 ‘base closure law’ has the meaning given such term in 10
18 U.S.C. 101(a)(17).”.

19 (7) Section 1(c) of An Act to Amend the Organic Act
20 of Guam, and for other purposes (Public Law 106–504;
21 114 Stat. 2309), is amended by striking paragraph (2)
22 and inserting the following new paragraph (2):

23 “(2) The term ‘base closure law’ has the meaning
24 given such term in 10 U.S.C. 101(a)(17).”.

1 **SEC. 1047. USE OF DEPARTMENT OF DEFENSE FITNESS FA-**
 2 **CILITIES BY CONTRACT WORKERS.**

3 (a) IN GENERAL.—The Secretary of Defense may au-
 4 thorize employees of Department of Defense contractors
 5 to use Department of Defense-owned, Department of De-
 6 fense-operated fitness facilities if the Secretary determines
 7 that such use is in the best interest of the Department
 8 of Defense and causes no more than a de minimis increase
 9 in the cost of operation of such facilities. Active duty and
 10 Government civilian personnel will be granted top priority
 11 status for use of such facilities where availability is lim-
 12 ited.

13 (b) LIABILITY WAIVER.—In order to use such facili-
 14 ties, the contractor and the employee must agree to waive
 15 any claims of liability against the Government, and to its
 16 officers, employees, and agents arising from such use.

17 **TITLE XI—DEPARTMENT OF**
 18 **DEFENSE CIVILIAN PERSONNEL**

19 **SEC. 1101. PRIORITY PLACEMENT OF DISPLACED CIVILIAN**
 20 **EMPLOYEES.**

21 (a) IN GENERAL.—Chapter 81 of title 10, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing new section:

24 **“§ 1599e. Defense priority placement program**

25 “(a) PRIORITY PLACEMENT.—The Secretary of De-
 26 fense, at his sole and exclusive discretion and notwith-

1 standing the provisions of title 5, may establish one or
2 more programs to promote stability of employment for De-
3 partment of Defense civilian employees affected by chang-
4 ing mission requirements, streamlining efforts, overseas
5 rotations (including rotations undertaken pursuant to sec-
6 tion 1586 of this title), preferences established by law, and
7 other such actions as the Secretary shall determine, by
8 providing such employees priority consideration, as de-
9 fined by the Secretary, for placement in other positions
10 within the Department of Defense.

11 “(b) CONSTRUCTION.—The content of any program
12 developed under subsection (a), and any personnel action
13 undertaken pursuant to such program, shall not be review-
14 able outside the Department of Defense except to the ex-
15 tent that may be required by the United States Constitu-
16 tion.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 at the end the following new item:

“1599e. Defense priority placement program.”.

20 **SEC. 1102. EMPLOYMENT PREFERENCE FOR SPOUSES OF**
21 **CIVILIAN EMPLOYEES.**

22 Section 1784 of title 10, United States Code, is
23 amended by adding at the end the following new sub-
24 sections:

1 “(h) INCLUSION OF SPOUSES OF CERTAIN DOD CI-
2 VILIAN EMPLOYEES.—For the purposes of this section,
3 the spouse of a civilian employee of the Department of
4 Defense who has been reassigned and relocated pursuant
5 to a mandatory mobility agreement executed as a condi-
6 tion of employment, or other mandatory mobility program
7 shall be considered the spouse of a member of the armed
8 forces.

9 “(i) LIMITING OPERATION OF THE HIRING PREF-
10 ERENCE.—The hiring preference in this section shall
11 apply to any Department of Defense civilian position other
12 than positions that fall under chief of mission authority
13 as set forth in section 3927 of title 22.”.

14 **SEC. 1103. PAY PARITY FOR CIVILIAN INTELLIGENCE PER-**
15 **SONNEL.**

16 Section 1602 of title 10, United States Code, is
17 amended—

18 (1) in subsection (a), by striking “in relation to
19 the rates of pay provided in subpart D of part III
20 of title 5 for positions subject to that subpart which
21 have corresponding levels of duties and responsibil-
22 ities” and inserting “in relation to the rates of pay
23 provided for other comparable Department of De-
24 fense Senior Executive, Senior Level, and other posi-
25 tions”; and

1 (2) by striking subsection (b) and substituting
2 the following new subsection (b):

3 “(b) The Defense Intelligence Senior Executive Serv-
4 ice shall be subject to a performance appraisal system
5 which, as designed and applied, is certified by the Sec-
6 retary of Defense as making meaningful distinctions based
7 on relative performance and may be the same performance
8 appraisal system established and implemented within the
9 Department for members of the Senior Executive Serv-
10 ice.”.

11 **SEC. 1104. PAY PARITY FOR SENIOR EXECUTIVES IN DOD**
12 **NONAPPROPRIATED FUND INSTRUMENTAL-**
13 **ITIES.**

14 (a) IN GENERAL.—Chapter 81 of title 10, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 1599e. Senior executive compensation for non-**
18 **appropriated fund instrumentalities**

19 “Notwithstanding any provisions of title 5, the Sec-
20 retary of Defense may regulate the amount of total com-
21 pensation, including the rate of basic pay, of senior execu-
22 tives employed by Department of Defense nonappropriated
23 fund instrumentalities, to provide for parity with the total
24 compensation, including basic pay, of Department of De-

1 fense employees in the Senior Executive Service and other
2 similar senior executive positions.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 1589 the following new
6 item:

“1599e. Senior Executive Compensation for Nonappropriated Fund Instrumen-
talities.”.

7 **SEC. 1105. PROHIBIT UNAUTHORIZED WEARING, MANUFAC-**
8 **TURE, OR SALE OF CIVILIAN MEDALS OR**
9 **DECORATIONS.**

10 Chapter 57 of title 10, United States Code, is amend-
11 ed by adding at the end the following new section:

12 **“§ 1134. Civilian medals or decorations of the Depart-**
13 **ment of Defense**

14 “(a) PROHIBITION.—Except with the written permis-
15 sion of the Secretary of Defense, no person may knowingly
16 use, in connection with any merchandise, retail product,
17 impersonation, solicitation, or commercial activity in a
18 manner reasonably calculated to convey the impression
19 that such use is approved, endorsed, or authorized by the
20 Secretary, medals, decorations, or other insignia intended
21 for recognition of Department of Defense civilian employ-
22 ees and other individuals who render service to the De-
23 partment of Defense.

1 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
2 ever it appears to the Attorney General that any person
3 is engaged or is about to engage in an act or practice
4 which constitutes or will constitute conduct prohibited by
5 subsection (a), the Attorney General may initiate a civil
6 proceeding in a district court of the United States to en-
7 join such act or practice. Such court shall proceed as soon
8 as practicable to the hearing and determination of such
9 action and may, at any time before final determination,
10 enter such restraining orders or prohibitions, or take such
11 other actions as is warranted, including imposing a civil
12 penalty not to exceed \$25,000 for each violation, to pre-
13 vent injury to the United States or to any person or class
14 of persons for whose protection the action is brought.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by adding
17 at the end the following new item:

“1134. Civilian medals or decorations of the Department of Defense.”.

