

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1043

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## AN ACT

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

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Department of Defense  
5        Authorization Act for Fiscal Year 2006”.

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**2** The table of contents for this Act is as follows:

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 Sec. 1105. Permanent and enhanced authority for Science, Mathematics, and Research for Transformation (SMART) defense education program.  
 Sec. 1106. Strategic human capital plan for civilian employees of the Department of Defense.  
 Sec. 1107. Increase in authorized number of Defense Intelligence Senior Executive Service employees.  
 Sec. 1108. Comptroller General study on features of successful personnel management systems of highly technical and scientific workforces.

Sec. 1109. Bid Protests by Federal employees in actions under Office of Management and Budget Circular A-76.

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

Sec. 1201. Commanders' Emergency Response Program.  
 Sec. 1202. Enhancement and expansion of authority to provide humanitarian and civic assistance.  
 Sec. 1203. Modification of geographic limitation on payment of personnel expenses under bilateral or regional cooperation programs.  
 Sec. 1204. Payment of travel expenses of coalition liaison officers.  
 Sec. 1205. Prohibition on engaging in certain transactions.  
 Sec. 1206. Building the partnership security capacity of foreign military and security forces.  
 Sec. 1207. Security and stabilization assistance.  
 Sec. 1208. Report on nonstrategic nuclear weapons.  
 Sec. 1209. Sense of Congress on support for Nuclear Non-Proliferation Treaty.  
 Sec. 1210. The United States-China Economic and Security Review Commission.  
 Sec. 1211. United States policy on Iraq.

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

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.  
 Sec. 1302. Funding allocations.  
 Sec. 1303. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.  
 Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.  
 Sec. 1305. Repeal of requirement for annual Comptroller General assessment of annual Department of Defense report on activities and assistance under Cooperative Threat Reduction programs.  
 Sec. 1306. Removal of certain restrictions on provision of cooperative threat reduction assistance.

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

Sec. 1401. Purpose.  
 Sec. 1402. Designation as emergency amounts.  
 Sec. 1403. Army procurement.  
 Sec. 1404. Navy and Marine Corps procurement.  
 Sec. 1405. Tactical wheeled vehicles.  
 Sec. 1406. Reduction in authorization of appropriations for Iraq Freedom Fund.  
 Sec. 1407. Air Force procurement.  
 Sec. 1408. Reduction in authorization of appropriations for Iraq Freedom Fund.  
 Sec. 1409. Operation and maintenance.  
 Sec. 1410. Defense Health Program.  
 Sec. 1411. Military personnel.  
 Sec. 1412. Iraq Freedom Fund.  
 Sec. 1413. Transfer authority.

#### **TITLE XV—RECRUITMENT AND RETENTION**

- Sec. 1501. Short title.  
 Sec. 1502. Increase in maximum enlistment bonus.  
 Sec. 1503. Temporary authority to pay bonus to encourage members of the Army to refer other persons for enlistment in the Army.  
 Sec. 1504. Increase in maximum age for enlistment.  
 Sec. 1505. Repeal of prohibition on prior service enlistment bonus for receipt of other enlistment or reenlistment bonus for service in the Selected Reserve.  
 Sec. 1506. Increase and enhancement of affiliation bonus for officers of the Selected Reserve.  
 Sec. 1507. Enhancement of educational loan repayment authorities.  
 Sec. 1508. Report on Reserve Dental Insurance Program.

#### **TITLE XVI—TRANSITION SERVICES**

- Sec. 1601. Short title.  
 Sec. 1602. Improved administration of transitional assistance programs.  
 Sec. 1603. Follow up assistance for members of the Armed Forces after preseparation physical examinations.  
 Sec. 1604. Report on transition assistance programs.

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

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

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

### **7 TITLE I—PROCUREMENT**

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

### **10 SEC. 101. ARMY.**

11 Funds are hereby authorized to be appropriated for  
 12 fiscal year 2006 for procurement for the Army as follows:

- 13 (1) For aircraft, \$2,800,880,000.  
 14 (2) For missiles, \$1,265,850,000.  
 15 (3) For weapons and tracked combat vehicles,  
 16 \$1,692,549,000.

1 (4) For ammunition, \$1,831,672,000.

2 (5) For other procurement, \$4,339,434,000.

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

4 (a) NAVY.—Funds are hereby authorized to be appro-  
5 priated for fiscal year 2006 for procurement for the Navy  
6 as follows:

7 (1) For aircraft, \$9,946,926,000.

8 (2) For weapons, including missiles and tor-  
9 pedoes, \$2,749,441,000.

10 (3) For shipbuilding and conversion,  
11 \$9,057,865,000.

12 (4) For other procurement, \$5,596,218,000.

13 (b) MARINE CORPS.—Funds are hereby authorized to  
14 be appropriated for fiscal year 2006 for procurement for  
15 the Marine Corps in the amount of \$1,386,705,000.

16 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
17 are hereby authorized to be appropriated for fiscal year  
18 2006 for procurement of ammunition for the Navy and  
19 the Marine Corps in the amount of \$892,849,000.

20 **SEC. 103. AIR FORCE.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 2006 for procurement for the Air Force as fol-  
23 lows:

24 (1) For aircraft, \$13,212,633,000.

25 (2) For missiles, \$5,500,287,000.

1 (3) For ammunition, \$1,031,207,000.

2 (4) For other procurement, \$14,027,889,000.

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

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

7 **SEC. 105. UH-60 BLACK HAWK HELICOPTER PROCUREMENT**  
8 **IN RESPONSE TO ATTRITION.**

9 (a) INCREASE IN AMOUNT.—Of the amount author-  
10 ized to be appropriated by section 101(1) for aircraft for  
11 the Army, the amount available for the procurement UH-  
12 60 Black Hawk helicopters in response to attrition is here-  
13 by increased to \$40,600,000, with the amount to be used  
14 to increase the number of UH-60 Black Hawk helicopters  
15 to be procured in response to attrition from 2 helicopters  
16 to 4 helicopters.

17 (b) OFFSET.—Of the amount authorized to be appro-  
18 priated by section 101(1) for aircraft for the Army, the  
19 amount available for UH-60 Black Hawk helicopter  
20 medevac kits is hereby reduced to \$29,700,000, with the  
21 amount to be derived in a reduction in the number of such  
22 kits from 10 kits to 6 kits.

1           **Subtitle B—Army Programs**

2   **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**  
3                   **64D APACHE ATTACK HELICOPTER BLOCK II**  
4                   **CONVERSIONS.**

5           Beginning with the fiscal year 2006 program year,  
6 the Secretary of the Army may, in accordance with section  
7 2306b of title 10, United States Code, enter into one or  
8 more multiyear contracts for procurement of AH-64D  
9 Apache attack helicopter block II conversions.

10 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
11                   **MODERNIZED TARGET ACQUISITION DES-**  
12                   **IGNATION/PILOT NIGHT VISION SENSORS**  
13                   **FOR AH-64D APACHE ATTACK HELICOPTERS.**

14           Beginning with the fiscal year 2006 program year,  
15 the Secretary of the Army may, in accordance with section  
16 2306b of title 10, United States Code, enter into one or  
17 more multiyear contracts for procurement of modernized  
18 target acquisition designation/pilot night vision sensors for  
19 AH-64D Apache attack helicopters.

20 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
21                   **UTILITY HELICOPTERS.**

22           (a) UH-60M BLACK HAWK HELICOPTERS.—Begin-  
23 ning with the fiscal year 2006 program year, the Secretary  
24 of the Army may, in accordance with section 2306b of title  
25 10, United States Code, enter into one or more multiyear

1 contracts for the procurement of UH-60M Black Hawk  
2 helicopters.

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

10 **SEC. 114. TELEMEDICINE AND ADVANCED TECHNOLOGY**  
11 **RESEARCH CENTER.**

12 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
13 OPMENT, TEST AND EVALUATION, ARMY.—The amount  
14 authorized to be appropriated by section 201(1) for re-  
15 search, development, test, and evaluation for the Army is  
16 hereby increased by \$1,000,000.

17 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
18 thorized to be appropriated by section 201(1) for research,  
19 development, test, and evaluation for the Army, as in-  
20 creased by subsection (a), \$1,000,000 may be available for  
21 Medical Advanced Technology (PE #603002A) for the  
22 Telemedicine and Advanced Technology Research Center.

23 (c) OFFSET.—The amount authorized to be appro-  
24 priated by section 101(4) for procurement of ammunition  
25 for the Army is hereby reduced by \$1,000,000, with the

1 amount of the reduction to be allocated to amounts avail-  
2 able for Ammunition Production Base Support, Produc-  
3 tion Base Support for the Missile Recycling Center  
4 (MRC).

5 **SEC. 115. TOWED ARRAY HANDLER.**

6 (a) AVAILABILITY OF AMOUNT.—Of the amount au-  
7 thorized to be appropriated by section 201(2) for research,  
8 development, test, and evaluation for the Navy, the  
9 amount available for Program Element 0604503N for the  
10 design, development, and test of improvements to the  
11 towed array handler is hereby increased by \$5,000,000 in  
12 order to increase the reliability of the towed array and  
13 the towed array handler by capitalizing on ongoing testing  
14 and evaluation of such systems.

15 (b) OFFSET.—Of the amount authorized to be appro-  
16 priated by section 201(2) for research, development, test,  
17 and evaluation for the Navy, the amount available for Pro-  
18 gram Element 0604558N for new design for the Virginia  
19 Class submarine for the large aperture bow array is hereby  
20 reduced by \$5,000,000.

21 **SEC. 116. SECOND SOURCE FOR PRODUCTION AND SUPPLY**  
22 **OF TIRES FOR THE STRYKER COMBAT VEHI-**  
23 **CLE.**

24 (a) REQUIREMENT.—The Secretary of the Army shall  
25 conduct a participation of study of the feasibility and costs

1 and benefits for the second source for the production and  
2 supply of tires for the Stryker combat vehicle to be pro-  
3 cured by the Army with funds authorized to be appro-  
4 priated in this Act.

5 (b) REPORT.—Not later than 90 days after the date  
6 of the enactment of this Act, the Secretary shall submit  
7 to the congressional defense committees a report on the  
8 results of the study under subsection (a). The report shall  
9 include—

10 (1) an analysis of the capacity of the industrial  
11 base in the United States to meet requirements for  
12 a second source for the production and supply of  
13 tires for the Stryker combat vehicle; and

14 (2) to the extent that the capacity of the indus-  
15 trial base in the United States is not adequate to  
16 meet such requirements, recommendations on  
17 means, over the short-term and the long-term, to ad-  
18 dress that inadequacy.

## 19 **Subtitle C—Navy Programs**

### 20 **SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERA-** 21 **TION DESTROYER (DD(X)) THROUGH A SIN-** 22 **GLE NAVAL SHIPYARD.**

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

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

7 (c) WINNER-TAKE-ALL ACQUISITION STRATEGY DE-  
 8 FINED.—In this section, the term “winner-take-all acquisi-  
 9 tion strategy”, with respect to the acquisition of destroyers  
 10 under the next generation destroyer program, means the  
 11 acquisition (including design and construction) of such de-  
 12 stroyers through a single shipyard.

13 **SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN-78**  
 14 **AIRCRAFT CARRIER.**

15 (a) AUTHORITY TO USE SPLIT FUNDING.—The Sec-  
 16 retary of the Navy is authorized to fund the detail design  
 17 and construction of the aircraft carrier designated CVN-  
 18 78 using split funding in the Shipbuilding and Conversion,  
 19 Navy account in fiscal years 2007, 2008, 2009, and 2010.

20 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-  
 21 MENTS.—A contract entered into for the detail design and  
 22 construction of the aircraft carrier designated CVN-78  
 23 shall provide that any obligation of the United States to  
 24 make a payment under the contract for a fiscal year after

1 fiscal year 2006 is subject to the availability of appropria-  
2 tions for such fiscal year.

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

4 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR  
5 FISCAL YEAR 2006.—Of the amount authorized to be ap-  
6 propriated by section 102(a)(3) for fiscal year 2006 for  
7 shipbuilding and conversion, Navy, \$325,447,000 shall be  
8 available for design, advance procurement, advance con-  
9 struction, detail design, and construction with respect to  
10 the LHA Replacement (LHA(R)) ship.

11 (b) AMOUNTS AUTHORIZED FROM SCN ACCOUNT  
12 FOR FISCAL YEARS 2007 AND 2008.—Amounts author-  
13 ized to be appropriated for fiscal years 2007 and 2008  
14 for shipbuilding and conversion, Navy, shall be available  
15 for construction with respect to the LHA Replacement  
16 ship.

17 (c) CONTRACT AUTHORITY.—

18 (1) DESIGN, ADVANCE PROCUREMENT, AND AD-  
19 VANCE CONSTRUCTION.—The Secretary of the Navy  
20 may enter into a contract during fiscal year 2006  
21 for design, advance procurement, and advance con-  
22 struction with respect to the LHA Replacement ship.

23 (2) DETAIL DESIGN AND CONSTRUCTION.—The  
24 Secretary may enter into a contract during fiscal

1 year 2006 for the detail design and construction of  
2 the LHA Replacement ship.

3 (d) **CONDITION FOR OUT-YEAR CONTRACT PAY-**  
4 **MENTS.**—A contract entered into under subsection (c)  
5 shall provide that any obligation of the United States to  
6 make a payment under the contract for a fiscal year after  
7 fiscal year 2006 is subject to the availability of appropria-  
8 tions for that purpose for such fiscal year.

9 (e) **FUNDING AS INCREMENT OF FULL FUNDING.**—  
10 The amounts available under subsections (a) and (b) for  
11 the LHA Replacement ship are the first increments of  
12 funding for the full funding of the LHA Replacement  
13 (LHA(R)) ship program.

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

16 (a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT.**—  
17 Of the amount authorized to be appropriated by section  
18 102(a)(3) for fiscal year 2006 for shipbuilding and conver-  
19 sion, Navy, \$1,493,563,000 shall be available for the com-  
20 mencement of the nuclear refueling and complex overhaul  
21 of the U.S.S. Carl Vinson (CVN-70). The amount avail-  
22 able under the preceding sentence is the first increment  
23 in the incremental funding planned for the nuclear refuel-  
24 ing and complex overhaul of the U.S.S. Carl Vinson.

1 (b) CONTRACT AUTHORITY.—The Secretary of the  
2 Navy may enter into a contract during fiscal year 2006  
3 for the nuclear refueling and complex overhaul of the  
4 U.S.S. Carl Vinson.

5 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
6 MENTS.—A contract entered into under subsection (b)  
7 shall provide that any obligation of the United States to  
8 make a payment under the contract for a fiscal year after  
9 fiscal year 2006 is subject to the availability of appropria-  
10 tions for that purpose for such fiscal year.

11 **SEC. 125. RAPID INTRAVENOUS INFUSION PUMP.**

12 (a) ADDITIONAL AMOUNT FOR PROCUREMENT FOR  
13 THE MARINE CORPS.—The amount authorized to be ap-  
14 propriated by section 102(b) for procurement for the Ma-  
15 rine Corps is hereby increased by \$1,000,000.

16 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
17 thorized to be appropriated by section 102(b) for procure-  
18 ment for the Marine Corps, as increased by subsection (a),  
19 \$1,000,000 may be available for General Property for  
20 Field Medical Equipment for the Rapid Intravenous (IV)  
21 Infusion Pump.

22 (c) OFFSET.—The amount authorized to be appro-  
23 priated by section 301(4) is hereby reduced by  
24 \$1,000,000.

1       **Subtitle D—Air Force Programs**

2       **SEC. 131. C-17 AIRCRAFT PROGRAM AND INTER-THEATER**  
3               **AIRLIFT REQUIREMENTS.**

4           (a) **MULTIYEAR PROCUREMENT AUTHORIZED.**—The  
5 Secretary of the Air Force may, in accordance with section  
6 2306b of title 10, United States Code, enter into a  
7 multiyear contract, beginning with the fiscal year 2006  
8 program year, for the procurement of up to 42 additional  
9 C-17 aircraft.

10          (b) **CERTIFICATION REQUIRED.**—Before the exercise  
11 of the authority in subsection (a), the Secretary of Defense  
12 shall submit to the congressional defense committees a  
13 certification that the additional airlift capacity to be pro-  
14 vided by the C-17 aircraft to be procured under the au-  
15 thority is consistent with the quadrennial defense review  
16 under section 118 of title 10, United States Code, to be  
17 submitted to Congress with the budget of the President  
18 for fiscal year 2007 (as submitted under section 1105(a)  
19 of title 31, United States Code), as qualified by subsection  
20 (c).

21          (c) **ADDITIONAL EXPLANATION OF INTER-THEATER**  
22 **AIRLIFT REQUIREMENTS.**—

23           (1) **INCLUSION IN QUADRENNIAL DEFENSE RE-**  
24 **VIEW.**—The Secretary of Defense shall, as part of  
25 the quadrennial defense review in 2005 and in ac-

1 cordance with the provisions of section 118(d)(9) of  
2 title 10, United States Code, carry out an assess-  
3 ment of the inter-theater airlift capabilities required  
4 to support the national defense strategy.

5 (2) ADDITIONAL INFORMATION.—In including  
6 the assessment required by paragraph (1) in the  
7 quadrennial defense review as required by that para-  
8 graph, the Secretary shall explain how the rec-  
9 ommendations for future airlift force structure re-  
10 quirements in that quadrennial defense review take  
11 into account the following:

12 (A) The increased airlift demands associ-  
13 ated with the Army modular brigade combat  
14 teams.

15 (B) The objective to deliver a brigade com-  
16 bat team anywhere in the world within four to  
17 seven days, a division within 10 days, and mul-  
18 tiple divisions within 20 days.

19 (C) The increased airlift demands associ-  
20 ated with the expanded scope of operational ac-  
21 tivities of the Special Operations forces.

22 (D) The realignment of the overseas bas-  
23 ing structure in accordance with the Integrated  
24 Presence and Basing Strategy.

1 (E) Adjustments in the force structure to  
2 meet homeland defense requirements.

3 (F) The potential for simultaneous home-  
4 land defense activities and major combat oper-  
5 ations.

6 (G) Potential changes in requirements for  
7 intra-theater airlift or sealift capabilities.

8 (d) MAINTENANCE OF C-17 AIRCRAFT PRODUCTION  
9 LINE.—In the event the Secretary of Defense is unable  
10 to make the certification specified in subsection (b), the  
11 Secretary of the Air Force should procure sufficient C-  
12 17 aircraft to maintain the C-17 aircraft production line  
13 at not less than the minimum sustaining rate until suffi-  
14 cient flight test data regarding improved C-5 aircraft mis-  
15 sion capability rates as a result of the Reliability Enhance-  
16 ment and Re-engining Program and Avionics Moderniza-  
17 tion Program have been obtained to determine the validity  
18 of assumptions concerning the C-5 aircraft used in the  
19 Mobility Capabilities Study.

20 **SEC. 132. PROHIBITION ON RETIREMENT OF KC-135E AIR-**  
21 **CRAFT.**

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

1 **SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND**  
2 **FOR MODERNIZATION OF AERIAL REFUELING**  
3 **TANKERS.**

4 In addition to providing funds for a tanker acquisi-  
5 tion program as specified in section 8132 of the Depart-  
6 ment of Defense Appropriations Act, 2005 (Public Law  
7 108–287; 118 Stat, 1001), funds in the Tanker Replace-  
8 ment Transfer Fund established by that section may be  
9 used for the modernization of existing aerial refueling  
10 tankers if the modernization of such tankers is consistent  
11 with the results of the analysis of alternatives for meeting  
12 the aerial refueling requirements of the Air Force as re-  
13 quired by section 134(b) of the National Defense Author-  
14 ization Act for Fiscal Year 2004 (Public Law 108–136;  
15 117 Stat. 1413).

16 **SEC. 134. PROHIBITION ON RETIREMENT OF F-117 AIR-**  
17 **CRAFT.**

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

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

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

1 **SEC. 136. PROCUREMENT OF C-130J/KC-130J AIRCRAFT**  
2 **AFTER FISCAL YEAR 2005.**

3 Any C-130J/KC-130J aircraft procured after fiscal  
4 year 2005 (including C-130J/KC-130J aircraft procured  
5 through a multiyear contract continuing in force from a  
6 fiscal year before fiscal year 2006) shall be procured  
7 through a contract under part 15 of the Federal Acquisi-  
8 tion Regulation (FAR), relating to acquisition of items by  
9 negotiated contract (48 C.F.R. 15.000 et seq.), rather  
10 than through a contract under part 12 of the Federal Ac-  
11 quisition Regulation, relating to acquisition of commercial  
12 items (48 C.F.R. 12.000 et seq.).

13 **SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL**  
14 **EVACUATIONS.**

15 (a) **REQUIREMENT TO PROCURE.**—The Secretary of  
16 the Air Force shall procure aircraft for the purpose of pro-  
17 viding aeromedical evacuation services to severely injured  
18 or ill personnel.

19 (b) **REQUIRED CAPABILITIES.**—The aircraft pro-  
20 cured under subsection (a) shall be capable of providing  
21 nonstop aeromedical evacuations across the Atlantic  
22 Ocean.

23 (c) **EQUIPPING.**—Any aircraft procured under sub-  
24 section (a) shall be equipped with current aeromedical  
25 support facilities, including electrical systems, sanitation,  
26 temperature controls, pressurization capacity, safe medical

1 storage, equipment and medicines for life support and  
2 emergency purposes, food preparation facilities, and such  
3 other facilities as the Secretary considers appropriate for  
4 the provision of aeromedical evacuation services.

5 (d) DEDICATED MISSION.—Each aircraft procured  
6 and equipped under this section shall be assigned the dedi-  
7 cated mission of providing aeromedical evacuation services  
8 as described in subsection (a).

9 (e) AVAILABILITY OF FUNDS.—Of the amounts au-  
10 thorized to be appropriated by section 103(1) for aircraft  
11 procurement for the Air Force, \$200,000,000 shall be  
12 available for the procurement and equipping of up to two  
13 aircraft under this section.

14 **SEC. 138. C-37B AIRCRAFT.**

15 (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCURE-  
16 MENT, AIR FORCE.—The amount authorized to be appro-  
17 priated by section 103(1) for aircraft procurement for the  
18 Air Force is hereby increased by \$45,000,000.

19 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
20 thorized to be appropriated by section 103(1) for aircraft  
21 for the Air Force, as increased by subsection (a), up to  
22 \$45,000,000 may be used for the procurement of one C-  
23 37B aircraft.