1 **TITLE XII—MATTERS RELATING**
2 **TO OTHER NATIONS**
3 **Subtitle A—Matters Related to**
4 **Arms Control and Monitoring**

5 **SEC. 1201. HUMANITARIAN ASSISTANCE WITH RESPECT TO**
6 **THE DETECTION AND CLEARANCE OF LAND-**
7 **MINES AND EXPLOSIVE REMNANTS OF WAR.**

8 Chapter 20 of title 10, United States Code, is amend-
9 ed—

10 (1) in section 401—

11 (A) in subsection (a), by striking para-
12 graph (4);

13 (B) in subsection (c)—

14 (i) by striking paragraphs (2) and (3);

15 and

16 (ii) by redesignating paragraph (4) as
17 paragraph (2); and

18 (C) in subsection (e), by striking para-
19 graph (5);

20 (2) by adding the following new section at the
21 end of such chapter:

1 “(b)(1) To the extent provided in defense authoriza-
2 tion Acts, funds authorized to be appropriated to the De-
3 partment of Defense for a fiscal year for humanitarian
4 assistance shall be used for the purpose of providing as-
5 sistance under this section.

6 “(2) Expenses covered include the following expenses
7 incurred:

8 “(A) Travel, transportation, and subsistence ex-
9 penses of Department of Defense personnel pro-
10 viding such assistance.

11 “(B) The cost of any equipment, services, or
12 supplies acquired for the purpose of carrying out or
13 supporting activities under this section, including
14 any nonlethal, individual or small-team landmine or
15 explosive remnant of war clearing equipment or sup-
16 plies that are to be transferred or otherwise fur-
17 nished to a foreign country in furtherance of the
18 provision of assistance under this section.

19 “(C) The cost of equipment, services and sup-
20 plies provided in any fiscal year to a foreign country
21 under paragraph (2)(B) may not exceed \$5,000,000.

22 “(c) Humanitarian assistance with respect to the de-
23 tection and clearance of landmines and remnants of war
24 may not be provided under this section to any foreign

1 country unless the Secretary of State specifically approves
2 the provision of such assistance.”; and

3 (3) in the table of sections at the beginning of
4 such chapter by adding at the end the following new
5 item:

“406. Humanitarian assistance with respect to the detection and clearance of
landmines and explosive remnants of war.”.

6 **Subtitle B—Matters Related to Al-**
7 **lies and Friendly Foreign Na-**
8 **tions**

9 **SEC. 1211. IMPROVING AIRSPACE CONTROL AND MANAGE-**
10 **MENT IN THE CAUCASUS AND CENTRAL ASIA.**

11 Notwithstanding any other provision of the law, of
12 the funds available to the Department of Defense, subject
13 to the concurrence of the Secretary of State, not more
14 than \$150 million in fiscal year 2005 may be made avail-
15 able for improving airspace control and management in
16 key countries in the Caucasus and Central Asia (Georgia,
17 Azerbaijan, Armenia, Turkmenistan, Uzbekistan,
18 Kazakhstan, Kyrgyzstan, Tajikistan, and Afghanistan),
19 thereby permitting a permissive and controlled air corridor
20 from Europe through the Caucasus to Central Asia and
21 Afghanistan.

1 **SEC. 1212. GEORGE C. MARSHALL EUROPEAN CENTER FOR**
2 **SECURITY STUDIES.**

3 Section 1306(b)(1) of the National Defense Author-
4 ization Act for Fiscal Year 1995, (Public Law 103–337;
5 108 Stat. 2892), as amended by section 1223 of the Na-
6 tional Defense Authorization Act for Fiscal Year 2004
7 (Public Law 108–136; 117 Stat. 1392), is amended by
8 striking “military officers and civilian officials from states
9 located in Europe or the territory of the former Soviet
10 Union” and inserting “foreign participants”.

11 **Subtitle C—Other Matters**

12 **SEC. 1221. REPEAL OF THE ANNUAL REPORTING REQUIRE-**
13 **MENT CONCERNING THE ACTIVITIES OF CHI-**
14 **NESE MILITARY COMPANIES OPERATING IN**
15 **THE UNITED STATES.**

16 Section 1233 of the National Defense Authorization
17 Act Fiscal Year 2001 (Public Law 106–398; 114 Stat.
18 1645A–330), is repealed.

19 **SEC. 1222. REPEAL OF REPORTING REQUIREMENT CON-**
20 **CERNING SPECIAL OPERATIONS FORCES**
21 **TRAINING WITH FRIENDLY FOREIGN FORCES.**

22 Section 2011 of title 10, United States Code, is
23 amended by striking subsection (e).

1 **SEC. 1223. FOREIGN MILITARY AIDS ADVOCACY, AWARE-**
2 **NESS AND PREVENTION ACTIVITIES.**

3 Section 2561(a) of title 10, United States Code, is
4 amended by inserting “, to conduct HIV/AIDS advocacy,
5 awareness, and prevention activities with foreign militaries
6 and international peacekeepers,” after “transportation of
7 humanitarian relief”.

8 **SEC. 1224. REPEAL OF THE AUTHORIZATION FOR THE ES-**
9 **TABLISHMENT OF THE CENTER FOR THE**
10 **STUDY OF CHINESE MILITARY AFFAIRS.**

11 Section 914 of the National Defense Authorization
12 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
13 721), is repealed.

14 **SEC. 1225. USE OF DONATED PROPERTY FOR HUMANI-**
15 **TARIAN ASSISTANCE PURPOSES.**

16 Section 2608 of title 10, United States Code, is
17 amended—

18 (1) by redesignating subsections (e) through (k)
19 as subsections (f) through (l), respectively; and

20 (2) by inserting after subsection (d) the fol-
21 lowing new subsection (e):

22 “(e) **USE OF PROPERTY FOR HUMANITARIAN ASSIST-**
23 **ANCE PURPOSES.**—Notwithstanding any other provision
24 of law, any contribution of property received under this
25 section may be donated by the Department of Defense to
26 developing countries during an exercise, operation or simi-

1 lar activity. The Department of Defense may use its trans-
2 portation assets and funds to receive, process, manage,
3 store, care for, transport and distribute this property, in-
4 cluding from the location the contribution is received to
5 its eventual destination for donation.”.