24 (c) OFFSET.—The amount authorized to be appro-  
25 priated by section 301(1) for operation and maintenance

1 for the Army is hereby reduced by \$25,000,000, and the  
2 amount authorized to be appropriated by section 301(5)  
3 for operation and maintenance, defensewide, is hereby re-  
4 duced by \$20,000,000.

5 **Subtitle E—Defense-Wide**  
6 **Programs**

7 **SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.**

8 (a) **LIMITATION ON AVAILABILITY OF FUNDS FOR**  
9 **ADVANCE PROCUREMENT.**—No funds authorized to be ap-  
10 propriated by this Act for fiscal year 2006 for advance  
11 procurement of components for the Advanced SEAL De-  
12 livery System may be obligated or expended for that pur-  
13 pose until 30 days after the date on which the Secretary  
14 of Defense certifies to the congressional defense commit-  
15 tees that the Under Secretary of Defense for Acquisition,  
16 Technology, and Logistics has made a favorable milestone  
17 C decision regarding the Advanced SEAL Delivery Sys-  
18 tem. The certification shall be submitted together with the  
19 comprehensive report on the Advanced SEAL Delivery  
20 System required by subsection (b).

21 (b) **REPORT.**—As soon as possible after completion  
22 of the review of the Advanced SEAL Delivery System by  
23 the Defense Acquisition Board, the Secretary shall submit  
24 to the congressional defense committees a report that in-  
25 cludes the following:

1           (1) The result of the milestone C decision on  
2 the Advanced SEAL Delivery System made by the  
3 Under Secretary of Defense for Acquisition, Tech-  
4 nology, and Logistics.

5           (2) Such recommendations as the Secretary  
6 considers appropriate regarding the continuation, re-  
7 structuring, or termination of the Advanced SEAL  
8 Delivery System program, including recommenda-  
9 tions on adjustments to contractual arrangements in  
10 connection with the continuation, restructuring, or  
11 termination of the program.

12           (3) A detailed summary of the revised cost esti-  
13 mate and future cost estimates for the Advanced  
14 SEAL Delivery System program, which cost esti-  
15 mates shall be validated for purposes of the report  
16 by the Cost Analysis and Improvement Group within  
17 the Office of the Secretary of Defense.

18           (4) A detailed acquisition strategy for the Ad-  
19 vanced SEAL Delivery System, if the Secretary rec-  
20 ommends the continuation or restructuring of the  
21 Advanced SEAL Delivery System program under  
22 paragraph (2).

23           (5) A plan to demonstrate realistic strategies  
24 for solving any technical and performance problems  
25 identified during the final operational test and eval-

1 uation of the Advanced SEAL Delivery System pro-  
2 posed to be conducted during the summer of 2005.

3 (c) COMPTROLLER GENERAL REVIEW.—

4 (1) IN GENERAL.—In order to achieve the pur-  
5 poses set forth in paragraph (2), the Comptroller  
6 General of the United States shall—

7 (A) review the adequacy of the final oper-  
8 ational test and evaluation test plan for the Ad-  
9 vanced SEAL Delivery System;

10 (B) review the results of the operational  
11 test of the Advanced SEAL Delivery System;  
12 and

13 (C) update the March 2003 Comptroller  
14 General report entitled Defense Acquisition, Ad-  
15 vanced SEAL Delivery System Program Needs  
16 Increased Oversight (GAO-03-442).

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

19 (A) To examine the progress made toward  
20 meeting operational requirements and technical  
21 challenges with respect to the Advanced SEAL  
22 Delivery System.

23 (B) To assess the capacity of the Advanced  
24 SEAL Delivery System program to meet sched-  
25 ule and cost projections for that program.

1 (C) To identify and evaluation any remain-  
2 ing factors that may contribute to potential fu-  
3 ture problems for the Advanced SEAL Delivery  
4 System program.

5 (3) REPORT.—The Comptroller General shall  
6 submit to the congressional defense committees a re-  
7 port on the activities of the Comptroller General  
8 under paragraph (1) not later than February 1,  
9 2006.

10 **TITLE II—RESEARCH, DEVELOP-**  
11 **MENT, TEST, AND EVALUA-**  
12 **TION**

13 **Subtitle A—Authorization of**  
14 **Appropriations**

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

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

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

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

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

22 (4) For Defense-wide activities,  
23 \$19,011,754,000, of which \$168,458,000 is author-  
24 ized for the Director of Operational Test and Eval-  
25 uation.

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

2 (a) AMOUNT FOR PROJECTS.—Of the total amount  
3 authorized to be appropriated by section 201,  
4 \$10,924,401,000 shall be available for science and tech-  
5 nology projects.

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

11 **SEC. 203. FUNDING FOR RESEARCH AND TECHNOLOGY**  
12 **TRANSITION FOR HIGH-BRIGHTNESS ELEC-**  
13 **TRON SOURCE PROGRAM.**

14 (a) INCREASE IN FUNDS AVAILABLE TO NAVY FOR  
15 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—  
16 The amount authorized to be appropriated by section  
17 201(2) for research, development, test, and evaluation for  
18 the Navy maybe increased by \$1,500,000.

19 (b) REDUCTION IN FUNDS AVAILABLE TO ARMY FOR  
20 PROCUREMENT, AMMUNITION.—The amount authorized  
21 to be appropriated by section 301(4) for the Air Force  
22 is hereby reduced by \$1,500,000.

23 **SEC. 204. FUNDING FOR DEVELOPMENT OF DISTRIBUTED**  
24 **GENERATION TECHNOLOGIES.**

25 (a) INCREASE IN FUNDS AVAILABLE TO ARMY FOR  
26 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

1 The amount authorized to be appropriated by section  
2 201(1) for research, development, test, and evaluation for  
3 the Army maybe increased by \$1,000,000, with the  
4 amount of such increase to be available for research on  
5 and facilitation of technology for converting obsolete  
6 chemical munitions to fertilizer.

7 (b) REDUCTION IN FUNDS.—The amount authorized  
8 to be appropriated by section 301(4) for the Air Force  
9 is hereby reduced by \$1,000,000.

10 **Subtitle B—Program Require-**  
11 **ments, Restrictions, and Limita-**  
12 **tions**

13 **SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FU-**  
14 **TURE COMBAT SYSTEM (FCS).**

15 The Secretary of the Army shall procure the Future  
16 Combat System (FCS) through a contract under part 15  
17 of the Federal Acquisition Regulation (FAR), relating to  
18 acquisition of items by negotiated contract (48 C.F.R.  
19 15.000 et seq.), rather than through a transaction under  
20 section 2371 of title 10, United States Code.

21 **SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND**  
22 **SUPPORT OPERATIONS.**

23 (a) JOINT FIELD EXPERIMENT REQUIRED.—The  
24 Secretary of Defense shall, in fiscal year 2006, carry out

1 a joint field experiment to address matters relating to sta-  
2 bility and support operations.

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

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

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

14 (c) PARTICIPATING ELEMENTS AND FORCES.—

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

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

21 (B) representatives of policy elements with-  
22 in the Department selected by the Secretary for  
23 such purposes; and

1           (C) any other forces or elements of the De-  
2           partment that the Secretary considers appro-  
3           priate for such purposes.

4           (2) ADDITIONAL ELEMENTS.—The Secretary  
5           shall also invite the participation in the field experi-  
6           ment of appropriate elements of other departments  
7           and agencies of the United States Government, and  
8           of such elements and forces of coalition nations, as  
9           the Secretary considers appropriate for purposes of  
10          the field experiment.

11          (d) REPORT.—Not later than January 31, 2007, the  
12          Secretary shall submit to the congressional defense com-  
13          mittees a report on the joint field experiment under sub-  
14          section (a). The report shall include—

15               (1) a description of the field experiment;

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

18               (3) such recommendations, including rec-  
19          ommendations for additional legislative or adminis-  
20          trative actions and recommendations on funding re-  
21          quired to implement such actions, as the Secretary  
22          considers appropriate in light of the field experi-  
23          ment.

1 **SEC. 213. CHEMICAL DEMILITARIZATION FACILITIES.**

2 (a) AUTHORITY TO USE RESEARCH, DEVELOPMENT,  
3 TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILI-  
4 TIES.—The Secretary of Defense may, using amounts au-  
5 thorized to be appropriated by section 201(4) for research,  
6 development, test, and evaluation, Defense-wide and avail-  
7 able for chemical weapons demilitarization activities under  
8 the Assembled Chemical Weapons Alternatives program,  
9 carry out construction projects, or portions of construction  
10 projects, for facilities necessary to support chemical de-  
11 militarization operations at each of the following:

12 (1) Pueblo Army Depot, Colorado.

13 (2) Blue Grass Army Depot, Kentucky.

14 (b) SCOPE OF AUTHORITY.—The authority in sub-  
15 section (a) to carry out a construction project for facilities  
16 includes authority to carry out planning and design and  
17 the acquisition of land for the construction or improve-  
18 ment of such facilities.

19 (c) LIMITATION ON AMOUNT OF FUNDS.—The  
20 amount of funds that may be utilized under the authority  
21 in subsection (a) may not exceed \$51,000,000.

22 (d) DURATION OF AUTHORITY.—A construction  
23 project, or portion of a construction project, may not be  
24 commenced under the authority in subsection (a) after  
25 September 30, 2006.

1 (e) NOTICE AND WAIT.—The Secretary may not  
2 carry out a construction project, or portion of a construc-  
3 tion project, under the authority in subsection (a) until  
4 the end of the 21-day period beginning on the date on  
5 which the Secretary notifies the congressional defense  
6 committees of the intent to carry out such project.

7 **SEC. 214. AGING MILITARY AIRCRAFT FLEET SUPPORT.**

8 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
9 OPMENT, TEST, AND EVALUATION FOR THE AIR  
10 FORCE.—The amount authorized to be appropriated by  
11 section 201(3) for research, development, test, and evalua-  
12 tion for the Air Force is hereby increased by \$4,000,000.

13 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
14 thorized to be appropriated by section 201(3) for research,  
15 development, test, and evaluation for the Air Force, as in-  
16 creased by subsection (a), \$4,000,000 may be available for  
17 Program Element #63112F for Aging Military Aircraft  
18 Fleet Support.

19 (c) OFFSET.—The amount authorized to be appro-  
20 priated by section 301(4) for operation and maintenance  
21 for Air Force activities is hereby reduced by \$4,000,000.

22 **SEC. 215. WARHEAD/GRENADE SCIENTIFIC BASED MANU-  
23 FACTURING TECHNOLOGY.**

24 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
25 OPMENT, TEST, AND EVALUATION FOR THE ARMY.—The

1 amount authorized to be appropriated by section 201(1)  
2 for research, development, test, and evaluation for the  
3 Army is hereby increased by \$1,000,000.

4 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
5 thorized to be appropriated by section 201(1) for research,  
6 development, test, and evaluation for the Army, as in-  
7 creased by subsection (a), \$1,000,000 may be available for  
8 Weapons and Ammunition Technology (PE #602624A)  
9 for Warhead/Grenade Scientific Based Manufacturing  
10 Technology.

11 (c) OFFSET.—The amount authorized to be appro-  
12 priated by section 301(4) for operation and maintenance,  
13 Air Force activities is hereby reduced by \$1,000,000.

14 **SEC. 216. JOINT SERVICE SMALL ARMS PROGRAM.**

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

20 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
21 thorized to be appropriated by section 201(1) for research,  
22 development, test, and evaluation for the Army, as in-  
23 creased by subsection (a), \$5,000,000 may be available for  
24 the Joint Service Small Arms Program.

1 (c) OFFSET.—The amount authorized to be appro-  
2 priated by section 301(4) is hereby reduced by  
3 \$5,000,000.

4 **SEC. 217. FIELD PROGRAMMABLE GATE ARRAY.**

5 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
6 OPMENT, TEST, AND EVALUATION, AIR FORCE.—The  
7 amount authorized to be appropriated by section 201(3)  
8 for research, development, test, and evaluation for the Air  
9 Force is hereby increased by \$3,000,000.

10 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
11 thorized to be appropriated by section 201(3) for research,  
12 development, test, and evaluation for the Air Force, as in-  
13 creased by subsection (a), \$3,000,000 may be available for  
14 Space Technology (PE #0602601F) for research and de-  
15 velopment on the reliability of field programmable gate ar-  
16 rays for space applications, including design of an assur-  
17 ance strategy, reference architectures, research and devel-  
18 opment on reliability and radiation hardening, and out-  
19 reach to industry and localities to develop core com-  
20 petencies.

21 (c) OFFSET.—The amount authorized to be appro-  
22 priated by section 301(4) is hereby reduced by  
23 \$3,000,000.

1 **SEC. 218. LONG WAVELENGTH ARRAY LOW FREQUENCY**  
2 **RADIO ASTRONOMY INSTRUMENTS.**

3 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
4 OPMENT, TEST, AND EVALUATION, NAVY.—The amount  
5 authorized to be appropriated by section 201(2) for re-  
6 search, development, test, and evaluation for the Navy is  
7 hereby increased by \$6,000,000.

8 (b) AVAILABILITY OF AMOUNT.—

9 (1) IN GENERAL.—Of the amount authorized to  
10 be appropriated by section 201(2) for research, de-  
11 velopment, test, and evaluation for the Navy, as in-  
12 creased by subsection (a), \$6,000,000 may be avail-  
13 able for research and development on Long Wave-  
14 length Array low frequency radio astronomy instru-  
15 ments.

16 (2) CONSTRUCTION WITH OTHER AMOUNTS.—  
17 The amount available under paragraph (1) for the  
18 purpose set forth in that paragraph is in addition to  
19 any other amounts available under this Act for that  
20 purpose.

21 (c) OFFSET.—The amount authorized to be appro-  
22 priated by section 301(4) for operation and maintenance  
23 for the Air Force is hereby reduced by \$6,000,000.

24 **SEC. 219. DEFENSE BASIC RESEARCH PROGRAMS.**

25 (a) ARMY PROGRAMS.—(1) The amount authorized  
26 to be appropriated by section 201(1) for research, develop-

1 ment, test, and evaluation for the Army is hereby in-  
2 creased by \$10,000,000.

3 (2) Of the amount authorized to be appropriated by  
4 section 201(1) for research, development, test, and evalua-  
5 tion for the Army, as increased by paragraph (1),  
6 \$10,000,000 may be available for Program Element  
7 0601103A for University Research Initiatives.

8 (b) NAVY PROGRAMS.—(1) The amount authorized  
9 to be appropriated by section 201(2) for research, develop-  
10 ment, test, and evaluation for the Navy is hereby increased  
11 by \$5,000,000.

12 (2) Of the amount authorized to be appropriated by  
13 section 201(2) for research, development, test, and evalua-  
14 tion for the Navy, as increased by paragraph (1),  
15 \$5,000,000 may be available for Program Element  
16 0601103N for University Research Initiatives.

17 (c) AIR FORCE PROGRAMS.—(1) The amount author-  
18 ized to be appropriated by section 201(3) for research, de-  
19 velopment, test, and evaluation for the Air Force is hereby  
20 increased by \$10,000,000.

21 (2) Of the amount authorized to be appropriated by  
22 section 201(3) for research, development, test, and evalua-  
23 tion for the Air Force, as increased by paragraph (1),  
24 \$10,000,000 may be available for Program Element  
25 0601103F for University Research Initiatives.

1 (d) DEFENSE-WIDE ACTIVITIES.—(1) The amount  
2 authorized to be appropriated by section 201(4) for re-  
3 search, development, test, and evaluation for Defense-wide  
4 activities is hereby increased by \$15,000,000.

5 (2) Of the amount authorized to be appropriated by  
6 section 201(4) for research, development, test, and evalua-  
7 tion for Defense-wide activities, as increased by paragraph  
8 (1)—

9 (A) \$10,000,000 may be available for Program  
10 Element 0601120D8Z for the SMART National De-  
11 fense Education Program; and

12 (B) \$5,000,000 may be available for Program  
13 Element 0601101E for the Defense Advanced Re-  
14 search Projects Agency University Research Pro-  
15 gram in Computer Science and Cybersecurity.

16 (e) OFFSETS.—(1) The amount authorized to be ap-  
17 propriated by section 301(2), Operation and Maintenance,  
18 Navy, is hereby reduced by \$40,000,000.

19 **SEC. 219A. PROJECT SHERIFF.**

20 (a) AVAILABILITY OF AMOUNT.—Of the amount au-  
21 thorized to be appropriated by section 201(4) for research,  
22 development, test, and evaluation for Defense-wide activi-  
23 ties, the amount available for the Force Transformation  
24 Directorate may be increased by \$10,000,000, with the  
25 amount of the increase to be available for Project Sheriff.

1 (b) OFFSET.—Of the amount authorized to be appro-  
 2 priated by section 301(4) is hereby reduced by  
 3 \$10,000,000.

4 **SEC. 219B. MEDIUM TACTICAL VEHICLE MODIFICATIONS.**

5 (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVEL-  
 6 OPMENT, TEST, AND EVALUATION, ARMY.—The amount  
 7 authorized to be appropriated by section 201(1) for Re-  
 8 search, Development, Test, and Evaluation for the Army,  
 9 is hereby increased by \$5,000,000.

10 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
 11 thorized to be appropriated by section 201(1) for Re-  
 12 search, Development, Test, and Evaluation for the Army,  
 13 as increased by subsection (a), \$5,000,000 may be avail-  
 14 able for Medium Tactical Vehicle Modifications.

15 (c) OFFSET.—The amount authorized to be appro-  
 16 priated by section 301(4) for Operation and Maintenance  
 17 for the Air Force is hereby reduced by \$5,000,000.

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

20 **SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GEN-**  
 21 **ERAL ASSESSMENTS OF BALLISTIC MISSILE**  
 22 **DEFENSE PROGRAMS.**

23 (a) EXTENSION.—Section 232(g) of the National De-  
 24 fense Authorization Act for Fiscal Year 2002 (10 U.S.C.  
 25 2431 note) is amended—

1 (1) in paragraph (1), by striking “through  
2 2006” and inserting “through 2007”; and

3 (2) in paragraph (2), by striking “through  
4 2007” and inserting “through 2008”.

5 (b) MODIFICATION OF SUBMITTAL DATE.—Para-  
6 graph (2) of such section is further amended by striking  
7 “February 15” and inserting “March 15”.

8 **SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**  
9 **BILITIES.**

10 (a) AUTHORITY TO USE FUNDS.—Funds referred to  
11 in subsection (b) may, upon approval by the Secretary of  
12 Defense, be used for the development and fielding of bal-  
13 listic missile defense capabilities.

14 (b) COVERED FUNDS.—Funds referred to in this  
15 subsection are funds authorized to be appropriated for fis-  
16 cal year 2006 or 2007 for research, development, test, and  
17 evaluation for the Missile Defense Agency.

18 **SEC. 223. PLANS FOR TEST AND EVALUATION OF OPER-**  
19 **ATIONAL CAPABILITY OF THE BALLISTIC MIS-**  
20 **SILE DEFENSE SYSTEM.**

21 (a) PLANS REQUIRED.—

22 (1) IN GENERAL.—With respect to block 06,  
23 and each subsequent block, of the Ballistic Missile  
24 Defense System, the appropriate joint and service  
25 operational test and evaluation components of the

1 Department of Defense concerned with such block  
2 shall, in coordination with the Missile Defense Agen-  
3 cy and subject to the review and approval of the Di-  
4 rector of Operational Test and Evaluation, prepare  
5 a plan to test, evaluate, and characterize the oper-  
6 ational capability of such block.

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

11 (b) REPORTS ON TEST AND EVALUATION OF  
12 BLOCKS.—At the conclusion of the test and evaluation of  
13 block 06, and of each subsequent block, of the Ballistic  
14 Missile Defense System, the Director of Operational Test  
15 and Evaluation shall submit to the Secretary of Defense,  
16 and to the congressional defense committees, a report  
17 providing—

18 (1) the assessment of the Director as to wheth-  
19 er or not such test and evaluation was adequate to  
20 evaluate the operational capability of such block; and

21 (2) the characterization of the Director as to  
22 the operational effectiveness, suitability, and surviv-  
23 ability of such block, as appropriate for the level of  
24 technological maturity of the block to be tested.

1 **SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.**

2 Of the amount authorized to be appropriated by sec-  
3 tion 201(5) for research, development, test, and evaluation  
4 for Defense-wide activities and available for ballistic mis-  
5 sile defense, \$80,000,000 may be available for coproduc-  
6 tion of the Arrow ballistic missile defense system.

7 **Subtitle D—High-Performance De-**  
8 **fense Manufacturing Tech-**  
9 **nology Research and Develop-**  
10 **ment**

11 **SEC. 231. RESEARCH AND DEVELOPMENT.**

12 (a) IDENTIFICATION OF ENHANCED PROCESSES AND  
13 TECHNOLOGIES.—The Under Secretary of the Defense for  
14 Acquisition, Technology, and Logistics shall identify ad-  
15 vanced manufacturing processes and technologies whose  
16 utilization will achieve significant productivity and effi-  
17 ciency gains in the defense manufacturing base.

18 (b) RESEARCH AND DEVELOPMENT.—The Under  
19 Secretary shall undertake research and development on  
20 processes and technologies identified under subsection (a)  
21 that addresses, in particular—

22 (1) innovative manufacturing processes and ad-  
23 vanced technologies; and

24 (2) the creation of extended production enter-  
25 prises using information technology and new busi-  
26 ness models.

1 (c) DEFENSE PRIORITIES.—In undertaking research  
2 and development under subsection (b), the Under Sec-  
3 retary shall consider defense priorities established in the  
4 most current Joint Warfighting Science and Technology  
5 Plan.

6 **SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFAC-**  
7 **TURING PROCESSES AND TECHNOLOGIES TO**  
8 **THE DEFENSE MANUFACTURING BASE.**

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

11 (1) IN GENERAL.—The Under Secretary of De-  
12 fense for Acquisition, Technology, and Logistics  
13 shall undertake appropriate actions to accelerate the  
14 transition of transformational manufacturing tech-  
15 nologies and processes (including processes and tech-  
16 nologies identified under section 231) from the re-  
17 search stage to utilization by manufacturers in the  
18 defense manufacturing base.

19 (2) EXECUTION.—The actions undertaken  
20 under paragraph (1) shall include a memorandum of  
21 understanding among the Director of Defense Re-  
22 search and Engineering, other appropriate elements  
23 of the Department of Defense, and the Joint De-  
24 fense Manufacturing Technology Panel to accelerate

1 the transition of technologies and processes as de-  
2 scribed in that paragraph.