6 **SEC. 1226. ASSIGNMENT OF FOREIGN NAVY PERSONNEL TO**
7 **SUBMARINE SAFETY RESEARCH AND DEVEL-**
8 **OPMENT PROGRAMS.**

9 Section 168 of title 10, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(h) AUTHORITY FOR ASSIGNMENT OF FOREIGN
13 NAVY OFFICERS AND ENLISTED MEMBERS TO SUB-
14 MARINE SAFETY RESEARCH AND DEVELOPMENT PRO-
15 GRAMS.—(1) In order to facilitate the development, stand-
16 ardization, and interoperability of submarine vessel safety
17 and rescue systems and procedures, the Secretary of the
18 Navy may conduct a program under which members of
19 foreign navies are assigned to United States commands
20 to work on such systems and procedures.

21 “(2) The program authorized by this subsection is
22 not an exchange program. Reciprocal assignments of
23 members of the Navy to foreign navies are not required
24 under this program.

1 “(3)(A) Each government sending members to the
2 United States under the program authorized by this sec-
3 tion shall pay the salary, per diem, cost of living, travel
4 costs, cost of language or other training, and other costs
5 for its own personnel in accordance with the laws and reg-
6 ulations of such government.

7 “(B) Subparagraph (A) does not apply to the fol-
8 lowing costs:

9 “(i) The cost of temporary duty directed by the
10 United States Navy.

11 “(ii) The cost of training programs conducted
12 to familiarize, orient, or certify members of foreign
13 naval personnel regarding unique aspects of their as-
14 signments.

15 “(iii) Costs incident to the use of the facilities
16 of the United States Navy in the performance of as-
17 signed duties.

18 “(4) The requirements of this subsection shall apply
19 in the exercise of any authority of the Secretary of the
20 Navy to enter into an agreement with the government of
21 a foreign country, subject to the concurrence of the Sec-
22 retary of State, to provide for the assignment of members
23 of the navy of the foreign country to a United States Navy
24 submarine safety program. The Secretary of the Navy

1 may prescribe regulations for the application of this sub-
 2 section in the exercise of such authority.”.

3 **TITLE XIII—COOPERATIVE**
 4 **THREAT REDUCTION WITH**
 5 **STATES OF THE FORMER SO-**
 6 **VIET UNION**

7 **SEC. 1301. AUTHORITY TO WAIVE CONDITIONS LIMITING**
 8 **SUPPORT FOR CHEMICAL WEAPONS DE-**
 9 **STRUCTION FACILITY IN RUSSIA.**

10 (a) **APPLICABILITY OF FEDERAL LAW.**—The condi-
 11 tions described in section 1305 of the National Defense
 12 Authorization Act for Fiscal Year 2000 (Public Law 106–
 13 65; 22 U.S.C. 5952 note) shall not apply to the obligation
 14 and expenditure of funds available for obligation for the
 15 planning, design, or construction of a chemical weapons
 16 destruction facility in Russia if the President submits to
 17 Congress a written certification that includes—

18 (1) a statement justifying and indicating that it
 19 is consistent with the interests of national security
 20 to waive the requirements; and

21 (2) a plan to promote a full and accurate diselo-
 22 sure by Russia regarding the size, content, status
 23 and location of its chemical weapons stockpile.

24 (b) **USE OF EXPENDED FUNDS.**—Section 1305 of
 25 the National Defense Authorization Act for Fiscal Year

1 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is
 2 amended by striking “or expended”.

3 **TITLE XIV—HOMELAND**
 4 **SECURITY**

5 **SEC. 1401. REPEAL OF FUNDING RESTRICTIONS CON-**
 6 **CERNING DEVELOPMENT OF MEDICAL COUN-**
 7 **TERMEASURES AGAINST BIOLOGICAL WAR-**
 8 **FARE THREATS.**

9 Section 2370a of title 10, United States Code, is re-
 10 pealed.

11 **DIVISION B—MILITARY CON-**
 12 **STRUCTION AUTHORIZA-**
 13 **TIONS**

14 **SECTION 2001. SHORT TITLE.**

15 This division may be cited as the “Military Construc-
 16 tion Authorization Act for Fiscal Year 2005”.

17 **TITLE XXI—ARMY**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 19 **ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts
 21 appropriated pursuant to the authorization of appropria-
 22 tions in section 2104(a)(1), the Secretary of the Army
 23 may acquire real property and carry out military construc-
 24 tion projects for the installations or locations inside the

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	23,690,000
Alaska	Fort Richardson	24,300,000
	Fort Wainwright	92,459,000
California	Fort Irwin	38,100,000
Colorado	Fort Carson	47,108,000
Georgia	Fort Benning	71,777,000
	Fort Gillem	5,800,000
	Fort McPherson	4,900,000
	Fort Stewart/Hunter Army Air Field.	65,495,000
Hawaii	Helemano Military Reservation ...	75,300,000
	Hickam Air Force	11,200,000
	Pohakuloa Training Area	30,000,000
	Schofield Barricks	187,792,000
	Wheeler Army Air Field	24,000,000
Kansas	Fort Riley	44,050,000
Kentucky	Fort Campbell	89,600,000
	Fort Knox	72,000,000
Louisiana	Fort Polk	70,953,000
Missouri	Fort Leonard Wood	17,750,000
New Mexico	White Sands Missile Range	33,000,000
New York	Fort Drum	4,950,000
	Fort Hamilton	7,600,000
	Military Entrance Processing Sta- tion, Buffalo.	6,200,000
	United States Military Academy, West Point.	60,000,000
North Carolina	Fort Bragg	101,687,000
Oklahoma	Fort Sill	14,400,000
Texas	Fort Bliss	16,500,000
	Fort Hood	78,088,000
Virginia	Fort A.P. Hill	3,975,000
	Fort Myer	49,526,000
Washington	Fort Lewis	48,000,000
	Total	1,420,200,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2104(a)(2), the Secretary of the Army
 6 may acquire real property and carry out military construc-

1 tion projects for the installations or locations outside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	77,200,000
Italy	Livorno	26,000,000
Korea	Camp Humphreys	12,000,000
	Total	115,200,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2104(a)(5)(A), the Secretary of the
 8 Army may construct or acquire family housing units (in-
 9 cluding land acquisition and supporting facilities) at the
 10 installations or locations, for the purposes and in the
 11 amounts, set forth in the following table:

Army: Family Housing

State	Installation or Lo- cation	Purpose	Amount
Alaska	Fort Richardson	92 Units	42,000,000
	Fort Wainwright	246 Units	124,000,000
Arizona	Fort Huachuca	205 Units	41,000,000
	Yuma Proving Ground	55 Units	14,900,000
Kansas	Fort Riley	126 Units	33,000,000
New Mexico	White Sands Missile Range.	156 Units	31,000,000
Oklahoma	Fort Sill	247 Units	47,000,000
Virginia	Fort Lee	218 Units	46,000,000
	Fort Monroe	68 Units	16,000,000
	Total	394,900,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(4)(A), the Secretary of the Army may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of family housing units in an amount not
7 to exceed \$29,209,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2104(a)(5)(A),
13 the Secretary of the Army may improve existing military
14 family housing units in an amount not to exceed
15 \$211,990,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2004, for mili-
19 tary construction, land acquisition and military family
20 housing functions of the Department of the Army in the
21 total amount of \$3,336,291,000 as follows:

22 (1) For military construction projects inside the
23 United States authorized by section 2101(a),
24 \$1,250,700,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2101(b),
3 \$115,200,000.

4 (3) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$20,000,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$151,335,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$636,099,000.

14 (B) For support of military family housing
15 (including the functions described in section
16 2833 of title 10, United States Code),
17 \$928,907,000.

18 (6) For the construction of phase 2 of a bar-
19 racks complex, 5th & 16th Street, at Fort Stewart/
20 Hunter Army Air Field, Georgia, authorized by sec-
21 tion 2101(a) of the Military Construction Authoriza-
22 tion Act for Fiscal Year 2004 (division B of Public
23 Law 108–136; 117 Stat. 1697), \$32,950,000.

24 (7) For the construction of phase 3 of a bar-
25 racks complex renewal, Capron Road, at Schofield

1 Barracks, Hawaii, authorized by section 2101(a) of
2 the Military Construction Authorization Act for Fis-
3 cal Year 2002 (division B of Public Law 107–107;
4 115 Stat. 1283) and as amended by section 2105 of
5 the Military Authorization Act for Fiscal Year 2004
6 (division B of Public Law 108–136; 117 Stat.
7 1697), \$48,000,000.

8 (8) For the construction of phase 2 of the
9 Lewis & Clark instructional facility at Fort Leaven-
10 worth, Kansas, authorized by section 2101(a) of the
11 Military Construction Authorization Act for Fiscal
12 Year 2003 (division B of Public Law 107–314; 116
13 Stat. 2681), \$44,000,000.

14 (9) For the construction phase 2 of a barracks
15 complex at Wheeler Sack Army Air Field at Fort
16 Drum, New York, authorized by section 2101(a) of
17 the Military Construction Authorization Act for Fis-
18 cal Year 2004 (division B of Public Law 108–136;
19 117 Stat. 1697), \$48,000,000.

20 (10) For the construction of phase 2 of a bar-
21 racks complex, Bastogne Drive, Fort Bragg, North
22 Carolina, authorized by section 2101(a) of the Mili-
23 tary Construction Authorization Act for Fiscal Year
24 2004 (division B of Public Law 108–136; 117 Stat.
25 1697), \$48,000,000.

1 (11) For the construction of phase 3 of a main-
 2 tenance complex at Fort Sill, Oklahoma, authorized
 3 by section 2101(a) of the Military Construction Au-
 4 thorization Act for Fiscal Year 2003 (division B of
 5 Public Law 107–314; 116 Stat. 2681), \$13,100,000.

6 **TITLE XXII—NAVY**

7 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 8 **ACQUISITION PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts
 10 appropriated pursuant to the authorization of appropria-
 11 tions in section 2204(a)(1), the Secretary of the Navy may
 12 acquire real property and carry out military construction
 13 projects for the installations or locations inside the United
 14 States, and in the amounts, set forth in the following
 15 table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	26,670,000
California	Marine Corps Base, Camp Pen- dleton.	38,455,000
	Naval Air Facility, El Centro	54,331,000
Connecticut	Naval Submarine Base, New Lon- don.	45,882,000
District of Columbia	Naval Observatory, Washington ..	3,239,000
	Eglin Air Force Base	2,060,000
Florida	Naval Station, Mayport	6,200,000
	Strategic Weapons Facility Atlan- tic, Kings Bay.	16,000,000
Georgia	Naval Training Station, Great Lakes.	10,000
Illinois	Recruit Training Command, Great Lakes.	74,771,000
	Naval Surface Warfare Center, Indian Head.	13,900,000
Maryland	Marine Corps Air Station, New River.	35,140,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Marine Corps Base, Camp Lejeune.	6,420,000
	Washington County	136,900,000
	Camp Elmore Marine Corps Detachment.	13,500,000
Virginia	Marine Corps Base, Quantico	41,800,000
	Naval Air Station, Oceana	2,770,000
	Naval Amphibious Base, Little Creek.	2,850,000
	Naval Station, Norfolk	4,330,000
	Naval Weapons Station, Yorktown.	9,870,000
	Naval Shipyard Puget Sound, Bremerton.	20,305,000
Washington	Naval Station, Bremerton	74,125,000
	Strategic Weapons Facility Pacific, Bangor.	131,090,000
	Total	760,618,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahamas	Naval Undersea Warfare Center, Andros Islands.	20,750,000
Diego Garcia	Naval Support Facility, Diego Garcia.	17,500,000
Guam	Naval Station, Guam	12,500,000
Guam	Naval Public Works Center, Guam.	20,700,000
Italy	Sigonella	22,550,000
Spain	Naval Station, Rota	32,700,000
	Total	126,700,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2204(a)(3), the Secretary of the Navy may
 4 acquire real property and carry out military construction
 5 projects for the installations or locations and in the
 6 amount, set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	158,640,000
	Total	158,640,000

7 **SEC. 2202. FAMILY HOUSING.**

8 Using amounts appropriated pursuant to the author-
 9 ization of appropriations in section 2204(a)(6)(A), the
 10 Secretary of the Navy may construct or acquire family
 11 housing units (including land acquisition and supporting
 12 facilities) at the installations or locations, for the purposes
 13 and in the amounts, set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
North Carolina	Marine Corps Air Station, Cherry Point.	198 Units	27,002,000
	Total	27,002,000

14 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 15 **UNITS.**

16 Subject to section 2825 of title 10, United States
 17 Code, and using amounts appropriated pursuant to the

1 authorization of appropriations in section 2204(a)(5)(A),
2 the Secretary of the Navy may improve existing military
3 family housing units in an amount not to exceed
4 \$112,105,000.

5 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2004, for mili-
8 tary construction, land acquisition, and military family
9 housing functions of the Department of the Navy in the
10 total amount of \$1,904,066,000, as follows:

11 (1) For military construction projects inside the
12 United States authorized by section 2201(a),
13 \$621,238,000.

14 (2) For military construction projects outside
15 the United States authorized by section 2201(b),
16 \$126,700,000.

17 (3) For the military construction projects at
18 unspecified worldwide locations authorized by section
19 2201(c), \$98,560,000.

20 (4) For unspecified minor military construction
21 projects authorized by section 2805 of title 10,
22 United States Code, \$12,000,000.

23 (5) For architectural and engineering services
24 and construction design under section 2807 of title
25 10, United States Code, \$87,067,000.