3 (b) PROTOTYPES AND TESTBEDS.—

4 (1) IN GENERAL.—The Under Secretary shall,  
5 utilizing the Manufacturing Technology Program,  
6 undertake the development of prototypes and  
7 testbeds to promote the purposes of this section.

8 (2) COORDINATION OF ACTIVITIES.—The Under  
9 Secretary shall coordinate activities under this sub-  
10 section with activities under the Small Business In-  
11 novation Research Program and the Small Business  
12 Technology Transfer Program.

13 (c) DEVELOPMENT OF IMPROVEMENT PROCESS.—  
14 The Under Secretary shall, in consultation with persons  
15 and organizations in the defense manufacturing base, de-  
16 velop and implement a program to continuously identify  
17 and utilize improvements and innovative processes in ap-  
18 propriate defense acquisition programs and by manufac-  
19 turers in the defense manufacturing base.

20 (d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE  
21 MANUFACTURING BASE.—The Under Secretary shall en-  
22 sure the utilization in industry of enhancements in produc-  
23 tivity and efficiency identified by reason of activities under  
24 this subtitle through the following:

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

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

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

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

16 **SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.**

17          (a) IN GENERAL.—The Under Secretary of Defense  
18          for Acquisition, Technology, and Logistics may—

19               (1) identify an area of technology where the de-  
20               velopment of an industry-prepared roadmap for new  
21               manufacturing and technology processes applicable  
22               to defense manufacturing requirements would be  
23               beneficial to the Department of Defense; and

24               (2) establish a task force, and act in coopera-  
25               tion, with the private sector to map the strategy for

1 the development of manufacturing processes and  
2 technologies needed to support technology develop-  
3 ment in the area identified under paragraph (1).

4 (b) COMMENCEMENT OF ROADMAPPING.—The Under  
5 Secretary shall commence any roadmapping identified  
6 pursuant to subsection (a)(1) not later than January  
7 2007.

8 **SEC. 234. REPORT.**

9 (a) IN GENERAL.—Not later than December 31,  
10 2007, the Under Secretary of the Defense for Acquisition,  
11 Technology, and Logistics shall submit to the congres-  
12 sional defense committees a report on the actions under-  
13 taken by the Under Secretary under this subtitle during  
14 fiscal year 2006.

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

17 (1) a comprehensive description of the actions  
18 undertaken under this subtitle during fiscal year  
19 2006;

20 (2) an assessment of effectiveness of such ac-  
21 tions in enhancing research and development on  
22 manufacturing technologies and processes, and im-  
23 plementation of such within the defense manufac-  
24 turing base; and

1           (3) such recommendations as the Under Sec-  
2           retary considers appropriate for additional actions to  
3           be undertaken in order to increase the effectiveness  
4           of the actions undertaken under this subtitle in en-  
5           hancing manufacturing activities within the defense  
6           manufacturing base.

7 **SEC. 235. DEFINITIONS.**

8           In this subtitle:

9           (1) **DEFENSE MANUFACTURING BASE.**—The  
10          term “defense manufacturing base” includes any  
11          supplier of the Department of Defense, including a  
12          supplier of raw materials.

13          (2) **EXTENDED PRODUCTION ENTERPRISE.**—  
14          The term “extended production enterprise” means a  
15          system in which key entities, including entities en-  
16          gaged in product development, manufacturing,  
17          sourcing, and user entities, in the manufacturing  
18          chain are linked together through information tech-  
19          nology and other means to promote efficiency and  
20          productivity.

21          (3) **MANUFACTURING EXTENSION PARTNERSHIP**  
22          **PROGRAM.**—The term “Manufacturing Extension  
23          Partnership Program” means the Manufacturing  
24          Extension Partnership Program of the Department  
25          of Commerce.

1           (4) MANUFACTURING TECHNOLOGY PRO-  
 2           GRAM.—The term “Manufacturing Technology Pro-  
 3           gram” means the Manufacturing Technology Pro-  
 4           gram under the Director of Defense Research and  
 5           Engineering under section 2521 of title 10, United  
 6           States Code.

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

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

## 16                   **Subtitle E—Other Matters**

### 17   **SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF** 18                   **DEPARTMENT OF DEFENSE TEST RESOURCE** 19                   **MANAGEMENT CENTER.**

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

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

5 **SEC. 242. TECHNOLOGY TRANSITION.**

6 (a) CLARIFICATION OF DUTIES OF TECHNOLOGY  
7 TRANSITION COUNCIL.—Paragraph (2) of section  
8 2359a(g) of title 10, United States Code, is amended to  
9 read as follows:

10 “(2) The duty of the Council shall be to support the  
11 Undersecretary of Defense for Acquisition, Technology,  
12 and Logistics in the development of policies to facilitate  
13 the rapid transition of technologies from science and tech-  
14 nology programs of the Department of Defense into acqui-  
15 sition programs of the Department.”.

16 (b) REPORT ON TECHNOLOGY TRANSITION.—

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

1 (A) a description of any organizational  
2 barriers to technology transition between oper-  
3 ations, acquisition, and technology development  
4 components of the Department;

5 (B) an assessment of the effect of Depart-  
6 ment acquisition regulations on technology  
7 transition;

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

11 (D) a description of any other challenges  
12 associated with technology transition in the De-  
13 partment that are identified by the Secretary;

14 (E) a Department-wide strategy for pur-  
15 suing technology transition; and

16 (F) such recommendations as the Sec-  
17 retary considers appropriate for the improve-  
18 ment of technology transition and for the elimi-  
19 nation of internal barriers within the Depart-  
20 ment to technology transition.

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

1 **SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF**  
2 **BLAST INJURIES.**

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

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

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

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

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

22 (1) review and assess the adequacy of current  
23 research efforts of the Department of Defense on  
24 the prevention, mitigation, and treatment of such in-  
25 juries;

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

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

7                   (A) in the case of blast injury prevention,  
8           research on—

9                           (i) blast characterization in a variety  
10                           of environments;

11                           (ii) modeling and simulation of safe  
12                           blast stand-off distances;

13                           (iii) detect and defeat capabilities; and

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

16                   (B) in the case of blast injury mitigation,  
17           research on—

18                           (i) armor design and materials testing  
19                           for blast and ballistic protection;

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

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

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

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

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

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

17 (A) can more accurately evaluate trau-  
18 matic brain injuries and discriminate between  
19 traumatic brain injuries and post traumatic  
20 stress disorder (including improved diagnostic  
21 and cognitive measures);

22 (B) can identify members of the Armed  
23 Forces who may have both traumatic brain in-  
24 jury and post traumatic stress disorder; and

1           (C) can develop integrated treatment ap-  
2           proaches for servicemembers who have both  
3           traumatic brain injuries and post traumatic  
4           stress disorder and other multiple injuries.

5           (e) PILOT PROJECTS.—The executive agent des-  
6           ignated under subsection (a) shall commence in fiscal year  
7           2006 not less than three pilot projects on the prevention,  
8           mitigation, and treatment of blast injuries, including pilot  
9           projects—

10           (1) to study the incidence in returning soldiers  
11           of traumatic brain injuries attributable to blast inju-  
12           ries;

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

16           (3) to refine and improve educational interven-  
17           tions for blast injury survivors and their families.

18           (f) TRAINING PROGRAM.—The executive agent des-  
19           ignated under subsection (a) shall establish a training pro-  
20           gram for medical and non-medical personnel on the pre-  
21           vention, mitigation, and treatment of blast injuries which  
22           program shall be intended to improve field and clinical  
23           training on early identification of blast injury con-  
24           sequences, both seen and unseen, including traumatic  
25           brain injuries, acoustic injuries, and internal injuries.

1 (g) TREATMENT PROGRAM.—The executive agent  
2 designated under subsection (a) shall conduct a treatment  
3 program intended to enhance the evaluation and care of  
4 members of the Armed Forces with traumatic brain inju-  
5 ries in medical facilities in the United States and in de-  
6 ployed medical facilities.

7 (h) ANNUAL REPORTS ON BLAST INJURY MAT-  
8 TERS.—

9 (1) REPORTS REQUIRED.—Not later than Feb-  
10 ruary 15, 2006, and annually thereafter through  
11 2010, the Secretary of Defense shall submit to the  
12 congressional defense committees a report on the ef-  
13 forts of the Department of Defense to prevent, miti-  
14 gate, and treat blast injuries.

15 (2) ELEMENTS.—Each report under paragraph  
16 (1) shall include the following:

17 (A) A description of the activities under-  
18 taken under this section during the year pre-  
19 ceding the report to improve the prevention,  
20 mitigation, and treatment of blast injuries.

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

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

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

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

18          (F) A description of the status of efforts  
19          during the year preceding the report to design  
20          a comprehensive force protection system that is  
21          effective in confronting blast, ballistic, and fire  
22          threats.

23          (i) **BLAST INJURIES DEFINED.**—In this section, the  
24          term “blast injuries” means injuries that occur as the re-  
25          sult of the detonation of high explosives, including vehicle-

1 borne and person-borne explosive devices, rocket-propelled  
2 grenades, and improvised explosive devices.

3 **SEC. 244. MODIFICATION OF REQUIREMENTS FOR RE-**  
4 **PORTS ON PROGRAM TO AWARD PRIZES FOR**  
5 **ADVANCED TECHNOLOGY ACHIEVEMENTS.**

6 Subsection (e) of section 2374a of title 10, United  
7 States Code, is amended to read as follows:

8 “(e) ANNUAL REPORT.—(1) Not later than March 1  
9 each year, the Secretary shall submit to the Committees  
10 on Armed Services of the Senate and the House of Rep-  
11 resentatives a report on the activities undertaken by the  
12 Defense Advanced Research Projects Agency in the pre-  
13 ceding year under the authority of this section.

14 “(2) The report for a year under this subsection shall  
15 include the following:

16 “(A) The results of consultations between the  
17 Director and officials of the military departments re-  
18 garding the areas of research, technology develop-  
19 ment, or prototype development for which prizes  
20 would be awarded under the program under this sec-  
21 tion.

22 “(B) A description of the proposed goals of the  
23 competitions established under the program, includ-  
24 ing the areas of research, technology development, or  
25 prototype development to be promoted by such com-

1 petitions and the relationship of such areas to the  
2 military missions of the Department.

3 “(C) The total amount of cash prizes awarded  
4 under the program, including a description of the  
5 manner in which the amounts of cash prizes award-  
6 ed and claimed were allocated among the accounts  
7 of the Defense Advanced Research Projects Agency  
8 for recording as obligations and expenditures.

9 “(D) The methods used for the solicitation and  
10 evaluation of submissions under the program, to-  
11 gether with an assessment of the effectiveness of  
12 such methods.

13 “(E) A description of the resources, including  
14 personnel and funding, used in the execution of the  
15 program, together with a detailed description of the  
16 activities for which such resources were used.

17 “(F) A description of any plans to transition  
18 the technologies or prototypes developed as a result  
19 of the program into acquisition programs of the De-  
20 partment.

21 “(G) For each competition under the program,  
22 a statement of the reasons why the competition was  
23 a preferable means of promoting basic, advanced, or  
24 applied research, technology development, or proto-  
25 type development projects to other means of pro-

1 moting such projects, including contracts, grants, co-  
2 operative agreements, or other transactions.”.

3 **SEC. 245. DESIGNATION OF FACILITIES AND RESOURCES**  
4 **CONSTITUTING THE MAJOR RANGE AND TEST**  
5 **FACILITY BASE.**

6 (a) DEPARTMENT OF DEFENSE TEST RESOURCE  
7 MANAGEMENT CENTER.—Section 196(h) of title 10,  
8 United States Code, is amended by striking “Director of  
9 Operational Test and Evaluation” and inserting “Sec-  
10 retary of Defense”.

11 (b) INSTITUTIONAL FUNDING OF TEST AND EVALUA-  
12 TION ACTIVITIES.—Section 232(b)(1) of the Bob Stump  
13 National Defense Authorization Act for Fiscal Year 2003  
14 (Public Law 107–314; 116 Stat. 2490) is amended by  
15 striking “Director of Operational Test and Evaluation”  
16 and inserting “Secretary of Defense”.

17 **SEC. 246. REPORT ON COOPERATION BETWEEN THE DE-**  
18 **PARTMENT OF DEFENSE AND THE NATIONAL**  
19 **AERONAUTICS AND SPACE ADMINISTRATION**  
20 **ON RESEARCH, DEVELOPMENT, TEST, AND**  
21 **EVALUATION ACTIVITIES.**

22 (a) REPORT REQUIRED.—Not later than 180 days  
23 after the date of the enactment of this Act, the Secretary  
24 of Defense and the Administrator of the National Aero-  
25 nautics and Space Administration shall jointly submit to

1 Congress a report setting forth the recommendations of  
2 the Secretary and the Administrator regarding cooperative  
3 activities between the Department of Defense and the Na-  
4 tional Aeronautics and Space Administration related to re-  
5 search, development, test, and evaluation on areas of mu-  
6 tual interest to the Department and the Administration.

7 (b) AREAS COVERED.—The areas of mutual interest  
8 to the Department of Defense and the National Aero-  
9 nautics and Space Administration referred to in sub-  
10 section (a) may include, but not be limited to, areas relat-  
11 ing to the following:

12 (1) Aeronautics research.

13 (2) Facilities, personnel, and support infra-  
14 structure.

15 (3) Propulsion and power technologies.

16 (4) Space access and operations.

17 **SEC. 247. DELAYED EFFECTIVE DATE FOR LIMITATION ON**  
18 **PROCUREMENT OF SYSTEMS NOT GPS-**  
19 **EQUIPPED.**

20 (a) DELAYED EFFECTIVE DATE.—Section 152(b) of  
21 the National Defense Authorization Act for Fiscal Year  
22 1994 (Public Law 103–160; 107 Stat. 1578), as amended  
23 by section 218(e) of the Strom Thurmond National De-  
24 fense Authorization Act for Fiscal Year 1999 (Public Law

1 105–261; 112 Stat. 1952; 10 U.S.C. 2281 note), is fur-  
2 ther amended by striking “2005” and inserting “2007”.

3 (b) RATIFICATION OF ACTIONS.—Any obligation or  
4 expenditure of funds by the Department of Defense during  
5 the period beginning on October 1, 2005, and ending on  
6 the date of the enactment of this Act to modify or procure  
7 a Department of Defense aircraft, ship, armored vehicle,  
8 or indirect-fire weapon system that is not equipped with  
9 a Global Positioning System receiver is hereby ratified.

10 **SEC. 248. REPORT ON DEVELOPMENT AND USE OF ROBOT-**  
11 **ICS AND UNMANNED GROUND VEHICLE SYS-**  
12 **TEMS.**

13 (a) REPORT REQUIRED.—Not later than nine months  
14 after the date of the enactment of this Act, the Under  
15 Secretary of Defense for Acquisition, Technology, and Lo-  
16 gistics shall submit to the congressional defense commit-  
17 tees a report on the development and utilization of robotics  
18 and unmanned ground vehicle systems by the Department  
19 of Defense.

20 (b) ELEMENTS.—The report required by subsection  
21 (a) shall include the following:

22 (1) A description of the utilization of robotics  
23 and unmanned ground vehicle systems in current  
24 military operations.

1           (2) A description of the manner in which the  
2 development of robotics and unmanned ground vehi-  
3 cle systems capabilities supports current major ac-  
4 quisition programs of the Department of Defense.

5           (3) A detailed description, including budget es-  
6 timates, of all Department programs and activities  
7 on robotics and unmanned ground vehicle systems  
8 for fiscal years 2004 through 2012, including pro-  
9 grams and activities relating to research, develop-  
10 ment, test and evaluation, procurement, and oper-  
11 ation and maintenance.

12           (4) A description of the long-term research and  
13 development strategy of the Department on tech-  
14 nology for the development and integration of new  
15 robotics and unmanned ground vehicle systems capa-  
16 bilities in support of Department missions.

17           (5) A description of any planned demonstration  
18 or experimentation activities of the Department that  
19 will support the development and deployment of ro-  
20 botics and unmanned ground vehicle systems by the  
21 Department.

22           (6) A statement of the Department organiza-  
23 tions currently participating in the development of  
24 new robotics or unmanned ground vehicle systems

1 capabilities, including the specific missions of each  
2 such organization in such efforts.

3 (7) A description of the activities of the Depart-  
4 ment to collaborate with industry, academia, and  
5 other Government and nongovernment organizations  
6 in the development of new capabilities in robotics  
7 and unmanned ground vehicle systems.

8 (8) An assessment of the short-term and long-  
9 term ability of the industrial base of the United  
10 States to support the production of robotics and un-  
11 manned ground vehicle systems to meet Department  
12 requirements.

13 (9) An assessment of the progress being made  
14 to achieve the goal established by section 220(a)(2)  
15 of the Floyd D. Spence National Defense Authoriza-  
16 tion Act for Fiscal Year 2001 (as enacted into law  
17 by Public Law 106–398; 114 Stat. 1654A–38) that,  
18 by 2015, one-third of operational ground combat ve-  
19 hicles be unmanned.

20 (10) An assessment of international research,  
21 technology, and military capabilities in robotics and  
22 unmanned ground vehicle systems.

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

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

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

11           (1) For the Army, \$24,951,460,000.

12           (2) For the Navy, \$30,547,489,000.

13           (3) For the Marine Corps, \$3,842,026,000.

14           (4) For the Air Force, \$31,425,919,000.

15           (5)       For       Defense-wide       activities,  
16       \$18,584,469,000.

17           (6) For the Army Reserve, \$1,989,382,000.

18           (7) For the Naval Reserve, \$1,245,695,000.

19           (8)   For   the   Marine   Corps   Reserve,  
20       \$199,934,000.

21           (9) For the Air Force Reserve, \$2,559,686,000.

22           (10) For the Army National Guard,  
23       \$4,528,019,000.

24           (11) For the Air National Guard,  
25       \$4,772,991,000.

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

3           (13) For Environmental Restoration, Army,  
4 \$407,865,000.

5           (14) For Environmental Restoration, Navy,  
6 \$305,275,000.

7           (15) For Environmental Restoration, Air Force,  
8 \$406,461,000.

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

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

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

15           (19) For Cooperative Threat Reduction pro-  
16 grams, \$415,549,000.

17           (20) For the Overseas Contingency Operations  
18 Transfer Fund, \$20,000,000.

19 **SEC. 302. WORKING CAPITAL FUNDS.**

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

1           (1) For the Defense Working Capital Funds,  
2           \$1,471,340,000.

3           (2) For the National Defense Sealift Fund,  
4           \$1,011,304,000.

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

6           (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
7 by authorized to be appropriated for the Department of  
8 Defense for fiscal year 2006 for expenses, not otherwise  
9 provided for, for the Defense Health Program,  
10 \$19,900,812,000, of which—

11           (1) \$19,351,337,000 is for Operation and  
12           Maintenance;

13           (2) \$174,156,000 is for Research, Development,  
14           Test, and Evaluation; and

15           (3) \$375,319,000 is for Procurement.

16           (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
17 TION, DEFENSE.—(1) Funds are hereby authorized to be  
18 appropriated for the Department of Defense for fiscal year  
19 2006 for expenses, not otherwise provided for, for Chem-  
20 ical Agents and Munitions Destruction, Defense,  
21 \$1,425,827,000, of which—

22           (A) \$1,241,514,000 is for Operation and Main-  
23           tenance;

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

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

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

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

8 (B) the destruction of chemical warfare mate-  
9 riel of the United States that is not covered by sec-  
10 tion 1412 of such Act.

11 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
12 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
13 to be appropriated for the Department of Defense for fis-  
14 cal year 2006 for expenses, not otherwise provided for, for  
15 Drug Interdiction and Counter-Drug Activities, Defense-  
16 wide, \$895,741,000.

17 (d) DEFENSE INSPECTOR GENERAL.—Funds are  
18 hereby authorized to be appropriated for the Department  
19 of Defense for fiscal year 2006 for expenses, not otherwise  
20 provided for, for the Office of the Inspector General of  
21 the Department of Defense, \$209,687,000, of which—

22 (1) \$208,687,000 is for Operation and Mainte-  
23 nance; and

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

1 **SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CEN-**  
2 **TER.**

3 Of the amount authorized to be appropriated by sec-  
4 tion 301(2) for operation and maintenance for the Navy,  
5 \$1,500,000 may be available for civilian manpower and  
6 personnel for a human resources benefit call center.

7 **Subtitle B—Environmental**  
8 **Provisions**

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

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

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

16 (2) by inserting after subparagraph (C) the fol-  
17 lowing new subparagraph:

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

24 “(i) a trend analysis of such fines and pen-  
25 alties for military installations inside and out-  
26 side the United States; and

1           “(ii) a list of such fines or penalties that  
2           exceeded \$500,000 and the provisions of law  
3           under which such fines or penalties were im-  
4           posed or assessed.”;

5           (3) by redesignating subparagraph (F) as sub-  
6           paragraph (E); and

7           (4) in subparagraph (E), as redesignated by  
8           paragraph (3), by striking “and amounts for con-  
9           ferences” and all that follows through “such activi-  
10          ties”.

11 **SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS**  
12                           **IN CONNECTION WITH THE DEFENSE ENVI-**  
13                           **RONMENTAL RESTORATION PROGRAM.**

14           (a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE  
15           PROPERTY THAT IS SUBJECT TO COVENANT FOR ADDI-  
16           TIONAL REMEDIAL ACTION.—Subsection (d) of section  
17           2701 of title 10, United States Code, is amended—

18           (1) in paragraph (1)—

19                   (A) by striking “paragraph (3)” and in-  
20                   serting “paragraphs (3) and (4)”;

21                   (B) by inserting “any owner of covenant  
22                   property,” after “tribe,” the first place it ap-  
23                   pears; and

24                   (C) by inserting “owner of covenant prop-  
25                   erty,” after “tribe,” the second place it appears;

1           (2) by redesignating paragraph (4) as para-  
2 graph (5);

3           (3) by inserting after paragraph (3) the fol-  
4 lowing new paragraph:

5           “(4) PERFORMANCE OF SERVICES ON COV-  
6 ENANT PROPERTY.—An owner of covenant property  
7 may not be paid on a reimbursable or other basis for  
8 services performed under an agreement under para-  
9 graph (1) unless such services are performed on  
10 such covenant property.”; and

11           (4) in paragraph (5), as redesignated by para-  
12 graph (2), by adding at the end the following new  
13 subparagraph:

14           “(C) The term ‘owner of covenant prop-  
15 erty’ means an owner of property subject to a  
16 covenant provided by the United States in ac-  
17 cordance with section 120(h)(3)(A)(ii)(II) of  
18 CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).”.