1 (6) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$139,107,000.

5 (B) For support of military family housing
6 (including functions described in section 2833
7 of title 10, United States Code), \$704,504,000.

8 (7) For the construction of increment 2 of the
9 tertiary sewage treatment plant at Marine Corps
10 Base, Camp Pendleton, California, authorized by
11 section 2201(a) of the Military Construction Author-
12 ization Act for Fiscal Year 2004 (division B of Pub-
13 lic Law 108–136; 117 Stat. 1703), \$25,690,000.

14 (8) For the construction of increment 2 of the
15 general purpose berthing pier at Naval Weapons
16 Station, Earle, New Jersey, authorized by section
17 2201(a) of the Military Construction Authorization
18 Act of Fiscal Year 2004 (division B of Public Law
19 108–136; 117 Stat. 1704), \$49,200,000.

20 (9) For the construction of increment 2 of pier
21 11 replacement at Naval Station, Norfolk, Virginia,
22 authorized by section 2201(a) of the Military Con-
23 struction Authorization Act of Fiscal Year 2004 (di-
24 vision B of Public Law 108–136; 117 Stat. 1704),
25 \$40,000,000.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	26,057,000
Arizona	Davis-Monthan Air Force Base ...	10,029,000
	Luke Air Force Base	10,000,000
Arkansas	Little Rock Air Force Base	5,031,000
California	Beale Air Force Base	10,186,000
	Edwards Air Force Base	9,965,000
	Travis Air Force Base	15,244,000
Colorado	Buckley Air Force Base	12,247,000
Florida	Tyndall Air Force Base	18,962,000
Georgia	Robins Air Force Base	15,000,000
Hawaii	Hickam Air Force Base	25,900,000
Louisiana	Barksdale Air Force Base	13,800,000
Maryland	Andrews Air Force Base	17,100,000
North Carolina	Pope Air Force Base	15,150,000
South Carolina	Shaw Air Force Base	3,300,000
Tennessee	Arnold Air Force Base	22,000,000
Texas	Lackland Air Force Base	2,596,000
	Sheppard Air Force Base	50,284,000
Utah	Hill Air Force Base	13,113,000
	Total	295,964,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force

1 may acquire real property and carry out military construc-
 2 tion projects for the installations or locations outside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	25,404,000
Greenland	Thule Air Base	19,800,000
Guam	Andersen Air Base	19,593,000
Italy	Aviano Air Base	6,760,000
Japan	Misawa Air Base	6,700,000
Korea	Kunsan Air Base	37,100,000
	Osan Air Base	18,600,000
Portugal	Lajes Field, Azores	5,689,000
Spain	Naval Station, Rota	14,153,000
United Kingdom	Royal Air Force Lakenheath	5,500,000
	Total	159,299,000

5 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2304(a)(3), the Secretary of the Air Force
 8 may acquire real property and carry out military construc-
 9 tion projects for the installations or locations, and in the
 10 amount, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified ...	Worldwide Unspecified Classified	28,090,000
Worldwide Unspecified	Worldwide Unspecified	26,825,000
	Total	54,915,000

11 **SEC. 2302. FAMILY HOUSING.**

12 (a) CONSTRUCTION AND ACQUISITION.—Using
 13 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2304(a)(6)(A), the Secretary of the
 2 Air Force may construct or acquire family housing units
 3 (including land acquisition and supporting facilities) at the
 4 installations or locations, for the purposes and in the
 5 amounts, set forth in the following table:

Air Force: Unspecified Worldwide

State	Installation or Location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base.	250 Units	48,500,000
California	Edwards Air Force Base.	218 Units	41,202,000
	Vandenberg Air Force Base.	120 Units	30,906,000
Florida	MacDill Air Force Base.	61 Units	22,973,000
Idaho	Mountain Home Air Force Base.	147 Units	39,333,000
Mississippi	Columbus Air Force Base.	FH Mgmt Facility.	711,000
Missouri	Whiteman Air Force Base.	160 Units	37,087,000
Montana	Malmstrom Air Force Base.	115 Units	29,910,000
North Carolina	Seymour Johnson Air Force Base.	167 Units	32,693,000
North Dakota ..	Grand Forks Air Force Base.	90 Units	26,169,000
South Carolina	Minot Air Force Base	142 Units	37,087,000
	Charleston Air Force Base.	Fire Station	1,976,000
South Dakota ..	Ellsworth Air Force Base.	75 Units	21,482,000
Texas	Dyess Air Force Base	127 Units	28,664,000
	Goodfellow Air Force Base.	127 Units	20,604,000
Germany	Ramstein Air Base	144 Units	57,691,000
Italy	Aviano Air Base	FH Office	2,542,000
Korea	Osan Air Base	117 Units	46,834,000
United Kingdom.	Royal Air Force Lakenheath.	154 Units	43,976,000
	Total	570,340,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(6)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$38,266,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(a)(6)(A),
13 the Secretary of the Air Force may improve existing mili-
14 tary family housing units in an amount not to exceed
15 \$238,353,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 Funds are hereby authorized to be appropriated for
19 fiscal years beginning after September 30, 2004, for mili-
20 tary construction, land acquisition, and military family
21 housing functions of the Department of the Air Force in
22 the total amount of \$2,374,819,000, as follows:

23 (1) For military construction projects inside the
24 United States authorized by section 2301(a),
25 \$295,964,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2301(b),
3 \$159,299,000.

4 (3) For the military construction projects at
5 unspecified worldwide locations authorized by section
6 2301(c), \$54,915,000.

7 (4) For unspecified minor military construction
8 projects authorized by section 2805 of title 10,
9 United States Code, \$13,000,000.

10 (5) For architectural and engineering services
11 and construction design, under section 2807 of title
12 10, United States Code, \$140,786,000.

13 (6) For military family housing functions:

14 (A) For construction and acquisition, plan-
15 ning and design and improvement of military
16 family housing and facilities, \$846,959,000.

17 (B) For support of military family housing
18 (including functions described in section 2833
19 of title 10, United States Code), \$863,896,000.

20 **TITLE XXIV—DEFENSE**
21 **AGENCIES**

22 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
23 **TION AND LAND ACQUISITION PROJECTS.**

24 (a) INSIDE THE UNITED STATES.—Using amounts
25 appropriated pursuant to the authorization of appropria-

1 tions in section 2404(a)(1), the Secretary of Defense may
 2 acquire real property and carry out military construction
 3 projects for the installations or locations inside the United
 4 States, and in the amounts, set forth in the following
 5 table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount	
Defense Intelligence Agency.	Bolling Air Force Base, District of Columbia.	6,000,000	
Defense Logistics Agency.	Columbus, Ohio	5,500,000	
	Defense Distribution Depot, New Cumberland, Pennsylvania.	22,300,000	
	Defense Distribution Depot, Richmond, Virginia.	10,100,000	
	Defense Fuel Support Point, Naval Air Station Oceana, Virginia.	3,589,000	
	Marina Corps Air Station, Cherry Point, North Carolina.	22,700,000	
	Naval Air Station, Kingsville, Texas.	3,900,000	
	Naval Station, Pearl Harbor, Hawaii.	3,500,000	
	Tinker Air Force Base, Oklahoma	5,400,000	
	Missile Defense Agency	Travis Air Force Base, California	15,100,000
	National Security Agency.	Huntsville, Alabama	19,560,000
Special Operations Command.	Fort Meade, Maryland	15,007,000	
	Corona, California	13,600,000	
	Fleet Combat Training Center, Dam Neck, Virginia.	5,700,000	
	Fort A.P. Hill, Virginia	1,500,000	
	Fort Bragg, North Carolina	42,888,000	
	Fort Stewart/Hunter Army Air Field, Georgia.	17,600,000	
	Tri-Care Management Activity.	Naval Air Station, North Island, California.	1,000,000
		Naval Amphibious Base, Little Creek, Virginia.	24,200,000
		Buckley Air Force Base, Colorado	2,100,000
		Fort Belvoir, Virginia	100,000,000
Fort Benning, Georgia		7,100,000	
Jacksonville, Florida		28,438,000	
Langley Air Force Base, Virginia		50,800,000	

Defense Agencies: Inside the United States—Continued

Agency	Installation or Location	Amount
	Marine Corps Recruit Depot, Parris Island, South Carolina.	25,000,000
	Total	452,582,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Ac- tivity.	Grafenwoehr, Germany	36,247,000
	Naval Station, Guam	26,964,000
Defense Logistics Agency.	Vilseck, Germany	9,011,000
	Defense Fuel Support Point, Lajes Field, Portugal.	19,113,000
Special Operations Command.	Misawa Air Base, Japan	19,900,000
	Naval Station, Guam, Marianas Islands.	2,200,000
Tri-Care Management Activity.	Royal Air Force Mildenhall, United Kingdom.	10,200,000
	Diego Garcia	3,800,000
	Grafenwoehr, Germany	13,000,000
	Total	140,435,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2404(a)(3), the Secretary of Defense may
11 acquire real property and carry out military construction

1 projects for the installations or locations, and in the
 2 amount, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified ...	Worldwide Unspecified Classified	7,400,000
Worldwide Unspecified	Worldwide Unspecified	2,900,000
	Total	10,300,000

3 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

4 **UNITS.**

5 Subject to section 2825 of title 10, United States
 6 Code, and using amounts appropriated pursuant to the
 7 authorization of appropriations in section 2404(a)(9)(A),
 8 the Secretary of Defense may improve existing military
 9 family housing units in an amount not to exceed \$49,000.

10 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2404(a)(7), the Sec-
 13 retary of Defense may carry out energy conservation
 14 projects under section 2865 of title 10, United States
 15 Code, in the amount of \$60,000,000.

16 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
 17 **FENSE AGENCIES.**

18 Funds are hereby authorized to be appropriated for
 19 fiscal years beginning after September 30, 2004, for mili-
 20 tary construction, land acquisition, and military family
 21 housing functions of the Department of Defense (other

1 than the military departments) in the total amount of
2 \$1,163,477,000, as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2401(a),
5 \$395,582,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2401(b),
8 \$140,435,000.

9 (3) For the military construction projects at
10 unspecified worldwide locations authorized by section
11 2401(c), \$10,300,000.

12 (4) For unspecified minor military construction
13 projects under section 2805 of title 10, United
14 States Code, \$20,938,000.

15 (5) For contingency construction projects of the
16 Secretary of Defense under section 2804 of title 10,
17 United States Code, \$10,000,000.

18 (6) For architectural and engineering services
19 and construction design under section 2807 of title
20 10, United States Code, \$62,182,000.

21 (7) For Energy Conservation projects author-
22 ized by section 2404 of this Act, \$60,000,000.

23 (8) For base closure and realignment activities
24 as authorized by the Defense Base Closure and Re-
25 alignment Act of 1990 (part A of title XXIX of

1 Public Law 101–510; 10 U.S.C. 2687 note),
2 \$246,116,000.

3 (9) For military family housing functions:

4 (A) For improvement of military family
5 housing and facilities, \$49,000.

6 (B) For support of military family housing
7 (including functions described in section 2833
8 of title 10, United States Code), \$49,575,000.

9 (C) For credit to the Department of De-
10 fense Family Housing Improvement Fund es-
11 tablished by section 2883(a)(1) of title 10,
12 United States Code, \$2,500,000.

13 **TITLE XXV—NORTH ATLANTIC**
14 **TREATY ORGANIZATION SE-**
15 **CURITY INVESTMENT PRO-**
16 **GRAM**

17 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 The Secretary of Defense may make contributions for
20 the North Atlantic Treaty Organization Security Invest-
21 ment Program as provided in section 2806 of title 10,
22 United States Code, in an amount not to exceed the sum
23 of the amount authorized to be appropriated for this pur-
24 pose in section 2502 and the amount collected from the

1 North Atlantic Treaty Organization as a result of con-
2 struction previously financed by the United States.

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 Funds are hereby authorized to be appropriated for
5 fiscal years beginning after September 30, 2004, for con-
6 tributions by the Secretary of Defense under section 2806
7 of title 10, United States Code, for the share of the United
8 States of the cost of projects for the North Atlantic Treaty
9 Organization Security Investment Program authorized by
10 section 2501, in the amount of \$165,800,000.

11 **TITLE XXVI—CHEMICAL DEMILI-**
12 **TARIZATION CONSTRUCTION,**
13 **DEFENSE**

14 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
15 **ICAL DEMILITARIZATION.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2004, for mili-
18 tary construction and land acquisition for Chemical De-
19 militarization in the total amount of \$81,886,000, as fol-
20 lows:

21 (1) For the construction of phase 6 of a muni-
22 tions demilitarization facility at Pueblo Chemical Ac-
23 tivity, Colorado, authorized by section 2401(a) of the
24 Military Construction Authorization Act for Fiscal
25 Year 1997 (division B of Public Law 104–201; 110

1 Stat. 2775), as amended by section 2406 of the Mili-
2 tary Construction Authorization Act for Fiscal Year
3 2000 (division B of Public Law 106–65; 113 Stat.
4 839), and section 2407 of the Military Construction
5 Authorization Act for Fiscal Year 2003 (division B
6 of Public Law 107–314; 116 Stat. 2697),
7 \$44,792,000.