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

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

23           (2) by inserting at the end the following new  
24 subparagraph:

1           “(B) An agreement under paragraph (1) may  
2           not change the cleanup standards applicable to the  
3           site as established by law.”.

4           (c) SOURCE OF FUNDS FOR FORMER BASE CLOSURE  
5           AND REALIGNMENT PROPERTY SUBJECT TO COVENANT  
6           FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of  
7           such title is amended—

8                   (1) in subsection (g)(1), by striking “The sole  
9                   source” and inserting “Except as provided in sub-  
10                  section (h), the sole source”; and

11                  (2) by adding at the end the following new sub-  
12                  section:

13           “(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVI-  
14           RONMENTAL REMEDIATION AT BASE REALIGNMENT AND  
15           CLOSURE SITES.—In the case of property disposed of pur-  
16           suant to a base closure law and subject to a covenant de-  
17           scribed in subsection (d)(5)(C) of section 2701 of this  
18           title, the sole source of funds for services under subsection  
19           (d)(1) of such section shall be the base closure account  
20           established under the base closure law under which such  
21           property was disposed of.”.

## 22                   **Subtitle C—Other Matters**

### 23           **SEC. 321. AIRCRAFT CARRIERS.**

24           (a) FUNDING FOR REPAIR AND MAINTENANCE OF  
25           U.S.S. JOHN F. KENNEDY.—Of the amounts authorized

1 to be appropriated for operation and maintenance for the  
2 Navy by this Act and any other Act for fiscal year 2005  
3 and 2006, \$288,000,000 shall be available only for repair  
4 and maintenance to extend the life of U.S.S. John F. Ken-  
5 nedy.

6 (b) LIMITATION ON REDUCTION IN NUMBER OF AC-  
7 TIVE AIRCRAFT CARRIERS.—

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

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

16 (B) The date on which the Secretary of  
17 Defense, in consultation with the Chairman of  
18 the Joint Chiefs of Staff, certifies to the con-  
19 gressional defense committees that such agree-  
20 ments have been entered into to provide port  
21 facilities for the permanent forward deployment  
22 of such number of aircraft carriers as is nec-  
23 essary in the Pacific Command Area of Respon-  
24 sibility to fulfill the roles and missions of that  
25 Command, including agreements for the for-

1           ward deployment of a nuclear aircraft carrier  
 2           after the retirement of the current two conven-  
 3           tional aircraft carriers.

4           (2) ACTIVE AIRCRAFT CARRIERS.—For pur-  
 5           poses of this subsection, an active aircraft carrier of  
 6           the Navy includes an aircraft carrier that is tempo-  
 7           rarily unavailable for worldwide deployment due to  
 8           routine or scheduled maintenance.

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

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

19                   (1) the date that is six months after the date  
 20                   on which the Secretary submits to the congressional  
 21                   defense committees the report required by subsection

22                   (b); or

23                   (2) October 1, 2006.

24           (b) REPORT ON DIRECT FUNDING FOR PUGET  
 25           SOUND NAVAL SHIPYARD.—The Secretary shall submit to

1 the congressional defense committees a report that con-  
2 tains the assessment of the Secretary on the effects on  
3 Puget Sound Naval Shipyard, Washington, of the conver-  
4 sion of funding for Puget Sound Naval Shipyard from  
5 funding through the working capital fund of the Navy to  
6 funding on a direct basis.

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

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

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

23 **SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS**  
24 **OVERSEAS.**

25 (a) AUTHORITY TO USE FUNDS.—

1           (1) IN GENERAL.—Subchapter I of chapter 134  
2           of title 10, United States Code, is amended by add-  
3           ing at the end the following new section:

4   **“§ 2249d. Use of appropriated funds for purchase and**  
5           **destruction of weapons overseas**

6           “(a) PURCHASE OF WEAPONS.—Amounts appro-  
7           priated or otherwise available to the Department of De-  
8           fense for operation and maintenance may be used to pur-  
9           chase weapons overseas from any person, foreign govern-  
10          ment, international organization, or other entity for the  
11          purpose of protecting United States forces engaged in  
12          military operations overseas.

13          “(b) DESTRUCTION OF WEAPONS.—Weapons pur-  
14          chased under the authority in subsection (a) may be de-  
15          stroyed.

16          “(c) NOTICE TO CONGRESS.—The Secretary of De-  
17          fense shall promptly notify the congressional defense com-  
18          mittees of any use of the authority in subsection (a) to  
19          purchase weapons.”.

20           (2) CLERICAL AMENDMENT.—The table of sec-  
21          tions at the beginning of such subchapter is amend-  
22          ed by adding at the end the following new item:

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

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

1 apply with respect to funds appropriated or otherwise  
2 made available for fiscal years after fiscal year 2005.

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

7 Section 2424(b)(1) of title 10, United States Code,  
8 is amended by striking “\$50,000” and inserting  
9 “\$100,000”.

10 **SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGIS-**  
11 **TICS SUPPORT AND SERVICES FOR WEAPON**  
12 **SYSTEMS CONTRACTORS.**

13 Section 365(g)(1) of the Bob Stump National De-  
14 fense Authorization Act for Fiscal Year 2003 (Public Law  
15 107–314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amend-  
16 ed by striking “September 30, 2007” and inserting “Sep-  
17 tember 30, 2010”.

18 **SEC. 327. ARMY TRAINING STRATEGY.**

19 (a) TRAINING STRATEGY.—

20 (1) STRATEGY REQUIRED.—The Secretary of  
21 the Army shall develop and implement a training  
22 strategy to ensure the readiness of brigade-based  
23 combat teams and functional supporting brigades.

24 (2) ELEMENTS.—The training strategy shall in-  
25 clude the following:

1 (A) A statement of the purpose of training  
2 for brigade-based combat teams and supporting  
3 brigades.

4 (B) Performance goals for both active and  
5 reserve brigade-based combat teams and sup-  
6 porting brigades, including goals for live, vir-  
7 tual, and constructive training for each compo-  
8 nent and brigade type.

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

12 (D) A process to report the accomplish-  
13 ment of collective training by which Army lead-  
14 ership can monitor the training performance of  
15 brigade-based combat teams and functional  
16 supporting brigades.

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

20 (b) REPORT.—

21 (1) REPORT REQUIRED.—Not later than one  
22 year after the date of the enactment of this Act, the  
23 Secretary of the Army shall submit to the congres-  
24 sional defense committees a report on the require-

1       ments to be fulfilled in order to implement the train-  
2       ing strategy developed under subsection (a).

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

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

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

12          (C) A discussion and description of the  
13      training aids, devices, simulations and simula-  
14      tors necessary to implement the training strat-  
15      egy.

16          (D) A list of the funding requirements,  
17      itemized by fiscal year and specified in a format  
18      consistent with the future-years defense pro-  
19      gram to accompany the budget of the President  
20      for fiscal year 2007 under section 221 of title  
21      10, United States Code, necessary to fulfill the  
22      range requirements described in subparagraph  
23      (B) and to provide the training aids, devices,  
24      simulations, and simulators described in sub-  
25      paragraphs (C).

1 (E) A schedule for the implementation of  
2 the training strategy.

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

6 (c) COMPTROLLER GENERAL REVIEW OF IMPLEMEN-  
7 TATION.—

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

12 (2) REPORT.—Not later than 18 months after  
13 the date of the enactment of this Act, the Comp-  
14 troller General shall submit to the congressional de-  
15 fense committees a report containing the assessment  
16 of the Comptroller General of the current progress  
17 of the Army in implementing the training strategy.

18 **SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IM-**  
19 **PROVEMENT AND AUDIT INITIATIVES WITHIN**  
20 **THE DEPARTMENT OF DEFENSE.**

21 Amounts authorized to be appropriated to the De-  
22 partment of Defense for fiscal year 2006 may not be obli-  
23 gated or expended for the purposes of financial manage-  
24 ment improvement activities relating to the preparation,  
25 processing, or auditing of financial statements until the

1 Secretary of Defense prepares and submits to the congress-  
2 sional defense committees the following:

3 (1) A comprehensive and integrated financial  
4 management improvement plan that—

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

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

16 (2) A written determination that each of the fi-  
17 nancial management improvement activities to be  
18 undertaken are—

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

22 (B) likely to improve internal controls or  
23 otherwise result in sustained improvements in  
24 the ability of the Department to produce timely,

1           reliable, and complete financial management in-  
2           formation.

3 **SEC. 329. STUDY ON USE OF ETHANOL FUEL.**

4           (a) **IN GENERAL.**—The Secretary of Defense shall  
5 conduct a study on the use of ethanol fuel by the Armed  
6 Forces and the Defense Agencies.

7           (b) **ELEMENTS.**—The study shall include—

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

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

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

22                 (4) an assessment of the utilization by the De-  
23 partment of the commercial infrastructure for eth-  
24 anol fuel as described in paragraph (3);

1           (5) a review of the actions of the Department  
2           to coordinate with State, local, and private entities  
3           to support the expansion and use of alternative fuel  
4           refueling stations that are accessible to the public;  
5           and

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

11                   (A) an assessment of cost of the adapta-  
12                   tion or conversion of such infrastructure to the  
13                   delivery of ethanol fuel; and

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

16          (c) REPORT.—Not later than February 1, 2006, the  
17          Secretary shall submit to the congressional defense com-  
18          mittees a report on the study conducted under subsection  
19          (a).

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

1 **SEC. 330. MODIFICATION OF AUTHORITY OF ARMY WORK-**  
2 **ING-CAPITAL FUNDED FACILITIES TO EN-**  
3 **GAGE IN COOPERATIVE ACTIVITIES WITH**  
4 **NON-ARMY ENTITIES.**

5 (a) **APPLICABILITY OF SUNSET.**—Subsection (j) of  
6 section 4544 of title 10, United States Code, is amended  
7 by striking “September 30, 2009,” and all that follows  
8 through the end and inserting September 30, 2009.”.

9 (b) **CREDITING OF PROCEEDS OF SALE OF ARTICLES**  
10 **AND SERVICES.**—Such section is further amended—

11 (1) in subsection (d), by striking “subsection  
12 (e)” and inserting “subsection (f)”;

13 (2) by redesignating subsections (e), (f), (g),  
14 (h), and (i) as subsections (f), (g), (h), (i), and (j),  
15 respectively;

16 (3) by inserting after subsection (d) the fol-  
17 lowing new subsection (e):

18 “(e) **PROCEEDS CREDITED TO WORKING CAPITAL**  
19 **FUND.**—The proceeds of sale of an article or service pur-  
20 suant to a contract or other cooperative arrangement  
21 under this section shall be credited to the working capital  
22 fund that incurs the cost of manufacturing the article or  
23 performing the service.”; and

24 (4) in subsection (g), as redesignated by para-  
25 graph (2) of this subsection, by striking “subsection  
26 (e)” and inserting “subsection (f)”.

1 **SEC. 331. SENSE OF THE SENATE REGARDING DEPOT MAIN-**  
2 **TENANCE.**

3 (a) FINDINGS.—The Senate finds that—

4 (1) the Depot Maintenance Strategy and Mas-  
5 ter Plan of the Air Force reflects the essential re-  
6 quirements for the Air Force to maintain a ready  
7 and controlled source of organic technical com-  
8 petence, thereby ensuring an effective and timely re-  
9 sponse to national defense contingencies and emer-  
10 gency requirements;

11 (2) since the publication of the Depot Mainte-  
12 nance Strategy and Master Plan of the Air Force in  
13 2002, the service has made great progress toward  
14 modernizing all three of its Depots, in order to  
15 maintain their status as “world class” maintenance  
16 repair and overhaul operations;

17 (3) one of the indispensable components of the  
18 Depot Maintenance Strategy and Master Plan of the  
19 Air Force is the commitment of the Air Force to al-  
20 locate \$150,000,000 a year over six years, beginning  
21 in fiscal year 2004, for recapitalization and invest-  
22 ment, including the procurement of technologically  
23 advanced facilities and equipment, of our Nation’s  
24 three Air Force depots; and

25 (4) the funds expended to date have ensured  
26 that transformation projects, such as the initial im-

1       plementation of “Lean” and “Six Sigma” production  
2       techniques, have achieved great success in reducing  
3       the time necessary to perform depot maintenance on  
4       aircraft.

5       (b) SENSE OF THE SENATE.—It is the sense of the  
6       Senate that—

7               (1) the Air Force should be commended for the  
8       implementation of its Depot Maintenance Strategy  
9       and Master Plan and, in particular, meeting its com-  
10      mitment to invest \$150,000,000 a year over 6 years,  
11      since fiscal year 2004, in the Nation’s 3 Air Force  
12      Depots; and

13              (2) the Air Force should continue to fully fund  
14      its commitment of \$150,000,000 a year through fis-  
15      cal year 2009 in investments and recapitalization  
16      projects pursuant to the Depot Maintenance Strat-  
17      egy and Master Plan.

18       **SEC. 332. CHILD AND FAMILY ASSISTANCE BENEFITS FOR**

19                               **MEMBERS OF THE ARMED FORCES.**

20       (a) ADDITIONAL AMOUNT FOR OPERATION AND  
21      MAINTENANCE, DEFENSE-WIDE.—The amount author-  
22      ized to be appropriated by section 301(5) for operation  
23      and maintenance, Defense-wide activities, is hereby in-  
24      creased by \$60,000,000.

1 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
2 thorized to be appropriated by section 301(5) for oper-  
3 ation and maintenance, Defense-wide activities, as in-  
4 creased by subsection (a), \$60,000,000 may be available  
5 as follows:

6 (1) \$50,000,000 for childcare services for fami-  
7 lies of members of the Armed Forces.

8 (2) \$10,000,000 for family assistance centers  
9 that primarily serve members of the Armed Forces  
10 and their families.

11 (c) OFFSET.—Of the amounts authorized to be ap-  
12 propriated by section 301(1) for operation and mainte-  
13 nance, Army are hereby reduced by \$60,000,000.

14 **SEC. 333. REIMBURSEMENT FOR CERTAIN PROTECTIVE,**  
15 **SAFETY, OR HEALTH EQUIPMENT PUR-**  
16 **CHASED BY OR FOR MEMBERS OF THE**  
17 **ARMED FORCES FOR DEPLOYMENT IN OPER-**  
18 **ATIONS IN IRAQ AND CENTRAL ASIA.**

19 (a) REIMBURSEMENT REQUIRED.—

20 (1) IN GENERAL.—Subject to subsections (d)  
21 and (e), the Secretary of Defense shall reimburse a  
22 member of the Armed Forces, or a person or entity  
23 referred to in paragraph (2), for the cost (including  
24 shipping cost) of any protective, safety, or health  
25 equipment that was purchased by such member, or

1 such person or entity on behalf of such member, be-  
2 fore or during the deployment of such member in  
3 Operation Noble Eagle, Operation Enduring Free-  
4 dom, or Operation Iraqi Freedom for the use of such  
5 member in connection with such operation if the unit  
6 commander of such member certifies that such  
7 equipment was critical to the protection, safety, or  
8 health of such member.

9 (2) COVERED PERSONS AND ENTITIES.—A per-  
10 son or entity referred to in this paragraph is a fam-  
11 ily member or relative of a member of the Armed  
12 Forces, a non-profit organization, or a community  
13 group.

14 (3) REGULATIONS NOT REQUIRED FOR REIM-  
15 BURSEMENT.—Reimbursements may be made under  
16 this subsection in advance of the promulgation by  
17 the Secretary of Defense of regulations, if any, relat-  
18 ing to the administration of this section.

19 (b) PROTECTIVE EQUIPMENT REIMBURSEMENT  
20 FUND.—

21 (1) ESTABLISHMENT.—There is hereby estab-  
22 lished an account to be known as the “Protective  
23 Equipment Reimbursement Fund” (in this sub-  
24 section referred to as the “Fund”).

1           (2) ELEMENTS.—The Fund shall consist of  
2 amounts deposited in the Fund from amounts avail-  
3 able for the Fund under subsection (g).

4           (3) AVAILABILITY.—Amounts in the Fund shall  
5 be available directly to the unit commanders of  
6 members of the Armed Forces for the making of re-  
7 imbursements for protective, safety, and health  
8 equipment under subsection (a).

9           (4) DOCUMENTATION.—Each person seeking  
10 reimbursement under subsection (a) for protective,  
11 safety, or health equipment purchased by or on be-  
12 half of a member of the Armed Forces shall submit  
13 to the unit commander of such member such docu-  
14 mentation as is necessary to establish each of the  
15 following:

16                   (A) The nature of such equipment, includ-  
17 ing whether or not such equipment qualifies as  
18 protective, safety, or health equipment under  
19 subsection (c).

20                   (B) The cost of such equipment.

21           (c) COVERED PROTECTIVE, SAFETY, AND HEALTH  
22 EQUIPMENT.—Protective, safety, and health equipment  
23 for which reimbursement shall be made under subsection  
24 (a) shall include personal body armor, collective armor or  
25 protective equipment (including armor or protective equip-

1 ment for high mobility multi-purpose wheeled vehicles),  
2 and items provided through the Rapid Fielding Initiative  
3 of the Army, or equivalent programs of the other Armed  
4 Forces, such as the advanced (on-the-move) hydration sys-  
5 tem, the advanced combat helmet, the close combat optics  
6 system, a Global Positioning System (GPS) receiver, a  
7 gun scope, and a soldier intercommunication device.

8 (d) LIMITATION REGARDING AMOUNT OF REIM-  
9 BURSEMENT.—The amount of reimbursement provided  
10 under subsection (a) per item of protective, safety, and  
11 health equipment purchased by or on behalf of any given  
12 member of the Armed Forces may not exceed the lesser  
13 of—

14 (1) the cost of such equipment (including ship-  
15 ping cost); or

16 (2) \$1,100.

17 (e) LIMITATION ON DATE OF PURCHASE.—Reim-  
18 bursement may be made under subsection (a) only for pro-  
19 tective, safety, and health equipment purchased before Oc-  
20 tober 1, 2006.

21 (f) OWNERSHIP OF EQUIPMENT.—The Secretary  
22 shall identify the circumstances, if any, under which the  
23 United States shall assume title or ownership of protec-  
24 tive, safety, or health equipment for which reimbursement  
25 is provided under subsection (a).

1 (g) FUNDING.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), amounts for reimbursements under sub-  
4 section (a) shall be derived from any amounts au-  
5 thORIZED to be appropriated by this Act.

6 (2) EXCEPTION.—Amounts authorized to be ap-  
7 propriated by this Act and available for the procure-  
8 ment of equipment for members of the Armed  
9 Forces deployed, or to be deployed, to Iraq or Af-  
10 ghanistan may not be utilized for reimbursements  
11 under subsection (a).

12 (h) REPEAL OF SUPERSEDED AUTHORITY.—Section  
13 351 of the Ronald W. Reagan National Defense Author-  
14 ization Act for Fiscal Year 2005 (Public Law 108–375;  
15 118. Stat. 1857) is repealed.

16 **SEC. 334. WELFARE OF SPECIAL CATEGORY RESIDENTS AT**  
17 **NAVAL STATION GUANTANAMO BAY, CUBA.**

18 (a) IN GENERAL.—The Secretary of the Navy may  
19 provide for the general welfare, including subsistence,  
20 housing, and health care, of any person at Naval Station  
21 Guantanamo Bay, Cuba, who is designated by the Sec-  
22 retary, not later than 90 days after the date of the enact-  
23 ment of this Act, as a so-called “special category resi-  
24 dent”.

1 (b) PROHIBITION ON CONSTRUCTION OF FACILI-  
2 TIES.—The authorization in subsection (a) shall not be  
3 construed as an authorization for the construction of new  
4 housing facilities or medical treatment facilities.

5 (c) CONSTRUCTION OF PRIOR USE OF FUNDS.—The  
6 provisions of chapter 13 of title 31, United States Code,  
7 are hereby deemed not to have applied to the obligation  
8 or expenditure of funds before the date of the enactment  
9 of this Act for the general welfare of persons described  
10 in subsection (a).

11 **SEC. 335. POINT OF MAINTENANCE/ARSENAL/DEPOT AIT**  
12 **INITIATIVE.**

13 (a) ADDITIONAL AMOUNT FOR OPERATION AND  
14 MAINTENANCE, ARMY.—The amount authorized to be ap-  
15 propriated by section 301(1) for operation and mainte-  
16 nance for the Army is hereby increased by \$10,000,000.

17 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
18 thorized to be appropriated by section 301(1) for oper-  
19 ation and maintenance for the Army, as increased by sub-  
20 section (a), \$16,000,000 may be available for the Point  
21 of Maintenance/Arsenal/Depot AIT (AD–AIT) Initiative.

22 (c) OFFSET.—The amount authorized to be appro-  
23 priated by section 301(4) is hereby reduced by  
24 \$10,000,000 to be derived from amounts authorized to be  
25 appropriated by that section for the Air Force.

1 **SEC. 336. LONG ARM HIGH-INTENSITY ARC METAL HALIDE**  
2 **HANDHELD SEARCHLIGHT.**

3 (a) ADDITIONAL AMOUNT FOR OPERATION AND  
4 MAINTENANCE, ARMY.—The amount authorized to be ap-  
5 propriated by section 301(1) for operation and mainte-  
6 nance for the Army is hereby increased by \$4,500,000.

7 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
8 thorized to be appropriated by section 301(1) for oper-  
9 ation and maintenance for the Army, as increased by sub-  
10 section (a), \$4,500,000 may be available for the Long Arm  
11 High-Intensity Arc Metal Halide Handheld Searchlight.

12 (c) OFFSET.—The amount authorized to be appro-  
13 priated by section 301(4) is hereby reduced by  
14 \$4,500,000, with the amount of the reduction to be de-  
15 rived from amounts authorized to be appropriated by that  
16 section for the Air Force.

17 **SEC. 337. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTI-**  
18 **TUDE AVIATION TRAINING SITE.**

19 Not later than December 15, 2005, the Secretary of  
20 the Army shall submit to the congressional defense com-  
21 mittee a report containing the following:

22 (1) An evaluation of the type of aircraft avail-  
23 able in the inventory of the Army that is most suit-  
24 able to perform the High-Altitude Aviation Training  
25 Site (HAATS) mission.

1           (2) A determination of when such aircraft may  
2           be available for assignment to the HAATS.

3 **SEC. 338. DEPARTMENT OF DEFENSE SUPPORT FOR CER-**  
4 **TAIN PARALYMPIC SPORTING EVENTS.**

5           (a) PROVISION OF SUPPORT.—Subsection (c) of sec-  
6 tion 2564 of title 10, United States Code, is amended by  
7 adding at the end the following new paragraphs:

8           “(4) A sporting event sanctioned by the United  
9 States Olympic Committee through the Paralympic  
10 Military Program.