8 (2) For the construction of phase 5 of a muni-
9 tions demilitarization facility at Blue Grass Army
10 Depot, Kentucky, authorized by section 2401(a) of
11 the Military Construction Authorization Act for Fis-
12 cal Year 2000 (division B of Public Law 106–65;
13 113 Stat. 835), as amended by section 2405 of the
14 Military Construction Authorization Act of 2002 (di-
15 vision B of Public Law 107–107; 115 Stat. 1298),
16 and section 2405 of the Military Construction Au-
17 thorization Act for Fiscal Year 2003 (division B of
18 Public Law 107–314; 116 Stat. 2697), \$37,094,000.

19 **TITLE XXVII—GUARD AND** 20 **RESERVE FORCES FACILITIES**

21 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUC-** 22 **TION AND LAND ACQUISITION PROJECTS.**

23 Funds are hereby authorized to be appropriated for
24 fiscal years beginning after September 30, 2004, for the
25 costs of acquisition, architectural and engineering services,

1 and construction of facilities for the Guard and Reserve
 2 Forces, and for contributions therefor, under chapter
 3 1803 of title 10, United States Code (including the cost
 4 of acquisition of land for those facilities), the following
 5 amounts:

6 (1) For the Department of the Army—

7 (A) for the Army National Guard of the
 8 United States, \$265,657,000; and

9 (B) for the Army Reserve, \$87,070,000.

10 (2) For the Department of the Navy, for the
 11 Naval and Marine Corps Reserve, \$25,285,000.

12 (3) For the Department of the Air Force—

13 (A) for the Air National Guard of the
 14 United States, \$127,368,000; and

15 (B) for the Air Force Reserve,
 16 \$84,556,000.

17 **TITLE XXVIII—EXPIRATION AND**
 18 **EXTENSION OF AUTHORIZA-**
 19 **TIONS**

20 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND**
 21 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 22 **LAW.**

23 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 24 YEARS.—Except as provided in subsection (b), all author-
 25 izations contained in titles XXI through XXVII for mili-

1 tary construction projects, land acquisition, family housing
2 projects and facilities, and contributions to the North At-
3 lantic Treaty Organization Security Investment Program
4 (and authorizations of appropriations therefor) shall ex-
5 pire on the later of—

6 (1) October 1, 2007; or

7 (2) the date of the enactment of an Act author-
8 izing funds for military construction for fiscal year
9 2008.

10 (b) EXCEPTION.—Subsection (a) shall not apply to
11 authorizations for military construction projects, land ac-
12 quisition, family housing projects and facilities, and con-
13 tributions to the North Atlantic Treaty Organization Se-
14 curity Investment program (and authorizations of appro-
15 priations therefor), for which appropriated funds have
16 been obligated before the later of—

17 (1) October 1, 2007; or

18 (2) the date of the enactment of an Act author-
19 izing funds for fiscal year 2008 for military con-
20 struction projects, land acquisition, family housing
21 projects and facilities, or contributions to the North
22 Atlantic Treaty Organization Security Investment
23 program.

1 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2002 PROJECTS.**

3 (a) **EXTENSION.**—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2002 (division B of Public Law 107–107; 115 Stat.
 6 1280), authorizations set forth in the tables in subsection
 7 (b), as provided in sections 2101, 2302, and 2601 of that
 8 Act, shall remain in effect until October 1, 2005, or the
 9 date of the enactment of an Act authorizing funds for mili-
 10 tary construction for fiscal year 2006, whichever is later.

11 (b) **TABLES.**—The tables referred to in subsection (a)
 12 are as follows:

Army: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Power Plant Cooling Tower.	23,000,000
Hawaii	Pohakuloa Training Area.	Parker Ranch Land Acquisition.	1,500,000

Air Force: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
Colorado	Buckley Air Force Base.	Construct Family Housing (55 Units).	11,400,000
Idaho	Mountain Home Air Force Base.	Replace Family Housing (56 Units).	10,000,000
Louisiana	Barksdale Air Force Base.	Replace Family Housing (56 Units).	7,300,000

Army National Guard: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
California	Lancaster	Readiness Center (ADRS).	4,530,000
Massachusetts	Framingham	Organizational Maintenance Shop.	8,347,000

1 **SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2001 PROJECTS.**

3 (a) **EXTENSION.**—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2001 (division B of Public Law 106–398; 114 Stat.
6 1654A–389), authorizations set forth in the tables in sub-
7 section (b), as provided in sections 2102 and 2401 of that
8 Act, shall remain in effect until October 1, 2005, or the
9 date of the enactment of an Act authorizing funds for mili-
10 tary construction for fiscal year 2006, whichever is later.

11 (b) **TABLES.**—The tables referred to in subsection (a)
12 are as follows:

Army: Extension of 2001 Project Authorization

State	Installation or Location	Project	Amount
South Carolina	Fort Jackson	New Construction-Family Housing (1 unit).	250,000

**Defense Agency: Extension of 2001 Project
Authorization**

Agency	Installation or Location	Project	Amount
Defense Finance and Accounting Service.	Kleber Kaserne, Germany.	Building renovation.	7,400,000
Department of Defense Education Activity.	Osan Air Base, Korea.	Osan Elementary School Classroom Addition.	843,000

1 **TITLE XXIX—GENERAL**
2 **PROVISIONS**

3 **Subtitle A—Military Construction**
4 **and Military Family Housing**

5 **SEC. 2901. ALTERNATIVE AUTHORITY FOR ACQUISITION**
6 **AND IMPROVEMENT OF MILITARY HOUSING.**

7 Section 2883(g)(1) of title 10, United States Code
8 is amended by striking “\$850,000,000” and inserting
9 “\$1,850,000,000”.

10 **Subtitle B—Real Property and**
11 **Facilities Administration**

12 **SEC. 2911. ESTABLISHMENT OF MUSEUM CENTER OF THE**
13 **NATIONAL MUSEUM OF THE UNITED STATES**
14 **ARMY.**

15 (a) IN GENERAL.—Chapter 401 of title 10, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

1 **“§ 4322. The Museum Center of the National Museum**
2 **of the United States Army**

3 “(a) AUTHORITY TO ESTABLISH.—

4 “(1) The Secretary of the Army may establish
5 the Museum Center of the National Museum of the
6 United States Army at Fort Belvoir, Virginia.

7 “(2) The Museum Center may be used to iden-
8 tify, collect, preserve, display, and interpret historic
9 artifacts and artwork of significance to the United
10 States Army.

11 “(b) AUTHORITY TO ENTER INTO AGREEMENT.—

12 “(1) The Secretary may enter into an agree-
13 ment with the Army Historical Foundation, a non-
14 profit organization, to support the design, construc-
15 tion, and operation of the Museum Center through
16 gifts provided by the Foundation.

17 “(2) The Secretary may require such terms and
18 conditions in connection with any agreement author-
19 ized to be entered into by this subsection as the Sec-
20 retary considers appropriate to protect the interests
21 of the United States.