11           “(5) A national or international Paralympic  
12 sporting event (other than one covered by paragraph  
13 (3) or (4))—

14           “(A) which is—

15           “(i) held in the United States or any  
16 of its territories or commonwealths;

17           “(ii) governed by the International  
18 Paralympic Committee; and

19           “(iii) sanctioned by the United States  
20 Olympic Committee; and

21           “(B) for which participation exceeds 100  
22 amateur athletes.”.

23           (b) FUNDING AND LIMITATIONS.—Such section is  
24 further amended—

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

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

5           “(d) FUNDING FOR SUPPORT OF CERTAIN  
6 EVENTS.—(1) Funds to provide support for a sporting  
7 event described in paragraph (4) or (5) of subsection (c)  
8 shall be derived from the Support for International Sport-  
9 ing Competitions, Defense account established by section  
10 5802 of Public Law 104–208 (110 Stat. 3009–522), not-  
11 withstanding any limitation in such section relating to the  
12 availability of funds in such account for support of inter-  
13 national sporting competitions.

14           “(2) The total amount that may be expended in any  
15 fiscal year to provide support for a sporting event de-  
16 scribed in paragraph (5) of subsection (c) may not exceed  
17 \$1,000,000.”.

18 **SEC. 339. SUPERVISION AND MANAGEMENT OF DEFENSE**  
19 **BUSINESS TRANSFORMATION AGENCY.**

20           Section 192 of title 10, United States Code, is  
21 amended by adding at the end the following new sub-  
22 section:

23           “(e) SPECIAL RULE FOR DEFENSE BUSINESS  
24 TRANSFORMATION AGENCY.—(1) The Defense Business  
25 Transformation Agency shall be supervised by the vice

1 chairman of the Defense Business System Management  
2 Committee.

3 “(2) Notwithstanding the results of any periodic re-  
4 view under subsection (c) with regard to the Defense Busi-  
5 ness Transformation Agency, the Secretary of Defense  
6 shall designate that the Agency be managed cooperatively  
7 by the Deputy Under Secretary of Defense for Business  
8 Transformation and the Deputy Under Secretary of De-  
9 fense for Financial Management.”.

10 **SEC. 340. ARMAMENT RETOOLING AND MANUFACTURING**  
11 **SUPPORT INITIATIVE MATTERS.**

12 (a) INCLUSION OF ADDITIONAL FACILITIES WITHIN  
13 INITIATIVE.—Section 4551(2) of title 10, United States  
14 Code, is amended by inserting “, or a Government-owned,  
15 contractor-operated depot for the storage, maintenance,  
16 renovation, or demilitarization of ammunition,” after  
17 “manufacturing facility”.

18 (b) ADDITIONAL CONSIDERATION FOR USE OF FA-  
19 CILITIES.—Section 4554(b)(2) of such title is amended by  
20 adding at the end the following new subparagraph:

21 “(D) The demilitarization and storage of con-  
22 ventional ammunition.”.

1 **SEC. 341. GRANTS FOR LOCAL WORKFORCE INVESTMENT**  
2 **BOARDS FOR SERVICES FOR CERTAIN**  
3 **SPOUSES OF MEMBERS OF THE ARMED**  
4 **FORCES.**

5 (a) GRANTS AUTHORIZED.—The Secretary of De-  
6 fense may, from any funds authorized to be appropriated  
7 to the Department of Defense, and in consultation with  
8 the Department of Labor, make grants to local workforce  
9 investments boards established under section 117 of the  
10 Workforce Investment Act of 1998 (29 U.S.C. 2832), or  
11 consortia of such boards, in order to permit such boards  
12 or consortia of boards to provide services to spouses of  
13 members of the Armed Forces described in subsection (b).

14 (b) COVERED SPOUSES.—Spouses of members of the  
15 Armed Forces described in this subsection are spouses of  
16 members of the Armed Forces on active duty, which  
17 spouses—

18 (1) have experienced a loss of employment as a  
19 direct result of relocation of such members to ac-  
20 commodate a permanent change in duty station; or

21 (2) are in a family whose income is significantly  
22 reduced due to—

23 (A) the deployment of such members;

24 (B) the call or order of such members to  
25 active duty in support of a contingency oper-  
26 ation pursuant to a provision of law referred to

1 in section 101(a)(13)(B) of title 10, United  
2 States Code;

3 (C) a permanent change in duty station of  
4 such members; or

5 (D) the incurrence by such members of a  
6 service-connected disability (as that term is de-  
7 fined in section 101(16) of title 38, United  
8 States Code).

9 (c) REGULATIONS.—Any grants made under this sec-  
10 tion shall be made pursuant to regulations prescribed by  
11 the Secretary in consultation with the Department of  
12 Labor. Such regulation shall set forth—

13 (1) criteria for eligibility of workforce invest-  
14 ment boards for grants under this section;

15 (2) requirements for applications for such  
16 grants; and

17 (3) the nature of services to be provided using  
18 such grants.

19 **SEC. 342. REST AND RECUPERATION LEAVE PROGRAMS.**

20 (a) AVAILABILITY OF FUNDS FOR REIMBURSEMENT  
21 OF EXPENSES.—Of the amount authorized to be appro-  
22 priated by section 301(5) for operation and maintenance  
23 for Defense-wide activities, \$7,000,000 may be available  
24 for the reimbursement of expenses of the Armed Forces  
25 Recreation Centers related to the utilization of the facili-

1 ties of the Armed Forces Recreation Centers under official  
2 Rest and Recuperation Leave Programs authorized by the  
3 military departments or combatant commanders.

4 (b) UTILIZATION OF REIMBURSEMENTS.—Amounts  
5 received by the Armed Forces Recreation Centers under  
6 subsection (a) as reimbursement for expenses may be uti-  
7 lized by such Centers for facility maintenance and repair,  
8 utility expenses, correction of health and safety defi-  
9 ciencies, and routine ground maintenance.

10 (c) REGULATIONS.—The utilization of facilities of the  
11 Armed Forces Recreation Centers under Rest and Recu-  
12 peration Leave Programs, and reimbursement for ex-  
13 penses related to such utilization of such facilities, shall  
14 be subject to regulations prescribed by the Secretary of  
15 Defense.

16 **SEC. 343. IMPROVEMENT OF AUTHORITIES ON GENERAL**  
17 **GIFT FUNDS OF THE DEPARTMENT OF DE-**  
18 **FENSE.**

19 (a) RESTATEMENT AND EXPANSION OF CURRENT  
20 AUTHORITY.—Subsection (a) of section 2601 of title 10,  
21 United States Code, is amended to read as follows:

22 “(a)(1) Subject to subsection (b), the Secretary con-  
23 cerned may accept, hold, administer, and spend any gift,  
24 devise, or bequest of real or personal property made on  
25 the condition that it be used for the benefit, or in connec-

1 tion with, the establishment, operation, or maintenance of  
2 a school, hospital, library, museum, cemetery, or other in-  
3 stitution or organization under the jurisdiction of such  
4 Secretary.

5       “(2)(A) Subject to subsection (b), the Secretary con-  
6 cerned may accept, hold, administer, and spend any gift,  
7 devise, or bequest of real or personal property made on  
8 the condition that it be used for the benefit of members  
9 of the armed forces or civilian employees of United States  
10 Government, or the dependents or survivors of such mem-  
11 bers or employees, who are wounded or killed while serving  
12 in Operation Iraqi Freedom, Operation Enduring Free-  
13 dom, or any other military operation or activity, or geo-  
14 graphic area, designated by the Secretary of Defense for  
15 purposes of this section.

16       “(B) The Secretary of Defense shall prescribe regula-  
17 tions specifying the conditions that may be attached to  
18 a gift, devise, or bequest accepted under this paragraph.

19       “(C) The authority to accept gifts, devises, or be-  
20 quests under this paragraph shall expire on December 31,  
21 2007.

22       “(3) The Secretary concerned may pay all necessary  
23 expenses in connection with the conveyance or transfer of  
24 a gift, devise, or bequest made under this subsection.”.

1 (b) SCOPE OF AUTHORITY TO USE ACCEPTED PROP-  
2 ERTY.—Such section is further amended—

3 (1) by redesignating subsections (b), (c) and (d)  
4 as subsections (c), (d), and (e), respectively; and

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

7 “(b)(1) Except as provided in paragraph (2), prop-  
8 erty accepted under subsection (a) may be used by the  
9 Secretary concerned without further specific authorization  
10 in law.

11 “(2) Property accepted under subsection (a) may not  
12 be used—

13 “(A) if the use of such property in connection  
14 with any program, project, or activity would result  
15 in the violation of any prohibition or limitation oth-  
16 erwise applicable to such program, project, or activ-  
17 ity;

18 “(B) if the conditions attached to such property  
19 are inconsistent with applicable law or regulations;

20 “(C) if the use of such property would reflect  
21 unfavorably on ability of the Department of Defense,  
22 any employee of the Department, or any member of  
23 the armed forces to carry out any responsibility or  
24 duty of the Department in a fair and objective man-  
25 ner; or



1 in the Armed Forces who served in those operations be  
2 honored and recognized for their achievements, with ap-  
3 propriate ceremonies, activities, and awards commemo-  
4 rating their sacrifice and service to the United States and  
5 the cause of freedom in the Global War on Terrorism.

6 (b) CELEBRATION HONORING MILITARY EFFORTS IN  
7 OPERATION ENDURING FREEDOM AND OPERATION IRAQI  
8 FREEDOM.—The President may, at the sole discretion of  
9 the President—

10 (1) designate a day of celebration to honor the  
11 soldiers, sailors, marines, and airmen of the Armed  
12 Forces who have served in Operation Enduring  
13 Freedom or Operation Iraqi Freedom and have re-  
14 turned to the United States; and

15 (2) issue a proclamation calling on the people of  
16 the United States to observe that day with appro-  
17 priate ceremonies and activities.

18 (c) PARTICIPATION OF ARMED FORCES IN CELEBRA-  
19 TION.—

20 (1) PARTICIPATION AUTHORIZED.—Members  
21 and units of the Armed Forces may participate in  
22 activities associated with the day of celebration des-  
23 ignated under subsection (b) that are held in Wash-  
24 ington, District of Columbia.

1           (2) AVAILABILITY OF FUNDS.—Subject to para-  
2           graph (4), amounts authorized to be appropriated  
3           for the Department of Defense may be used to cover  
4           costs associated with the participation of members  
5           and units of the Armed Forces in the activities de-  
6           scribed in paragraph (1).

7           (3) ACCEPTANCE OF PRIVATE CONTRIBU-  
8           TIONS.—(A) Notwithstanding any other provision of  
9           law, the Secretary of Defense may accept cash con-  
10          tributions from private individuals and entities for  
11          the purposes of covering the costs of the participa-  
12          tion of members and units of the Armed Forces in  
13          the activities described in paragraph (1). Amounts  
14          so accepted shall be deposited in an account estab-  
15          lished for purposes of this paragraph.

16          (B) Amounts accepted under subparagraph (A)  
17          may be used for the purposes described in that sub-  
18          paragraph until expended.

19          (4) LIMITATION.—The total amount of funds  
20          described in paragraph (2) that are available for the  
21          purpose set forth in that paragraph may not exceed  
22          the amount equal to—

23                  (A) \$20,000,000, minus

24                  (B) the amount of any cash contributions  
25                  accepted by the Secretary under paragraph (3).

1 (d) AWARD OF RECOGNITION ITEMS.—

2 (1) AUTHORITY TO AWARD.—Under regulations  
3 prescribed by the Secretary of Defense, appropriate  
4 recognition items may be awarded to any individual  
5 who served honorably as a member of the Armed  
6 Forces in Operation Enduring Freedom or Oper-  
7 ation Iraqi Freedom during the Global War on Ter-  
8 rorism. The purpose of the award of such items is  
9 to recognize the contribution of such individuals to  
10 the success of the United States in those operations.

11 (2) RECOGNITION ITEMS DEFINED.—In this  
12 subsection, the term “recognition items” means rec-  
13 ognition items authorized for presentation under sec-  
14 tion 2261 of title 10, United States Code (as amend-  
15 ed by section 593(a) of this Act).

16 **SEC. 345. INCLUSION OF PACKET BASED TELEPHONY IN**  
17 **DEPARTMENT OF DEFENSE TELECOMMUNI-**  
18 **CATIONS BENEFIT.**

19 (a) INCLUSION IN BENEFIT.—Subsection (a) of sec-  
20 tion 344 of the National Defense Authorization Act for  
21 Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1448)  
22 is amended by inserting “packet based telephony service,”  
23 after “prepaid phone cards,”.

1 (b) INCLUSION OF INTERNET TELEPHONY IN DE-  
2 PLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.—

3 Subsection (e) of such section is amended—

4 (1) by inserting “or Internet service” after “ad-  
5 ditional telephones”;

6 (2) by inserting “or packet based telephony”  
7 after “to facilitate telephone”; and

8 (3) by inserting “or Internet access” after “in-  
9 stallation of telephones”.

10 (c) CONFORMING AMENDMENTS.—Such section is  
11 further amended—

12 (1) in the subsection caption of subsection (a),  
13 by striking “PREPAID PHONE CARDS” and inserting  
14 “BENEFIT”; and

15 (2) in the subsection caption of subsection (e),  
16 by inserting “OR INTERNET ACCESS” after “TELE-  
17 PHONE EQUIPMENT”.

18 **SEC. 346. REPORT ON EFFECTS OF WINDMILL FARMS ON**

19 **MILITARY READINESS.**

20 (a) FINDING.—Congress finds that the Ministry of  
21 Defence of the United Kingdom has determined, as a re-  
22 sult of a recently conducted study of the effect of windmill  
23 farms on military readiness, not to permit construction of  
24 windmill farms within 30 kilometers of military radar in-  
25 stallations.

1 (b) REPORT REQUIRED.—Not later than 180 days  
 2 after the date of the enactment of this Act, the Secretary  
 3 of Defense shall submit to the Committees on Armed Serv-  
 4 ices of the Senate and the House of Representatives a re-  
 5 port on the effects of windmill farms on military readiness,  
 6 including an assessment of the effects on the operations  
 7 of military radar installations of the proximity of windmill  
 8 farms to such installations and of technologies that could  
 9 mitigate any adverse effects on military operations identi-  
 10 fied.

11 **TITLE IV—MILITARY**  
 12 **PERSONNEL AUTHORIZATIONS**  
 13 **Subtitle A—Active Forces**

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

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

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

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

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

1           “(1) For the Army, 522,400.

2           “(2) For the Navy, 352,700.

3           “(3) For the Marine Corps, 178,000.

4           “(4) For the Air Force, 357,400.”.

5           (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall take effect on October 1, 2005, and  
7 shall apply with respect to fiscal years beginning on or  
8 after that date.

## 9           **Subtitle B—Reserve Forces**

### 10       **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

14               (1) The Army National Guard of the United  
15 States, 350,000.

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

17               (3) The Naval Reserve, 73,100.

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

19               (5) The Air National Guard of the United  
20 States, 106,800.

21               (6) The Air Force Reserve, 74,000.

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

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

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

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

11 Whenever such units or such individual members are re-  
12 leased from active duty during any fiscal year, the end  
13 strength prescribed for such fiscal year for the Selected  
14 Reserve of such reserve component shall be proportion-  
15 ately increased by the total authorized strengths of such  
16 units and by the total number of such individual members.

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

19          Within the end strengths prescribed in section  
20 411(a), the reserve components of the Armed Forces are  
21 authorized, as of September 30, 2006, the following num-  
22 ber of Reserves to be serving on full-time active duty or  
23 full-time duty, in the case of members of the National  
24 Guard, for the purpose of organizing, administering, re-  
25 cruiting, instructing, or training the reserve components:

1           (1) The Army National Guard of the United  
2 States, 27,396.

3           (2) The Army Reserve, 15,270.

4           (3) The Naval Reserve, 13,392.

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

6           (5) The Air National Guard of the United  
7 States, 13,123.

8           (6) The Air Force Reserve, 2,290.

9 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
10 **(DUAL STATUS).**

11       The minimum number of military technicians (dual  
12 status) as of the last day of fiscal year 2006 for the re-  
13 serve components of the Army and the Air Force (notwith-  
14 standing section 129 of title 10, United States Code) shall  
15 be the following:

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

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

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

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

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

24       (a) LIMITATIONS.—(1) Within the limitation pro-  
25 vided in section 10217(c)(2) of title 10, United States

1 Code, the number of non-dual status technicians employed  
2 by the National Guard as of September 30, 2006, may  
3 not exceed the following:

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

6 (B) For the Air National Guard of the United  
7 States, 350.

8 (2) The number of non-dual status technicians em-  
9 ployed by the Army Reserve as of September 30, 2006,  
10 may not exceed 695.

11 (3) The number of non-dual status technicians em-  
12 ployed by the Air Force Reserve as of September 30,  
13 2006, may not exceed 90.

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

18 **Subtitle C—Authorizations of**  
19 **Appropriations**

20 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
21 **TARY PERSONNEL.**

22 There is hereby authorized to be appropriated to the  
23 Department of Defense for military personnel for fiscal  
24 year 2006 a total of \$109,179,601,000. The authorization  
25 in the preceding sentence supersedes any other authoriza-

1 tion of appropriations (definite or indefinite) for such pur-  
 2 pose for fiscal year 2006.

3 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

4 There is hereby authorized to be appropriated for fis-  
 5 cal year 2006 from the Armed Forces Retirement Home  
 6 Trust Fund the sum of \$58,281,000 for the operation of  
 7 the Armed Forces Retirement Home.

8 **TITLE V—MILITARY PERSONNEL**  
 9 **POLICY**

10 **Subtitle A—Officer Personnel**  
 11 **Policy**

12 **SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS**  
 13 **ON LEAVE PENDING SEPARATION OR RE-**  
 14 **TIREMENT FROM COMPUTATION OF ACTIVE**  
 15 **DUTY OFFICERS FOR GENERAL AND FLAG**  
 16 **OFFICER DISTRIBUTION AND STRENGTH LIM-**  
 17 **ITATIONS.**

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

21 “(e) In determining the total number of general offi-  
 22 cers or flag officers of an armed force on active duty for  
 23 purposes of this section, an officer of that armed force  
 24 in the grade of brigadier general or above, or an officer  
 25 in the grade of rear admiral (lower half) or above in the

1 Navy, who is on leave pending the separation, retirement,  
2 or release of such officer from active duty shall not be  
3 counted, but only during the 60-day period beginning on  
4 the date of the commencement of leave of such officer.”.

5 (b) ACTIVE DUTY STRENGTH LIMITATIONS.—

6 (1) IN GENERAL.—Section 526 of such title is  
7 amended by adding at the end the following new  
8 subsection:

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

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

18 **SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR**  
19 **RESERVE COMPONENT GENERAL AND FLAG**  
20 **OFFICERS.**

21 (a) INCREASE IN AUTHORIZED NUMBER.—Section  
22 526(b)(2)(A) of title 10, United States Code, is amended  
23 by striking “10” and inserting “11”.

1 (b) ASSIGNMENT TO JOINT STAFF.—Such section is  
2 further amended by inserting “, and on the Joint Staff,”  
3 after “commands”.

4 **SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELEC-**  
5 **TION BOARDS OF CORRESPONDENCE FROM**  
6 **ELIGIBLE OFFICERS.**

7 (a) OFFICERS ON ACTIVE DUTY LIST.—Section  
8 614(b) of title 10, United States Code, is amended by in-  
9 serting “the date before” after “not later than”.

10 (b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—  
11 Section 14106 of such title is amended by inserting “the  
12 date before” after “not later than”.

13 (c) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect on March 1, 2006, and shall  
15 apply with respect to selection boards convened on or after  
16 that date.

17 **SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS**  
18 **OF ADVERSE INFORMATION ON OFFICERS EL-**  
19 **IGIBLE FOR PROMOTION TO CERTAIN SEN-**  
20 **IOR GRADES.**

21 (a) OFFICERS ON ACTIVE-DUTY LIST.—

22 (1) IN GENERAL.—Section 615(a) of title 10,  
23 United States Code, is amended—

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

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

6 “(3) In the case of an eligible officer considered for  
7 promotion to the grade of lieutenant colonel, or com-  
8 mander in the case of the Navy, or above, any information  
9 of an adverse nature, including any substantiated adverse  
10 finding or conclusion from an officially documented inves-  
11 tigation or inquiry, shall be furnished to the selection  
12 board in accordance with standards and procedures set out  
13 in the regulations prescribed by the Secretary of Defense  
14 pursuant to paragraph (1).”.

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

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

21 (B) in paragraph (5), as so redesignated,  
22 by striking “and (3)” and inserting “, (3), and  
23 (4)”;

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

1 (i) in the matter preceding subpara-  
2 graph (A), by inserting “, or in paragraph  
3 (3),” after “paragraph (2)”; and

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

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

10 (b) RESERVE OFFICERS.—

11 (1) IN GENERAL.—Section 14107(a) of title 10,  
12 United States Code, is amended—

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

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

18 “(3) In the case of an eligible officer considered for  
19 promotion to the grade of lieutenant colonel, or com-  
20 mander in the case of the Navy, or above, any information  
21 of an adverse nature, including any substantiated adverse  
22 finding or conclusion from an officially documented inves-  
23 tigation or inquiry, shall be furnished to the selection  
24 board in accordance with standards and procedures set out

1 in the regulations prescribed by the Secretary of Defense  
2 pursuant to paragraph (1).”.

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

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

9 (B) in paragraph (5), as so redesignated,  
10 by striking “and (3)” and inserting “, (3), and  
11 (4)”;

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

13 (i) in the matter preceding subpara-  
14 graph (A), by inserting “, or in paragraph  
15 (3),” after “paragraph (2)”; and

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

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

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall take effect on October 1, 2006, and shall  
24 apply with respect to promotion selection boards convened  
25 on or after that date.

1 **SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.**

2 (a) JUDGE ADVOCATE GENERAL OF THE ARMY.—  
3 Section 3037(a) of title 10, United States Code, is amend-  
4 ed by striking the last sentence and inserting the following  
5 new sentences: “The Judge Advocate General, while so  
6 serving, has the grade of lieutenant general. An officer ap-  
7 pointed as Assistant Judge Advocate General who holds  
8 a lower regular grade shall be appointed in the regular  
9 grade of major general.”.