22 “(c) DESIGN, CONSTRUCTION, AND OPERATION.—

23 The Secretary may design, construct, and operate facilities
24 for the Museum Center with funds provided by the Army
25 Historical Foundation and gifts accepted under subsection
26 (d).

1 “(d) USE OF CERTAIN GIFTS.—(1) Under regula-
2 tions prescribed by the Secretary, the Commander of the
3 United States Army Center of Military History may, with-
4 out regard to section 2601 of this title 10, accept, hold,
5 administer, invest, and spend any gift, devise, or bequest
6 of personal property of a value of \$250,000 or less made
7 to the United States if such gift, devise, or bequest is for
8 the benefit of the Museum Center.

9 “(2) The Secretary may pay or authorize the pay-
10 ment of any reasonable and necessary expense in connec-
11 tion with the conveyance or transfer of a gift, devise, or
12 bequest under this sub section.

13 “(e) OTHER AUTHORIZED USERS.—

14 (1) The Secretary may make the Museum Cen-
15 ter, or space within the Museum Center, available to
16 the public, commercial entities, nonprofit entities,
17 state and local governments, and other departments
18 and agencies of the Federal Government for such
19 uses as deemed appropriate by the Secretary. The
20 Secretary may charge fees for such uses.

21 “(2) Funds received under paragraph (1) shall
22 be deposited into a special fund maintained by the
23 Secretary for acquisition, preservation, and con-
24 servation of rare artifacts and other projects associ-

1 ated with the Museum Center and shall be available
2 for those purposes until expended.

3 “(f) FUNDRAISING.—The Army Historical Founda-
4 tion may engage in fundraising operations on the grounds
5 of the Museum Center and its adjacent support facilities
6 with the approval of the Secretary of the Army. The Sec-
7 retary of the Army may approve the provision of logistical
8 support to fundraising events conducted by the Army His-
9 torical Foundation on the grounds of the Museum Center
10 and its adjacent support facilities that is otherwise con-
11 sistent with Department of Defense policy for the conduct
12 of public affairs and community relations activities and
13 programs throughout the Department of Defense.

14 “(g) ADVERTISING, MARKETING, AND PROMOTION.—

15 “(1) The Secretary of the Army may expend
16 appropriated funds available for the operation and
17 maintenance of the Army for advertising, marketing,
18 and promotion of the National Museum of the
19 United States Army and its programs in order to
20 enhance visitation and the effectiveness of edu-
21 cational programs of the Museum.

22 “(2) The Secretary of the Army may authorize
23 the Commander of the United States Army Center
24 of Military History, or other appropriate official of
25 the Department of the Army, to expend appro-

1 “(3) Acquisition of a replacement facility under para-
 2 graph (I) by exchange, sale, or combination of exchange
 3 and sale, may be accomplished by construction, expansion,
 4 rehabilitation, and conversion and shall result in a fully
 5 equipped and operational replacement facility. Nothing in
 6 this paragraph shall prohibit the Secretary from contrib-
 7 uting additional funds, in accordance with this section, to
 8 obtain a fully equipped and operational replacement facil-
 9 ity.

10 “(4) Any funds received under this subsection in ex-
 11 cess of the funds expended for the replacement facility
 12 may be used for the purposes of subsection (a).

13 “(5) The funds received under this subsection shall
 14 be placed in a separate account for use in accordance with
 15 this subsection without further appropriation.

16 “(6) This subsection shall not be subject to the Stew-
 17 art B. McKinney Homeless Assistance Act (42 U.S.C.
 18 11301 et seq.).”.

19 **Subtitle C—Other Matters**

20 **SEC. 2921. MINOR MILITARY CONSTRUCTION TO IMPROVE** 21 **FORCE PROTECTION.**

22 Section 2805 of title 10, United States Code, is
 23 amended—

24 (1) in subsection (b)(2), by striking “21-day”
 25 and inserting “5-day”; and

1 (2) in subsection (c)(1)—

2 (A) by striking “or” at the end of subpara-
3 graph (A);

4 (B) by striking the period at the end of
5 subparagraph (B) and inserting “; or”; and

6 (C) by adding at the end the following new
7 subparagraph:

8 “(C) \$5,000,000, in the case of an unspec-
9 ified minor military construction project in-
10 tended solely to correct a deficiency in force
11 protection.”.

○

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

“4322. The Museum Center of the National Museum of the United States
Army.”.

4 **SEC. 2912. EXCHANGE OR SALE OF RESERVE COMPONENT**
5 **FACILITIES IN RETURN FOR REPLACEMENT**
6 **FACILITIES.**

7 Section 18233 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(g)(1) When the Secretary of Defense determines it
11 is in the best interests of the United States to acquire
12 a facility under this section as a replacement for an exist-
13 ing facility, the Secretary may exchange the existing facil-
14 ity for a replacement facility or sell the existing facility
15 and use the proceeds to acquire a replacement facility.

16 “(2) In any exchange or sale under paragraph (1),
17 the United States shall receive cash or a replacement facil-
18 ity, or both, of a value at least equal to the fair market
19 value of the existing facility.

20 “(3) Acquisition of a replacement facility under para-
21 graph (I) by exchange, sale, or combination of exchange
22 and sale, may be accomplished by construction, expansion,
23 rehabilitation, and conversion and shall result in a fully
24 equipped and operational replacement facility. Nothing in

1 this paragraph shall prohibit the Secretary from contrib-
 2 uting additional funds, in accordance with this section, to
 3 obtain a fully equipped and operational replacement facil-
 4 ity.

5 “(4) Any funds received under this subsection in ex-
 6 cess of the funds expended for the replacement facility
 7 may be used for the purposes of subsection (a).

8 “(5) The funds received under this subsection shall
 9 be placed in a separate account for use in accordance with
 10 this subsection without further appropriation.

11 “(6) This subsection shall not be subject to the Stew-
 12 art B. McKinney Homeless Assistance Act (42 U.S.C.
 13 11301 et seq.).”

14 **Subtitle C—Other Matters**

15 **SEC. 2921. MINOR MILITARY CONSTRUCTION TO IMPROVE** 16 **FORCE PROTECTION.**

17 Section 2805 of title 10, United States Code, is
 18 amended—

19 (1) in subsection (b)(2), by striking “21-day”
 20 and inserting “5-day”; and

21 (2) in subsection (c)(1)—

22 (A) by striking “or” at the end of subpara-
 23 graph (A);

24 (B) by striking the period at the end of
 25 subparagraph (B) and inserting “; or”; and

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

3 “(C) \$5,000,000, in the case of an unspec-
4 ified minor military construction project in-
5 tended solely to correct a deficiency in force
6 protection.”.

○