10 (b) JUDGE ADVOCATE GENERAL OF THE NAVY.—  
11 Section 5148(b) of such title is amended by striking the  
12 last sentence and inserting the following new sentence:  
13 “The Judge Advocate General, while so serving, has the  
14 grade of vice admiral or lieutenant general, as appro-  
15 priate.”.

16 (c) JUDGE ADVOCATE GENERAL OF THE AIR  
17 FORCE.—Section 8037(a) of such title is amended by  
18 striking the last sentence and inserting the following new  
19 sentence: “The Judge Advocate General, while so serving,  
20 has the grade of lieutenant general.”.

21 (d) EXCLUSION FROM LIMITATION ON GENERAL  
22 AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of  
23 such title is amended by adding at the end the following  
24 new paragraph:

25 “(9) An officer while serving as the Judge Advocate  
26 General of the Army, the Judge Advocate General of the

1 Navy, or the Judge Advocate General of the Air Force  
2 is in addition to the number that would otherwise be per-  
3 mitted for that officer's armed force for officers serving  
4 on active duty in grades above major general or rear admiral  
5 under paragraph (1) or (2), as the case may be.”.

6 **SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO RE-**  
7 **DUCE MINIMUM LENGTH OF COMMISSIONED**  
8 **SERVICE FOR VOLUNTARY RETIREMENT AS**  
9 **AN OFFICER.**

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

12 (1) by inserting “(1)” after “(b)”;

13 (2) in paragraph (1), as so designated, by strik-  
14 ing “, during the period beginning on October 1,  
15 1990, and ending on December 31, 2001,”; and

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

18 “(2) The authority in paragraph (1) may be exercised  
19 during the period beginning on the date of the enactment  
20 of the National Defense Authorization Act for Fiscal Year  
21 2006 and ending on December 31, 2008.”.

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

24 (1) by inserting “(A)” after “(2)”;

1           (2) in subparagraph (A), as so designated, by  
2           striking “, during the period beginning on October  
3           1, 1990, and ending on December 31, 2001,”; and

4           (3) by adding at the end the following new sub-  
5           paragraph:

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

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

12           (1) by inserting “(1)” after “(b)”;

13           (2) in paragraph (1), as so designated, by strik-  
14           ing “, during the period beginning on October 1,  
15           1990, and ending on December 31, 2001,”; and

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

18           “(2) The authority in paragraph (1) may be exercised  
19           during the period beginning on the date of the enactment  
20           of the National Defense Authorization Act for Fiscal Year  
21           2006 and ending on December 31, 2008.”.

1 **SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITA-**  
2 **TIONS APPLICABLE TO RESERVE FLAG OFFI-**  
3 **CERS IN ACTIVE STATUS.**

4 (a) **LINE OFFICERS.**—Paragraph (1) of section  
5 12004(c) of title 10, United States Code, is amended in  
6 the item in the table relating to Line officers by striking  
7 “28” and inserting “33”.

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

12 (c) **SUPPLY CORPS OFFICERS.**—Paragraph (2)(A) of  
13 such section is amended by striking “seven” and inserting  
14 “six”.

15 (d) **CONFORMING AMENDMENT.**—Paragraph (1) of  
16 such section is further amended in the matter preceding  
17 the table by striking “39” and inserting “40”.

18 **SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPA-**  
19 **RATION OF RESERVE GENERAL AND FLAG**  
20 **OFFICERS FOR AGE.**

21 (a) **IN GENERAL.**—Section 14512 of title 10, United  
22 States Code, is amended to read as follows:

23 **“§ 14512. Separation at age 64**

24 “(a) **IN GENERAL.**—The Secretary of the military de-  
25 partment concerned may, subject to subsection (b), defer  
26 the retirement under section 14510 or 14511 of this title

1 of a reserve officer of the Army, Air Force, or Marine  
 2 Corps in a grade above colonel, or a reserve officer of the  
 3 Navy in a grade above captain, and retain such officer  
 4 in active status until such officer becomes 64 years of age.

5 “(b) LIMITATION ON NUMBER OF DEFERMENTS.—

6 (1) Not more than 10 officers may be deferred by the Sec-  
 7 retary of a military department under subsection (a) at  
 8 any one time.

9 “(2) Deferments by the Secretary of the Navy may  
 10 be distributed between the Naval Reserve and the Marine  
 11 Corps Reserve as the Secretary determines appropriate.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of chapter 1407 of such title is amended  
 14 by striking the item relating to section 14512 and insert-  
 15 ing the following new item:

“14512. Separation at age 64.”.

16 **SEC. 509. APPLICABILITY OF OFFICER DISTRIBUTION AND**  
 17 **STRENGTH LIMITATIONS TO OFFICERS SERV-**  
 18 **ING IN INTELLIGENCE COMMUNITY POSI-**  
 19 **TIONS.**

20 (a) IN GENERAL.—Section 528 of title 10, United  
 21 States Code, is amended to read as follows:

22 **“§ 528. Exclusion: officers serving in certain intel-**  
 23 **ligence positions**

24 “(a) EXCLUSION OF OFFICER SERVING IN CERTAIN  
 25 CIA POSITIONS.—When either of the individuals serving

1 in a position specified in subsection (b) is an officer of  
2 the armed forces, one of those officers, while serving in  
3 such position, shall be excluded from the limitations in sec-  
4 tions 525 and 526 of this title while serving in such posi-  
5 tion.

6 “(b) COVERED POSITIONS.—The positions referred  
7 to in this subsection are the following:

8 “(1) Director of the Central Intelligence Agen-  
9 cy.

10 “(2) Deputy Director of the Central Intelligence  
11 Agency.

12 “(c) ASSOCIATE DIRECTOR OF CIA FOR MILITARY  
13 SUPPORT.—An officer of the armed forces serving in the  
14 position of Associate Director of the Central Intelligence  
15 Agency for Military Support, while serving in that posi-  
16 tion, shall be excluded from the limitations in sections 525  
17 and 526 of this title while serving in such position.

18 “(d) OFFICERS SERVING IN OFFICE OF DNI.—Up  
19 to 5 general and flag officers of the armed forces assigned  
20 to positions in the Office of the Director of National Intel-  
21 ligence designated by agreement between the Secretary of  
22 Defense and the Director of National Intelligence shall be  
23 excluded from the limitations in sections 525 and 526 of  
24 this title while serving in such positions.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 32 of such title is amended  
 3 by striking the item relating to section 528 and inserting  
 4 the following new item:

“528. Exclusion: officers serving in certain intelligence positions.”.

5 **Subtitle B—Enlisted Personnel**  
 6 **Policy**

7 **SEC. 521. UNIFORM CITIZENSHIP OR RESIDENCY REQUIRE-**  
 8 **MENTS FOR ENLISTMENT IN THE ARMED**  
 9 **FORCES.**

10 (a) UNIFORM REQUIREMENTS.—Section 504 of title  
 11 10, United States Code, is amended—

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

14 (2) by adding at the end the following new sub-  
 15 section:

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

24 “(2) The Secretary concerned may waive the applica-  
 25 bility of paragraph (1) to a person if such Secretary deter-

1 mines that the enlistment of such person is vital to the  
2 national interest.”.

3 (b) REPEAL OF SUPERSEDED LIMITATIONS FOR THE  
4 ARMY AND AIR FORCE.—Sections 3253 and 8253 of such  
5 title are repealed.

6 (c) CLERICAL AMENDMENTS.—

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

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

13 **SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME**  
14 **SCHOOLED STUDENTS IN THE ARMED**  
15 **FORCES.**

16 (a) POLICY ON RECRUITMENT AND ENLISTMENT.—

17 (1) POLICY REQUIRED.—The Secretary of De-  
18 fense shall prescribe a policy on the recruitment and  
19 enlistment of home schooled students in the Armed  
20 Forces.

21 (2) UNIFORMITY ACROSS THE ARMED  
22 FORCES.—The Secretary shall ensure that the policy  
23 prescribed under paragraph (1) applies, to the ex-  
24 tent practicable, uniformly across the Armed Forces.

1 (b) ELEMENTS.—The policy under subsection (a)  
2 shall include the following:

3 (1) An identification of a graduate of home  
4 schooling for purposes of recruitment and enlistment  
5 in the Armed Forces that is in accordance with the  
6 requirements described in subsection (c).

7 (2) Provision for the treatment of graduates of  
8 home schooling with no practical limit with regard to  
9 enlistment eligibility.

10 (3) An exemption of graduates of home school-  
11 ing from the requirement for a secondary school di-  
12 ploma or an equivalent (GED) as a precondition for  
13 enlistment in the Armed Forces.

14 (c) HOME SCHOOL GRADUATES.—In prescribing the  
15 policy, the Secretary of Defense shall prescribe a single  
16 set of criteria to be utilized by the Armed Forces in deter-  
17 mining whether an individual is a graduate of home  
18 schooling. The Secretary concerned shall ensure compli-  
19 ance with education credential coding requirements.

20 (d) SECRETARY CONCERNED DEFINED.—In this sec-  
21 tion, the term “Secretary concerned” has the meaning  
22 given such term in section 101(a)(9) of title 10, United  
23 States Code.

1 **SEC. 523. REPORT ON INFORMATION ON STOP LOSS AU-**  
2 **THORITIES GIVEN TO ENLISTEES IN THE**  
3 **ARMED FORCES.**

4 (a) FINDINGS.—Congress makes the following find-  
5 ings:

6 (1) The Department of Defense began retaining  
7 selected members of the Armed Forces beyond their  
8 contractual date of separation from the Armed  
9 Forces, a policy commonly known as “stop loss”,  
10 shortly after the events of September 11, 2001, and  
11 for the first time since Operation Desert Shield/  
12 Desert Storm.

13 (2) The Marine Corps, Navy, and Air Force  
14 discontinued their use of stop loss authority in 2003.  
15 According to the Department of Defense, a total of  
16 8,992 marines, 2,600 sailors, and 8,500 airmen were  
17 kept beyond their separation dates under that au-  
18 thority.

19 (3) The Army is the only Armed Force cur-  
20 rently using stop loss authority. The Army reports  
21 that, during September 2005, it was retaining 6,929  
22 regular component soldiers, 3,002 soldiers in the  
23 National Guard, and 2,847 soldiers in the Army Re-  
24 serve beyond their separation date. The Army re-  
25 ports that it has not kept an account of the cumu-

1        lative number of soldiers who have been kept beyond  
2        their separation date.

3            (4) The Department of Defense Form 4/1, En-  
4        listment/Reenlistment Document does not give notice  
5        to enlistees and reenlistees in the regular compo-  
6        nents of the Armed Forces that they may be kept  
7        beyond their contractual separation date during  
8        times of partial mobilization.

9            (5) The Department of Defense has an obliga-  
10       tion to clearly communicate to all potential enlistees  
11       and reenlistees in the Armed Forces their terms of  
12       service in the Armed Forces.

13        (b) REPORT.—

14            (1) IN GENERAL.—Not later than 90 days after  
15       the date of the enactment of this Act, the Secretary  
16       of Defense shall submit to the congressional defense  
17       committees a report on the actions being taken to  
18       ensure that each individual being recruited for serv-  
19       ice in the Armed Forces is provided, before making  
20       a formal enlistment in the Armed Forces, precise  
21       and detailed information on the period or periods of  
22       service to which such individual may be obligated by  
23       reason of enlistment in the Armed Forces, including  
24       any revisions to Department of Defense Form 4/1.

1           (2) ELEMENTS.—The report under paragraph  
2 (1) shall include—

3           (A) a description of how the Department  
4 informs enlistees in the Armed Forces on—

5           (i) the so-called “stop loss” authority  
6 and the manner in which exercise of such  
7 authority could affect the duration of an  
8 individual’s service on active duty in the  
9 Armed Forces;

10           (ii) the authority for the call or order  
11 to active duty of members of the Individual  
12 Ready Reserve and the manner in which  
13 such a call or order to active duty could af-  
14 fect an individual following the completion  
15 of the individual’s expected period of serv-  
16 ice on active duty or in the Individual  
17 Ready Reserve; and

18           (iii) any other authorities applicable to  
19 the call or order to active duty of the Re-  
20 serves, or of the retention of members of  
21 the Armed Forces on active duty, that  
22 could affect the period of service of an in-  
23 dividual on active duty or in the Armed  
24 Forces; and

1 (B) such other information as the Sec-  
 2 retary considers appropriate.

3 **Subtitle C—Reserve Component**  
 4 **Personnel Matters**

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

9 (a) IN GENERAL.—Subsection (a) of section 10206  
 10 of title 10, United States Code, is amended—

11 (1) in paragraph (1), by striking “examined”  
 12 and all that follows through the semicolon and in-  
 13 sserting “provided a comprehensive physical examina-  
 14 tion on an annual basis;”; and

15 (2) in paragraph (2), by striking “annually to  
 16 the Secretary concerned” and all that follows and in-  
 17 sserting “to the Secretary concerned on an annual  
 18 basis documentation of the medical and dental readi-  
 19 ness of the member to perform military duties.”.

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

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

1 **SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF FINAN-**  
2 **CIAL ASSISTANCE UNDER RESERVE OFFI-**  
3 **CERS' TRAINING CORPS SCHOLARSHIP PRO-**  
4 **GRAM.**

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

7 (1) by striking paragraph (4);

8 (2) by redesignating paragraph (5) as para-  
9 graph (4); and

10 (3) in subparagraph (B) of paragraph (4), as so  
11 redesignated, by striking “, (3), or (4)” and insert-  
12 ing “or (3)”.

13 (b) ARMY RESERVE AND ARMY NATIONAL GUARD  
14 MEMBERS.—Section 2107a(c) of such title is amended—

15 (1) by striking paragraph (3); and

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

18 (c) CONFORMING AMENDMENT.—Section 524(c) of  
19 the Ronald W. Reagan National Defense Authorization  
20 Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.  
21 1889) is amended by striking “paragraph (5)” and all that  
22 follows through “subsection (b)” and inserting “para-  
23 graph (4) of section 2107(c) of title 10, United States  
24 Code (as added by subsection (a) of this section and redesi-  
25 gnated by section 532(a)(2) of the National Defense Au-  
26 thorization Act for Fiscal Year 2006), and under para-

1 graph (3) of section 2107a(c) of title 10, United States  
2 Code (as added by subsection (b) of this section and reded-  
3 icated by section 532(b)(2) of such Act)”.  
4

5 **SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL AS-**  
6 **SISTANCE AND SUBSISTENCE ALLOWANCE**  
7 **FOR SENIOR ROTC CADETS AND MID-**  
8 **SHIPMEN ON THE BASIS OF HEALTH-RE-**  
9 **LATED CONDITIONS.**

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

12 “(j)(1) Payment of financial assistance under this  
13 section for, and payment of a monthly subsistence allow-  
14 ance under section 209 of title 37 to, a cadet or mid-  
15 shipman appointed under this section may be suspended  
16 on the basis of health-related incapacity of the cadet or  
17 midshipman only in accordance with regulations pre-  
18 scribed under paragraph (2).

19 “(2) The Secretary of Defense shall prescribe in regu-  
20 lations the policies and procedures for suspending pay-  
21 ments under paragraph (1). The regulations shall apply  
22 uniformly to all of the military departments. The regula-  
23 tions shall include the following matters:

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

1 “(B) Requirements for—

2 “(i) the health-related condition and prog-  
3 nosis of a cadet or midshipman to be deter-  
4 mined, in relation to the applicable standards  
5 prescribed under subparagraph (A), by a health  
6 care professional on the basis of a medical ex-  
7 amination of the cadet or midshipman; and

8 “(ii) the Secretary concerned to take into  
9 consideration the determinations made under  
10 clause (i) with respect to such condition in de-  
11 ciding whether to suspend payment in the case  
12 of such cadet or midshipman on the basis of  
13 that condition.

14 “(C) A requirement for the Secretary concerned  
15 to transmit to a cadet or midshipman proposed for  
16 suspension under this subsection a notification of  
17 the proposed suspension together with the deter-  
18 minations made under subparagraph (B)(i) in the  
19 case of the proposed suspension.

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

24 “(E) Requirements for—

1           “(i) one or more health-care professionals  
2           to review, in the case of such a response of a  
3           cadet or midshipman, each health-related condi-  
4           tion and prognosis addressed in the response,  
5           taking into consideration the matters submitted  
6           in such response; and

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

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

1 **SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RE-**  
 2 **SERVE AND ARMY NATIONAL GUARD CADETS**  
 3 **UNDER RESERVE OFFICERS' TRAINING**  
 4 **CORPS.**

5 Section 2107a(h) of title 10, United States Code, is  
 6 amended by striking “208 cadets” and inserting “416 ca-  
 7 dets”.

8 **SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE**  
 9 **FOR RESERVES SUPPORTING CONTINGENCY**  
 10 **AND OTHER OPERATIONS.**

11 (a) **OFFICIAL RECEIVING ELECTIONS OF BENE-**  
 12 **FITS.**—Section 16163(e) of title 10, United States Code,  
 13 is amended by striking “Secretary concerned” and insert-  
 14 ing “Secretary of Veterans Affairs”.

15 (b) **EXCEPTION TO IMMEDIATE TERMINATION OF AS-**  
 16 **SISTANCE.**—Section 16165 of such title is amended—

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

20 (2) by adding at the end the following new sub-  
 21 section:

22 “(b) **EXCEPTION.**—Under regulations prescribed by  
 23 the Secretary of Defense, educational assistance may be  
 24 provided under this chapter to a member of the Selected  
 25 Reserve of the Ready Reserve who incurs a break in serv-  
 26 ice in the Selected Reserve of not more than 90 days if

1 the member continues to serve in the Ready Reserve dur-  
2 ing and after such break in service.”.

3 **SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO RE-**  
4 **DESIGNATE THE NAVAL RESERVE AS THE**  
5 **NAVY RESERVE.**

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

11 **SEC. 537. PERFORMANCE BY RESERVE COMPONENT PER-**  
12 **SONNEL OF OPERATIONAL TEST AND EVAL-**  
13 **UATION AND TRAINING RELATING TO NEW**  
14 **EQUIPMENT.**

15 (a) PILOT PROGRAM.—The Secretary of the Army  
16 shall carry out a pilot program to evaluate the feasibility  
17 and advisability of—

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

24 (2) utilizing funds otherwise available for multi-  
25 year purposes for such activities in appropriations

1 for research, development, test, and evaluation, and  
2 for procurement, in order to reimburse appropria-  
3 tions for personnel for the costs of pay, allowances,  
4 and expenses of such members in the performance of  
5 such activities.

6 (b) NONWAIVER OF PERSONNEL AND TRAINING  
7 POLICIES AND PROCEDURES.—Nothing in this section  
8 may be construed to authorize any deviation from estab-  
9 lished personnel or training policies or procedures that are  
10 applicable to the reserve components of the personnel used  
11 under the pilot program.

12 (c) REIMBURSEMENT AUTHORITY.—

13 (1) IN GENERAL.—Subject to paragraph (2),  
14 the Secretary may transfer from appropriations for  
15 research, development, test, and evaluation, or for  
16 procurement, for an acquisition program under the  
17 pilot program under subsection (a) to appropriations  
18 for reserve component personnel of the Army  
19 amounts necessary to reimburse appropriations for  
20 reserve component personnel of the Army for pay,  
21 allowances, and expenses of reserve component per-  
22 sonnel of the Army in performing activities under  
23 the pilot program.

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

4           (3) MERGER OF FUNDS.—Amounts transferred  
5 to an account under paragraph (1) shall be merged  
6 with other amounts in such account, and shall be  
7 available for the same period, and subject to the  
8 same limitations, as the amounts with which  
9 merged.

10           (4) RELATIONSHIP TO OTHER TRANSFER AU-  
11 THORITY.—The authority to transfer funds under  
12 paragraph (1) is in addition to any other authority  
13 to transfer funds under law.

14           (d) TERMINATION.—The authority to carry out the  
15 pilot program under subsection (a) shall expire on Sep-  
16 tember 30, 2010.

17           (e) REPORT.—Not later than March 1, 2010, the  
18 Secretary of the Army shall, in consultation with the Sec-  
19 retary of Defense, submit to the congressional defense  
20 committees a report on the pilot program under subsection  
21 (a). The report shall include—

22           (1) a comprehensive description of the pilot pro-  
23 gram, including the acquisition programs covered by  
24 the pilot program and the activities performed by

1 members of the reserve components of the Army  
2 under the pilot program;

3 (2) an assessment of the benefits, including cost  
4 savings and other benefits, of the performance of ac-  
5 tivities under the pilot program by members of the  
6 reserve components of the Army rather than by con-  
7 tractor personnel; and

8 (3) any recommendations for legislative or ad-  
9 ministrative action that the Secretary considers ap-  
10 propriate in light of the pilot program.

11 **SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF**  
12 **LIFE FOR MEMBERS OF THE ARMY RESERVE**  
13 **AND THEIR FAMILIES.**

14 (a) PILOT PROGRAM REQUIRED.—

15 (1) IN GENERAL.—The Secretary of the Army  
16 shall carry out a pilot program to assess the feasi-  
17 bility and advisability of utilizing a coalition of mili-  
18 tary and civilian community personnel at military in-  
19 stallations in order to enhance the quality of life for  
20 members of the Army Reserve who serve at such in-  
21 stallations and their families.

22 (2) LOCATIONS.—The Secretary shall carry out  
23 the pilot program at a military installation selected  
24 by the Secretary for purposes of the pilot program  
25 in two States.

1 (b) PARTICIPATING PERSONNEL.—A coalition of per-  
2 sonnel under the pilot program shall consist of—

3 (1) such command personnel at the installation  
4 concerned as the commander of such installation  
5 considers appropriate;

6 (2) such other military personnel at such instal-  
7 lation as the commander of such installation con-  
8 siders appropriate; and

9 (3) appropriate members of the civilian commu-  
10 nity of installation, such as clinicians and teachers,  
11 who volunteer for participation in the coalition.

12 (c) OBJECTIVES.—

13 (1) PRINCIPLE OBJECTIVE.—The principle ob-  
14 jective of the pilot program shall be to enhance the  
15 quality of life for members of the Army Reserve and  
16 their families in order to enhance the mission readi-  
17 ness of such members, to facilitate the transition of  
18 such members to and from deployment, and to en-  
19 hance the retention of such members.

20 (2) OBJECTIVES RELATING TO DEPLOYMENT.—

21 In seeking to achieve the principle objective under  
22 paragraph (1) with respect to the deployment of  
23 members of the Army Reserve, each coalition under  
24 the pilot program shall seek to assist members of the  
25 Army Reserve and their families in—

1 (A) successfully coping with the absence of  
2 such members from their families during de-  
3 ployment; and

4 (B) successfully addressing other difficul-  
5 ties associated with extended deployments, in-  
6 cluding difficulties of members on deployment  
7 and difficulties of family members at home.

8 (3) METHODS TO ACHIEVE OBJECTIVES.—The  
9 methods selected by each coalition under the pilot  
10 program to achieve the objectives specified in this  
11 subsection shall include methods as follows:

12 (A) Methods that promote a balance of  
13 work and family responsibilities through a prin-  
14 ciple-centered approach to such matters.

15 (B) Methods that promote the establish-  
16 ment of appropriate priorities for family mat-  
17 ters, such as the allocation of time and atten-  
18 tion to finances, within the context of meeting  
19 military responsibilities.

20 (C) Methods that promote the development  
21 of meaningful family relationships.

22 (D) Methods that promote the development  
23 of parenting skills intended to raise emotionally  
24 healthy and empowered children.

1 (d) REPORT.—Not later than April 1, 2007, the Sec-  
2 retary shall submit to the congressional defense commit-  
3 tees a report on the pilot program carried out under this  
4 section. The report shall include—

- 5 (1) a description of the pilot program;
- 6 (2) an assessment of the benefits of utilizing a  
7 coalition of military and civilian community per-  
8 sonnel on military installations in order to enhance  
9 the quality of life for members of the Army Reserve  
10 and their families; and
- 11 (3) such recommendations for legislative or ad-  
12 ministrative action as the Secretary considers appro-  
13 priate in light of the pilot program.

14 (e) FUNDING.—

15 (1) IN GENERAL.—The amount authorized to  
16 be appropriated by section 301(6) for operation and  
17 maintenance for the Army Reserve is hereby in-  
18 creased by \$160,000, with the amount of the in-  
19 crease to be available to carry out the pilot program  
20 required by this section.

21 (2) OFFSET.—The amount authorized to be ap-  
22 propriated by section 201(2) for research, develop-  
23 ment, test, and evaluation for the Navy and avail-  
24 able for Ship Self Defense (Detect and Control) (PE  
25 #0604755N) is hereby reduced by \$160,000, with

1 the amount of the reduction to be allocated to  
2 amounts for Autonomous Unmanned Surface Vessel.

3 **SEC. 539. COMMENCEMENT OF RECEIPT OF NON-REGULAR**  
4 **SERVICE RETIRED PAY BY MEMBERS OF THE**  
5 **READY RESERVE ON ACTIVE FEDERAL STA-**  
6 **TUS OR ACTIVE DUTY FOR SIGNIFICANT PE-**  
7 **RIODS.**

8 (a) REDUCED ELIGIBILITY AGE.—Section 12731 of  
9 title 10, United States Code, is amended—

10 (1) in subsection (a), by striking paragraph (1)  
11 and inserting the following:

12 “(1) has attained the eligibility age applicable  
13 under subsection (f) to that person;” and

14 (2) by adding at the end the following new sub-  
15 section:

16 “(f)(1) Subject to paragraph (2), the eligibility age  
17 for purposes of subsection (a)(1) is 60 years of age.

18 “(2)(A) In the case of a person who as a member  
19 of the Ready Reserve serves on active duty or performs  
20 active service described in subparagraph (B) after Sep-  
21 tember 11, 2001, the eligibility age for purposes of sub-  
22 section (a)(1) shall be reduced below 60 years of age by  
23 three months for each aggregate of 90 days on which such  
24 person so performs in any fiscal year after such date, sub-  
25 ject to subparagraph (C). A day of duty may be included

1 in only one aggregate of 90 days for purposes of this sub-  
2 paragraph.

3 “(B)(i) Service on active duty described in this sub-  
4 paragraph is service on active duty pursuant to a call or  
5 order to active duty under a provision of law referred to  
6 in section 101(a)(13)(B) of this title in support of a con-  
7 tingency operation. Such service does not include service  
8 on active duty pursuant to a call or order to active duty  
9 under section 12310 of this title.

10 “(ii) Active service described in this subparagraph is  
11 service under a call to active service authorized by the  
12 President or the Secretary of Defense under section 502(f)  
13 of title 32 for purposes of responding to a national emer-  
14 gency declared by the President or supported by Federal  
15 funds.

16 “(C) The eligibility age for purposes of subsection  
17 (a)(1) may not be reduced below 50 years of age for any  
18 person under subparagraph (A).”.

19 (b) CONTINUATION OF AGE 60 AS MINIMUM AGE  
20 FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES  
21 FOR HEALTH CARE.—Section 1074(b) of such title is  
22 amended—

23 (1) by inserting “(1)” after “(b)”; and

24 (2) by adding at the end the following new  
25 paragraph:

1       “(2) Paragraph (1) does not apply to a member or  
2 former member entitled to retired pay for non-regular  
3 service under chapter 1223 of this title who is under 60  
4 years of age.”.

5       (c) ADMINISTRATION OF RELATED PROVISIONS OF  
6 LAW OR POLICY.—With respect to any provision of law,  
7 or of any policy, regulation, or directive of the executive  
8 branch that refers to a member or former member of the  
9 uniformed services as being eligible for, or entitled to, re-  
10 tired pay under chapter 1223 of title 10, United States  
11 Code, but for the fact that the member or former member  
12 is under 60 years of age, such provision shall be carried  
13 out with respect to that member or former member by  
14 substituting for the reference to being 60 years of age a  
15 reference to having attained the eligibility age applicable  
16 under subsection (f) of section 12731 of title 10, United  
17 States Code (as added by subsection (a)), to such member  
18 or former member for qualification for such retired pay  
19 under subsection (a) of such section.

20       (d) EFFECTIVE DATE AND APPLICABILITY.—The  
21 amendment made by subsection (a) shall take effect as  
22 of September 11, 2001, and shall apply with respect to  
23 applications for retired pay that are submitted under sec-  
24 tion 12731(a) of title 10, United States Code, on or after  
25 the date of the enactment of this Act.

1 **SEC. 540. DEFENSE SCIENCE BOARD STUDY ON DEPLOY-**  
2 **MENT OF MEMBERS OF THE NATIONAL**  
3 **GUARD AND RESERVES IN THE GLOBAL WAR**  
4 **ON TERRORISM.**

5 (a) **STUDY REQUIRED.**—The Defense Science Board  
6 shall conduct a study on the length and frequency of the  
7 deployment of members of the National Guard and the  
8 Reserves as a result of the global war on terrorism.

9 (b) **ELEMENTS.**—The study required by subsection  
10 (a) shall include the following:

11 (1) An identification of the current range of  
12 lengths and frequencies of deployments of members  
13 of the National Guard and the Reserves.

14 (2) An assessment of the consequences for force  
15 structure, morale, and mission capability of deploy-  
16 ments of members of the National Guard and the  
17 Reserves in the course of the global war on terrorism  
18 that are lengthy, frequent, or both.

19 (3) An identification of the optimal length and  
20 frequency of deployments of members of the Na-  
21 tional Guard and the Reserves during the global war  
22 on terrorism.

23 (4) An identification of mechanisms to reduce  
24 the length, frequency, or both of deployments of  
25 members of the National Guard and the Reserves  
26 during the global war on terrorism.

1           (c) REPORT.—Not later than May 1, 2006, the De-  
2 fense Science Board shall submit to the congressional de-  
3 fense committees a report on the study required by sub-  
4 section (a). The report shall include the results of the  
5 study and such recommendations as the Defense Science  
6 Board considers appropriate in light of the study.

7 **SEC. 541. ELIGIBILITY OF UNITED STATES NATIONALS FOR**  
8                           **APPOINTMENT TO THE SENIOR RESERVE OF-**  
9                           **FICERS' TRAINING CORPS.**

10           (a) IN GENERAL.—Section 2107(b)(1) of title 10,  
11 United States Code, is amended by inserting “or national”  
12 after “citizen”.

13           (b) ARMY RESERVE OFFICERS TRAINING PRO-  
14 GRAMS.—Section 2107a(b)(1)(A) of such title is amended  
15 by inserting “or national” after “citizen”.

16           (c) ELIGIBILITY FOR APPOINTMENT AS COMMIS-  
17 SIONED OFFICERS.—Section 532(f) of such title is amend-  
18 ed by inserting “, or for a United States national other-  
19 wise eligible for appointment as a cadet or midshipman  
20 under section 2107(a) of this title or as a cadet under  
21 section 2107a of this title,” after “for permanent resi-  
22 dence”.

1 **SEC. 542. PROMOTION OF FOREIGN LANGUAGE SKILLS**  
2 **AMONG MEMBERS OF THE RESERVE OFFI-**  
3 **CERS' TRAINING CORPS.**

4 (a) IN GENERAL.—The Secretary of Defense shall  
5 support the acquisition of foreign language skills among  
6 cadets and midshipmen in the Reserve Officers' Training  
7 Corps, including through the development and implemen-  
8 tation of—

9 (1) incentives for cadets and midshipmen to  
10 participate in study of a foreign language, including  
11 special emphasis for Arabic, Chinese, and other  
12 “strategic languages”, as defined by the Secretary of  
13 Defense in consultation with other relevant agencies;  
14 and

15 (2) a recruiting strategy to target foreign lan-  
16 guage speakers, including members of heritage com-  
17 munities, to participate in the Reserve Officers'  
18 Training Corps.

19 (b) REPORT REQUIRED.—Not later than 180 days  
20 after the date of the enactment of this Act, the Secretary  
21 shall submit to the congressional defense committees a re-  
22 port on the actions taken to carry out this section.

23 **SEC. 543. SENSE OF SENATE ON CERTAIN MATTERS RELAT-**  
24 **ING TO THE NATIONAL GUARD AND RE-**  
25 **SERVES.**

26 It is the sense of the Senate—

1 (1) to recognize the important and integral role  
2 played by members of the Active Guard and Reserve  
3 and military technicians (dual status) in the efforts  
4 of the Armed Forces; and

5 (2) to urge the Secretary of Defense to promptly  
6 resolve issues relating to appropriate authority for  
7 payment of reenlistment bonuses stemming from re-  
8 enlistment contracts entered into between January  
9 14, 2005, and April 17, 2005, involving members of  
10 the Army National Guard and military technicians  
11 (dual status).

## 12 **Subtitle D—Military Justice and** 13 **Related Matters**

### 14 **SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY** 15 **COURTS-MARTIAL FOR MURDER, RAPE, AND** 16 **CHILD ABUSE.**

17 (a) UNLIMITED PERIOD FOR MURDER AND RAPE.—  
18 Subsection (a) of section 843 of title 10, United States  
19 Code (article 43 of the Uniform Code of Military Justice),  
20 is amended by striking “or with any offense” and inserting  
21 “with murder or rape, or with any other offense”.

22 (b) EXTENDED PERIOD FOR CHILD ABUSE.—Sub-  
23 section (b)(2) of such section (article) is amended—

24 (1) in subparagraph (A), by striking “before  
25 the child attains the age of 25 years” and all that

1 follows through the period and inserting “by an offi-  
 2 cer exercising summary court-martial jurisdiction  
 3 with respect to that person during the life of the vic-  
 4 tim or the date that is five years after the date of  
 5 the offense, whichever is the later date.”;

6 (2) in subparagraph (B)—

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

9 (B) in clause (v), by striking “Indecent as-  
 10 sault,” and inserting “Kidnapping, indecent as-  
 11 sault,”; and

12 (3) by adding at the end the following new sub-  
 13 paragraph:

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

19 **SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.**

20 (a) ESTABLISHMENT OF OFFENSE.—Subchapter X  
 21 of chapter 47 of title 10, United States Code (the Uniform  
 22 Code of Military Justice), is amended by inserting after  
 23 section 893 (article 93) the following new section (article):

24 **“§ 893a. Art. 93a. Stalking**

25 “(a) Any person subject to this chapter—

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

6           “(2) who has knowledge, or should have knowl-  
7           edge, that the specific person will be placed in rea-  
8           sonable fear of death or bodily harm, including sex-  
9           ual assault, to himself or herself or a member of his  
10          or her immediate family; and

11          “(3) whose acts induce reasonable fear in the  
12          specific person of death or bodily harm, including  
13          sexual assault, to himself or herself or to a member  
14          of his or her immediate family,

15 is guilty of stalking and shall be punished as a court-mar-  
16 tial may direct.

17          “(b) For purposes of this section:

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

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

21                   “(B) a repeated conveyance of verbal  
22                   threat, written threats, or threats implied by  
23                   conduct, or a combination of such threats, di-  
24                   rected at or toward a specific person.



1 authorized to provide that assistance in any jurisdiction,  
2 subject to such regulations as may be prescribed by the  
3 Secretary concerned.

4 “(2) Military legal assistance may be provided only  
5 by a judge advocate or a civilian attorney who is a member  
6 of the bar of a Federal court or of the highest court of  
7 a State.

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

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

12 “(B) legal assistance contemplated by sections  
13 1044a, 1044b, 1044c, and 1044d of this title.”.

14 **SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF**  
15 **THE ARMED FORCES.**

16 (a) **AUTHORITY TO ISSUE ADMINISTRATIVE CEN-**  
17 **SURES.—**

18 (1) **AUTHORITY OF SECRETARY OF DEFENSE.—**

19 The Secretary of Defense may issue, in writing, an  
20 administrative censure to any member of the Armed  
21 Forces.

22 (2) **AUTHORITY OF SECRETARIES OF MILITARY**

23 **DEPARTMENTS.—**The Secretary of a military depart-  
24 ment may issue, in writing, an administrative cen-

1       sure to any member of the Armed Forces under the  
2       jurisdiction of such Secretary.

3           (3) REGULATIONS.—Administrative censures  
4       shall be issued under this section pursuant to regu-  
5       lations prescribed by the Secretary of Defense. The  
6       regulations shall apply uniformly throughout the  
7       military departments.

8           (b) ADMINISTRATIVE CENSURE.—For purposes of  
9       this section, an administrative censure is a statement of  
10      adverse opinion or criticism with respect to the conduct  
11      or performance of duty of a member of the Armed Forces.

12          (c) FINALITY.—An administrative censure issued  
13      under this section is final and may not be appealed by  
14      the member of the Armed Forces concerned.

15          (d) CONSTRUCTION.—The authority under this sec-  
16      tion to issue administrative censures with respect to the  
17      conduct or performance of duty of a member of the Armed  
18      Forces is in addition to the authority to impose non-judi-  
19      cial punishment with respect to such conduct or perform-  
20      ance of duty under section 815 of title 10, United States  
21      Code (article 15 of the Uniform Code of Military Justice).

1 **SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED**  
2 **PERSONNEL OF MATTERS RELATING TO VIO-**  
3 **LATIONS OR ALLEGED VIOLATIONS OF**  
4 **CRIMINAL LAW.**

5 (a) REQUIREMENT FOR REPORTS.—

6 (1) IN GENERAL.—The Secretary of Defense  
7 shall prescribe in regulations a requirement that  
8 each covered member of the Armed Forces, whether  
9 on the active-duty list or on the reserve active-status  
10 list, shall submit to an authority in the military de-  
11 partment concerned designated pursuant to such  
12 regulations a timely report on any investigation, ar-  
13 rest, charge, detention, adjudication, or conviction of  
14 such member by any law enforcement authority of  
15 the United States for a violation of a criminal law  
16 of the United States, whether or not such member  
17 is on active duty at the time of the conduct that pro-  
18 vides the basis of such investigation, arrest, charge,  
19 detention, adjudication, or conviction. The regula-  
20 tions shall apply uniformly throughout the military  
21 departments.

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

25 (A) An officer.

1 (B) An enlisted member in the grade of E–  
2 7 or above.

3 (b) LAW ENFORCEMENT AUTHORITY OF THE  
4 UNITED STATES.—For purposes of this section, a law en-  
5 forcement authority of the United States includes—

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

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

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

14 (c) CRIMINAL LAW OF THE UNITED STATES.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2), for purposes of this section, a criminal  
17 law of the United States includes—

18 (A) any military or other Federal criminal  
19 law;

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

22 (C) such other criminal laws and ordi-  
23 nances of jurisdictions within the United States  
24 as the Secretary shall specify in the regulations  
25 prescribed pursuant to subsection (a).

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

6           (d) ACTIONS SUBJECT TO REPORT.—

7           (1) IN GENERAL.—The regulations prescribed  
8           pursuant to subsection (a) shall specify each action  
9           of a law enforcement authority of the United States  
10          for which a report under that subsection shall be re-  
11          quired.

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

19          (e) TIMELINESS OF REPORTS.—The regulations pre-  
20          scribed pursuant to subsection (a) shall establish require-  
21          ments for the timeliness of reports under this section.

22          (f) FORWARDING OF INFORMATION.—The regula-  
23          tions prescribed pursuant to subsection (a) shall provide  
24          that, in the event a military department receives informa-  
25          tion that a covered member of the Armed Forces under

1 the jurisdiction of another military department has be-  
2 come subject to an investigation, arrest, charge, detention,  
3 adjudication, or conviction for which a report is required  
4 by this section, the Secretary of the military department  
5 receiving such information shall, in accordance with such  
6 procedures as the Secretary of Defense shall establish in  
7 such regulations, forward such information to the author-  
8 ity in the military department having jurisdiction over  
9 such member designated pursuant to such regulations.

10 (g) DEADLINE FOR REGULATIONS.—The regulations  
11 required by subsection (a), including the requirement in  
12 subsection (f), shall go into effect not later than January  
13 1, 2006.

14 **SEC. 556. SENSE OF SENATE ON APPLICABILITY OF UNI-**  
15 **FORM CODE OF MILITARY JUSTICE TO RE-**  
16 **SERVES ON INACTIVE-DUTY TRAINING OVER-**  
17 **SEAS.**

18 It is the sense of the Senate that—

19 (1) there should be no ambiguity about the ap-  
20 plicability of the Uniform Code of Military Justice  
21 (UCMJ) to members of the reserve components of  
22 the Armed Forces while serving overseas under inac-  
23 tive-duty training (IDT) orders for any period of  
24 time under such orders; and

25 (2) the Secretary of Defense should—

1 (A) take action, not later than February 1,  
 2 2006, to clarify jurisdictional issues relating to  
 3 such applicability under section 802 of title 10,  
 4 United States Code (article 2 of the Uniform  
 5 Code of Military Justice); and

6 (B) if necessary, submit to Congress a pro-  
 7 posal for legislative action to ensure the appli-  
 8 cability of the Uniform Code of Military Justice  
 9 to members of the reserve components of the  
 10 Armed Forces while serving overseas under in-  
 11 active-duty training orders.

## 12 **Subtitle E—Military Service**

### 13 **Academies**

#### 14 **SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY**

#### 15 **PROFESSORS AT THE NAVAL ACADEMY**

#### 16 **AFTER MORE THAN 30 YEARS OF SERVICE.**

17 (a) **AUTHORITY TO RETAIN.**—

18 (1) **IN GENERAL.**—Chapter 603 of title 10,  
 19 United States Code, is amended by inserting after  
 20 section 6952 the following new section:

21 **“§ 6952a. Faculty: retention of permanent military**  
 22 **professors**

23 **“(a) RETIREMENT FOR YEARS OF SERVICE.**—(1) Ex-  
 24 cept as provided in subsection (b), an officer serving as  
 25 a permanent military professor at the Naval Academy in

1 the grade of commander who is not on a list of officers  
2 recommended for promotion to the grade of captain shall,  
3 if not earlier retired, be retired on the first day of the  
4 month after the month in which the officer completes 28  
5 years of active commissioned service.

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

14 “(b) CONTINUATION ON ACTIVE DUTY.—(1) An offi-  
15 cer subject to retirement under subsection (a) may be con-  
16 tinued on active duty by the Secretary of the Navy after  
17 the date otherwise provided for retirement under such  
18 subsection—

19 “(A) upon the recommendation of the Super-  
20 intendent of the Naval Academy; and

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

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

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

7           (2) CLERICAL AMENDMENT.—The table of sec-  
 8 tions at the beginning of such chapter is amended  
 9 by inserting after the item relating to section 6952  
 10 the following new item:

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

11       (b) CONFORMING AMENDMENTS.—

12           (1) Section 633 of such title is amended—

13               (A) by striking “and an officer” and in-  
 14 serting “, an officer”; and

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

20           (2) Section 634 of such title is amended by in-  
 21 serting “and an officer who is a permanent military  
 22 professor at the Naval Academy to whom section  
 23 6952a of this title applies,” after “section  
 24 6383(a)(4) of this title”.

1 **Subtitle F—Administrative Matters**

2 **SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEM-**  
3 **BERS ASSIGNED TO A DEPLOYABLE SHIP OR**  
4 **MOBILE UNIT OR OTHER DUTY.**

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

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

8 “(i) serves on active duty for a continuous pe-  
9 riod of at least 120 days in an area in which the  
10 member is entitled to special pay under section  
11 310(a) of title 37;

12 “(ii) is assigned to a deployable ship or mobile  
13 unit or to other duty designated for the purpose of  
14 this section; or

15 “(iii) on or after August 29, 2005, performs  
16 duty designated by the Secretary of Defense as  
17 qualifying duty for purposes of this subsection.”.

18 **SEC. 572. LIMITATION ON CONVERSION OF MILITARY MED-**  
19 **ICAL AND DENTAL BILLETS TO CIVILIAN PO-**  
20 **SITIONS.**

21 (a) **LIMITATION.**—Commencing as of the date of the  
22 enactment of this Act, no military medical or dental billet  
23 may be converted to a civilian position until 90 days after  
24 the date on which the Secretary of Defense certifies to

1 the congressional defense committees each of the fol-  
2 lowing:

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

8           (2) That the conversion of such billets to such  
9           positions meets the joint medical and dental readi-  
10          ness requirements of the uniformed services, as de-  
11          termined jointly by all the uniformed services.

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

18          (b) MARKET SURVEYS.—The Secretary of Defense  
19          shall conduct in each affected area a survey of the avail-  
20          ability of civilian medical and dental care providers in such  
21          area in order to determine, for purposes of subsection  
22          (a)(3), whether or not the civilian medical and dental care  
23          providers available in such area are adequate to fill the  
24          civilian positions created by the conversion of medical and  
25          dental billets to civilian positions in such area.

1 (c) DEFINITIONS.—In this section:

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

8 (2) The term “uniformed services” has the  
9 meaning given that term in section 1072(1) of title  
10 10, United States Code.

11 **SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND**  
12 **SIMILAR LEAVE.**

13 (a) POLICY REQUIRED.—The Secretary of Defense  
14 shall prescribe in regulations a uniform policy for the tak-  
15 ing by members of the Armed Forces of parental leave  
16 to cover leave to be used in connection with births or adop-  
17 tions, as the Secretary shall designate under the policy.

18 (b) UNIFORMITY ACROSS ARMED FORCES.—The pol-  
19 icy prescribed under subsection (a) shall apply uniformly  
20 across the Armed Forces.

21 **SEC. 574. MENTAL HEALTH SCREENINGS OF MEMBERS OF**  
22 **THE ARMED FORCES FOR POST TRAUMATIC**  
23 **STRESS DISORDER AND OTHER MENTAL**  
24 **HEALTH CONDITIONS.**

25 (a) MENTAL HEALTH SCREENINGS.—

1           (1) IN GENERAL.—Under regulations prescribed  
2           by the Secretary of Defense, the Secretary concerned  
3           shall perform mental health screenings of each mem-  
4           ber of the Armed Forces who is deployed in a com-  
5           bat operation or to a combat zone.

6           (b) NATURE OF SCREENINGS.—The first mental  
7           health screening of a member under this section shall be  
8           designed to determine the mental state of such member  
9           before deployment. Each other mental health screening of  
10          a member under this section shall be designated to detect  
11          symptoms or other evidence in such member of Post Trau-  
12          matic Stress Disorder (PTSD) or other mental health con-  
13          dition relating to combat.

14          (c) TIME OF SCREENINGS.—A member shall receive  
15          a mental health screening under this section at times as  
16          follows:

17               (1) Prior to deployment in a combat operation  
18               or to a combat zone.

19               (2) Not later than 30 days after the date of the  
20               member's return from such deployment.

21               (3) Not later than 120 days after the date of  
22               the member's return from such deployment.

1 **SEC. 575. SENSE OF THE SENATE ON NOTICE TO CONGRESS**  
2 **OF RECOGNITION OF MEMBERS OF THE**  
3 **ARMED FORCES FOR EXTRAORDINARY ACTS**  
4 **OF BRAVERY, HEROISM, AND ACHIEVEMENT.**

5 It is the sense of the Senate that the Secretary of  
6 Defense or the Secretary of the military department con-  
7 cerned should, upon awarding a medal to a member of  
8 the Armed Forces or otherwise commending or recog-  
9 nizing a member of the Armed Forces for an act of ex-  
10 traordinary heroism, bravery, achievement, or other dis-  
11 tinction, notify the Committees on Armed Services of the  
12 Senate and the House of Representatives, the Senators  
13 from the State in which such member resides, and the  
14 Member of the House of Representatives from the district  
15 in which such member resides of such extraordinary  
16 award, commendation, or recognition.

17 **SEC. 576. NATIONAL CALL TO SERVICE PROGRAM.**

18 (a) LIMITATION TO DOMESTIC NATIONAL SERVICE  
19 PROGRAMS.—Subsection (c)(3)(D) of section 510 of title  
20 10, United States Code, is amended by striking “in the  
21 Peace Corps, Americorps, or another national service pro-  
22 gram” and inserting “in Americorps or another domestic  
23 national service program”.

24 (b) ADMINISTRATION OF EDUCATION INCENTIVES BY  
25 SECRETARY OF VETERANS AFFAIRS.—Paragraph (2) of

1 subsection (h) of such section is amended to read as fol-  
2 lows:

3       “(2)(A) Educational assistance under paragraphs (3)  
4 or (4) of subsection (e) shall be provided through the De-  
5 partment of Veterans Affairs under an agreement to be  
6 entered into by the Secretary of Defense and the Secretary  
7 of Veterans Affairs. The agreements shall include adminis-  
8 trative procedures to ensure the prompt and timely trans-  
9 fer of funds from the Secretary concerned to the Secretary  
10 of Veterans Affairs for the making of payments under this  
11 section.

12       “(B) Except as otherwise provided in this section, the  
13 provisions of sections 503, 511, 3470, 3471, 3474, 3476,  
14 3482(g), 3483, and 3485 of title 38 and the provisions  
15 of subchapters I and II of chapter 36 of such title (with  
16 the exception of sections 3686(a), 3687, and 3692) shall  
17 be applicable to the provision of educational assistance  
18 under this chapter. The term ‘eligible veteran’ and the  
19 term ‘person’, as used in those provisions, shall be deemed  
20 for the purpose of the application of those provisions to  
21 this section to refer to a person eligible for educational  
22 assistance under paragraph (3) or (4) of subsection (e).”.

1 **SEC. 577. DESIGNATION OF IKE SKELTON EARLY COMMIS-**  
 2 **SIONING PROGRAM SCHOLARSHIPS.**

3 Section 2107a of title 10, United States Code, is  
 4 amended by adding at the end the following new sub-  
 5 section:

6 “(j) Financial assistance provided under this section  
 7 to a cadet appointed at a military junior college is des-  
 8 ignated as, and shall be known as, an ‘Ike Skelton Early  
 9 Commissioning Program Scholarship’.”.

10 **Subtitle G—Defense Dependents**  
 11 **Education Matters**

12 **SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN**  
 13 **DEPARTMENT OF DEFENSE DEPENDENTS**  
 14 **SCHOOLS OVERSEAS.**

15 The Defense Dependents’ Education Act of 1978 (20  
 16 U.S.C. 931 et seq.) is amended by inserting after section  
 17 1404 the following new section:

18 “ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON  
 19 TUITION-FREE BASIS

20 “SEC. 1404A. (a) The Secretary of Defense may,  
 21 under regulations to be prescribed by the Secretary, au-  
 22 thorize the enrollment in schools of the defense depend-  
 23 ents’ education system on a tuition-free basis the children  
 24 of full-time, locally-hired employees of the Department of  
 25 Defense in an overseas area if such employees are citizens  
 26 or nationals of the United States.

1           “(b) The Secretary may utilize funds available for the  
2 defense dependents’ education system, including funds for  
3 construction, in order to provide for the education of chil-  
4 dren enrolled in the defense dependents’ education system  
5 under subsection (a).”.

6 **SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
7                           **WITH SIGNIFICANT ENROLLMENT INCREASES**  
8                           **OR DECREASES IN MILITARY DEPENDENT**  
9                           **STUDENTS DUE TO TROOP RELOCATIONS,**  
10                          **CREATION OF NEW UNITS, AND REALIGN-**  
11                          **MENTS UNDER BRAC.**

12           (a) AVAILABILITY OF ASSISTANCE.—To assist com-  
13 munities in making adjustments resulting from the cre-  
14 ation of new units and other large-scale relocations of  
15 members of the Armed Forces between military installa-  
16 tions, the Secretary of Defense may make payments to  
17 local educational agencies described in subsection (b) that,  
18 during the period between the end of the school year pre-  
19 ceding the fiscal year for which the payments are author-  
20 ized and the beginning of the school year immediately pre-  
21 ceding that school year, had an overall increase or de-  
22 crease in the number of military dependent students en-  
23 rolled in schools of such local educational agencies equal  
24 to or greater than 250 military dependent students.

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

5 (1) the local educational agency is eligible for  
6 educational agencies assistance for the same fiscal  
7 year; and

8 (2) the required overall increase or decrease in  
9 the number of military dependent students enrolled  
10 in schools of that local educational agency, as pro-  
11 vided in subsection (a), occurred as a result of the  
12 relocation of military personnel due to—

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

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

17 (C) the realignment of forces as a result of  
18 the base closure process; or

19 (D) a change in the number of housing  
20 units on a military installation.

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

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

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

6           (d) AMOUNT OF ASSISTANCE.—

7           (1) IN GENERAL.—In making assistance avail-  
8           able to local educational agencies under this section,  
9           the Secretary of Defense shall, in consultation with  
10          the Secretary of Education, make assistance avail-  
11          able to such local educational agencies for a fiscal  
12          year on a pro rata basis based on the size of the  
13          overall increase or decrease in the number of mili-  
14          tary and Department of Defense civilian dependent  
15          students enrolled in schools of those local edu-  
16          cational agencies for such fiscal year.

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

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

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

4 (g) REPORTS.—

5 (1) REPORTS REQUIRED.—Not later than May  
6 1 of each of 2007, 2008, and 2009, the Secretary  
7 of Defense shall submit to the congressional defense  
8 committees a report on the assistance provided  
9 under this section during the fiscal year preceding  
10 the date of such report.

11 (2) ELEMENT.—Each report on the assistance  
12 provided during a fiscal year under this section shall  
13 include an assessment and description of the current  
14 compliance of each local educational agency receiving  
15 such assistance with the requirements of the No  
16 Child Left Behind Act of 2001 (Public Law 107–  
17 110).

18 (h) FUNDING.—Of the amount authorized to be ap-  
19 propriated to the Department of Defense for fiscal years  
20 2006, 2007, and 2008 for operation and maintenance for  
21 Defense-wide activities, \$15,000,000 shall be available for  
22 each such fiscal year only for the purpose of providing as-  
23 sistance to local educational agencies under this section.

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

4 (j) DEFINITIONS.—In this section:

5 (1) The term “base closure process” means the  
6 2005 base closure and realignment process author-  
7 ized by Defense Base Closure and Realignment Act  
8 of 1990 (part A of title XXIX of Public Law 101–  
9 510; 10 U.S.C. 2687 note) or any base closure and  
10 realignment process conducted after the date of the  
11 enactment of this Act under section 2687 of title 10,  
12 United States Code, or any other similar law en-  
13 acted after that date.

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

19 (3) The term “local educational agency” has  
20 the meaning given that term in section 8013(9) of  
21 the Elementary and Secondary Education Act of  
22 1965 (20 U.S.C. 7713(9)).

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

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

4 (B) elementary and secondary school stu-  
5 dents who are dependents of civilian employees  
6 of the Department of Defense.

7 **SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
8 **THAT BENEFIT DEPENDENTS OF MEMBERS**  
9 **OF THE ARMED FORCES AND DEPARTMENT**  
10 **OF DEFENSE CIVILIAN EMPLOYEES.**

11 (a) CONTINUATION OF DEPARTMENT OF DEFENSE  
12 PROGRAM FOR FISCAL YEAR 2006.—Of the amount au-  
13 thorized to be appropriated pursuant to section 301(5) for  
14 operation and maintenance for Defense-wide activities,  
15 \$30,000,000 shall be available only for the purpose of pro-  
16 viding educational agencies assistance to local educational  
17 agencies.

18 (b) NOTIFICATION.—Not later than June 30, 2006,  
19 the Secretary of Defense shall notify each local edu-  
20 cational agency that is eligible for educational agencies as-  
21 sistance for fiscal year 2006 of—

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

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

1 (c) DISBURSEMENT OF FUNDS.—The Secretary of  
2 Defense shall disburse funds made available under sub-  
3 section (a) not later than 30 days after the date on which  
4 notification to the eligible local educational agencies is  
5 provided pursuant to subsection (b).

6 (d) DEFINITIONS.—In this section:

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

12 (2) The term “local educational agency” has  
13 the meaning given that term in section 8013(9) of  
14 the Elementary and Secondary Education Act of  
15 1965 (20 U.S.C. 7713(9)).

16 (3) The term “basic support payment” means  
17 a payment authorized under section 8003(b)(1) of  
18 the Elementary and Secondary Education Act of  
19 1965 (20 U.S.C. 7703(b)(1)).

20 **SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
21 **ABILITIES.**

22 Of the amount authorized to be appropriated pursu-  
23 ant to section 301(5) for operation and maintenance for  
24 Defense-wide activities, \$5,000,000 shall be available for  
25 payments under section 363 of the Floyd D. Spence Na-

1 tional Defense Authorization Act for Fiscal Year 2001 (as  
2 enacted into law by Public Law 106–398; 114 Stat.  
3 1654A–77; 20 U.S.C. 7703a).

4 **SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LIT-**  
5 **ERACY AMONG CHILDREN OF MEMBERS OF**  
6 **THE ARMED FORCES.**

7 (a) PILOT PROJECTS AUTHORIZED.—The Secretary  
8 of Defense may conduct pilot projects to assess the feasi-  
9 bility, advisability, and utility of encouraging pediatric lit-  
10 eracy among the children of members of the Armed Forces  
11 utilizing the Reach Out and Read model of pediatric early  
12 literacy.

13 (b) LOCATIONS.—

14 (1) IN GENERAL.—The pilot projects conducted  
15 under subsection (a) shall be conducted at not more  
16 than 20 military medical treatment facilities des-  
17 ignated by the Secretary for purposes of this section.

18 (2) CO-LOCATION WITH CERTAIN INSTALLA-  
19 TIONS.—In designating military medical treatment  
20 facilities under paragraph (1), the Secretary shall, to  
21 the extent practicable, designate facilities that are  
22 located on, or co-located with, military installations  
23 at which the mobilization or demobilization of mem-  
24 bers of the Armed Forces occurs.

1 (c) ACTIVITIES.—Activities under the pilot projects  
2 conducted under subsection (a) shall include activities in  
3 accordance with the Reach Out and Read model of pedi-  
4 atric early literacy as follows:

5 (1) The provision of training to health care pro-  
6 viders and other appropriate personnel on early lit-  
7 eracy promotion.

8 (2) The purchase and distribution of children’s  
9 books to members of the Armed Forces, their  
10 spouses, and their children.

11 (3) The modification of treatment facility and  
12 clinic waiting rooms to include a full selection of lit-  
13 erature for children.

14 (4) The dissemination to members of the  
15 Armed Forces and their spouses of parent education  
16 materials on pediatric early literacy.

17 (5) Such other activities as the Secretary con-  
18 siders appropriate.

19 (d) CONSULTATION.—The Secretary shall consult  
20 with the Reach Out and Read National Center in the de-  
21 velopment and implementation of the pilot projects con-  
22 ducted under this section, including in the designation of  
23 locations of the pilot projects under subsection (b).

24 (e) REPORT.—

1           (1) IN GENERAL.—Not later than March 1,  
2           2007, the Secretary shall submit to the congres-  
3           sional defense committees a report on the pilot  
4           projects conducted under this section.

5           (2) ELEMENTS.—The report under paragraph  
6           (1) shall include—

7                   (A) a description of the pilot projects con-  
8                   ducted under this section, including the location  
9                   of each pilot project and the activities con-  
10                  ducted under each pilot project; and

11                   (B) an assessment of the feasibility, advis-  
12                   ability, and utility of encouraging pediatric  
13                   early literacy among the children of members of  
14                   the Armed Forces utilizing the Reach Out and  
15                   Read model of pediatric early literacy.

16           (f) FUNDING.—

17                   (1) IN GENERAL.—Of the amount authorized to  
18                   be appropriated by section 301(5) for operation and  
19                   maintenance for Defense-wide activities, up to  
20                   \$2,000,000 may be available for the pilot projects  
21                   authorized by this section.

22                   (2) AVAILABILITY.—The amount available  
23                   under paragraph (1) shall remain available until ex-  
24                   pended.

## 1                   **Subtitle H—Other Matters**

### 2   **SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSIST-** 3                   **ANCE TO SURVIVORS OF MILITARY DECE-** 4                   **DENTS.**

5           (a) **COMPREHENSIVE POLICY ON CASUALTY ASSIST-**  
6 **ANCE.—**

7                   (1) **POLICY REQUIRED.—**Not later than Janu-  
8           ary 1, 2006, the Secretary of Defense shall develop  
9           and prescribe a comprehensive policy for the Depart-  
10          ment of Defense on the provision of casualty assist-  
11          ance to survivors and next of kin of members of the  
12          Armed Forces who die during military service (in  
13          this section referred to as “military decedents”).

14                   (2) **CONSULTATION.—**The Secretary shall de-  
15          velop the policy in consultation with the Secretaries  
16          of the military departments, the Secretary of Vet-  
17          erans Affairs, and the Secretary of Homeland Secu-  
18          rity with respect to the Coast Guard

19                   (3) **INCORPORATION OF PAST EXPERIENCE AND**  
20 **PRACTICE.—**The policy shall be based on—

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

23                           (B) the recommendations of nongovern-  
24                           ment organizations with demonstrated expertise

1 in responding to the needs of survivors of mili-  
2 tary decedents; and

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

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

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

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

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

23 (3) The qualifications, assignment, training, du-  
24 ties, supervision, and accountability for the perform-  
25 ance of casualty assistance responsibilities.

1           (4) The relief or transfer of casualty assistance  
2 officers, including notification to survivors and next  
3 of kin of the reassignment of such officers to other  
4 duties.

5           (5) Centralized, short-term and long-term case-  
6 management procedures for casualty assistance by  
7 each military department, including rapid access by  
8 survivors of military decedents and casualty assist-  
9 ance officers to expert case managers and coun-  
10 selors.

11          (6) The provision, through a computer acces-  
12 sible Internet website and other means and at no  
13 cost to survivors of military decedents, of personal-  
14 ized, integrated information on the benefits and fi-  
15 nancial assistance available to such survivors from  
16 the Federal Government.

17          (7) The provision, at no cost to survivors of  
18 military decedents, of legal assistance by military at-  
19 torneys on matters arising from the deaths of such  
20 decedents, including tax matters, on an expedited,  
21 prioritized basis.

22          (8) The provision of financial counseling to sur-  
23 vivors of military decedents, particularly with respect  
24 to appropriate disposition of death gratuity and in-

1       surance proceeds received by surviving spouses,  
2       minor dependent children, and their representatives.

3           (9) The provision of information to survivors  
4       and next of kin of military decedents on mechanisms  
5       for registering complaints about, or requests for, ad-  
6       ditional assistance related to casualty assistance.

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

12          (11) Data collection regarding the incidence  
13      and quality of casualty assistance provided to sur-  
14      vivors of military decedents, including surveys of  
15      such survivors and military and civilian members as-  
16      signed casualty assistance duties.

17      (c) ADOPTION BY MILITARY DEPARTMENTS.—Not  
18      later than March 1, 2006, the Secretary of each military  
19      department shall prescribe regulations, or modify current  
20      regulations, on the policies and procedures of such mili-  
21      tary department on the provision of casualty assistance  
22      to survivors and next of kin of military decedents in order  
23      to conform such policies and procedures to the policy de-  
24      veloped under subsection (a).

1 (d) REPORT ON IMPROVEMENT OF CASUALTY AS-  
2 SISTANCE PROGRAMS.—Not later than May 1, 2006, the  
3 Secretary of Defense shall submit to the Committees on  
4 Armed Services of the Senate and the House of Represent-  
5 atives a report that includes—

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

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

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

20 (e) GAO REPORT.—

21 (1) REPORT REQUIRED.—Not later than Au-  
22 gust 1, 2006, the Comptroller General of the United  
23 States shall submit to the congressional defense  
24 committees a report on the evaluation by the Comp-  
25 troller General of the casualty assistance programs

1 of the Department of Defense and of such other de-  
2 partments and agencies of the Federal Government  
3 as provide casualty assistance to survivors and next  
4 of kin of military decedents.

5 (2) ASSESSMENT.—The report shall include the  
6 assessment of the Comptroller General of the ade-  
7 quacy of the current policies and procedures of, and  
8 funding for, the casualty assistance programs cov-  
9 ered by the report to achieve their intended pur-  
10 poses.

11 **SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION**  
12 **AND AUTHORITIES OF THE NAVAL POST-**  
13 **GRADUATE SCHOOL.**

14 (a) COMBAT-RELATED FOCUS FOR NAVAL POST-  
15 GRADUATE SCHOOL.—

16 (1) IN GENERAL.—Section 7041 of title 10,  
17 United States Code, is amended by striking “for the  
18 advanced instruction” and all that follows and in-  
19 serting “for the provision of advanced instruction,  
20 and professional and technical education, to commis-  
21 sioned officers of the naval service to enhance com-  
22 bat effectiveness and the national security.”.

23 (2) CONFORMING AMENDMENT.—Section  
24 7042(b)(1) of such title is amended by striking “and

1 technical education” and inserting “, and technical  
2 and professional education,”.

3 (b) **EXPANDED ELIGIBILITY OF ENLISTED PER-**  
4 **SONNEL FOR INSTRUCTION.**—Section 7045 of such title  
5 is amended—

6 (1) in subsection (a)(2)—

7 (A) by redesignating subparagraph (C) as  
8 subparagraph (D);

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

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

15 (C) in subparagraph (D), as so redesi-  
16 gnated, by striking “(A) and (B)” and inserting  
17 “(A), (B), and (C)”;

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

20 **SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY**  
21 **TO PRESENT RECOGNITION ITEMS FOR RE-**  
22 **CRUITMENT AND RETENTION PURPOSES.**

23 (a) **IN GENERAL.**—(1) Subchapter II of chapter 134  
24 of title 10, United States Code, is amended by adding at  
25 the end the following new section:

1 **“§ 2261. Presentation of recognition items for recruit-**  
2 **ment and retention purposes**

3 “(a) EXPENDITURES FOR RECOGNITION ITEMS.—  
4 Under regulations prescribed by the Secretary of Defense,  
5 appropriated funds may be expended—

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

9 “(2) to present such items—

10 “(A) to members of the armed forces, in-  
11 cluding members of the reserve components of  
12 the armed forces; and

13 “(B) to members of the families of mem-  
14 bers of the armed forces, and to other individ-  
15 uals recognized as providing support that sub-  
16 stantially facilitates service in the armed forces.

17 “(b) PROVISION OF MEALS AND REFRESHMENTS.—  
18 For purposes of section 520e of this title and any regula-  
19 tion prescribed to implement that section, functions con-  
20 ducted for the purpose of presenting recognition items de-  
21 scribed in subsection (a) shall be treated as recruiting  
22 functions, and recipients of such items shall be treated as  
23 persons who are the objects of recruiting efforts.

24 “(c) DEFINITION.—The term ‘recognition items of  
25 nominal or modest value’ means commemorative coins,  
26 medals, trophies, badges, flags, posters, paintings, or other

1 similar items that are valued at less than \$50 per item  
2 and are designed to recognize or commemorate service in  
3 the armed forces.

4 “(d) TERMINATION OF AUTHORITY.—The authority  
5 under this section shall expire December 31, 2007.”.

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

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

9 (b) REPEAL OF SUPERSEDED AUTHORITIES.—

10 (1) ARMY RESERVE.—(A) Section 18506 of title  
11 10, United States Code, is repealed.

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

15 (2) NATIONAL GUARD.—(A) Section 717 of title  
16 32, United States Code, is repealed.

17 (B) The table of sections at the beginning of  
18 chapter 7 of such title is amended by striking the  
19 item relating to section 717.

1 **SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES**  
2 **AND PROCEDURES ON PERSONAL COMMER-**  
3 **CIAL SOLICITATIONS ON DEPARTMENT OF**  
4 **DEFENSE INSTALLATIONS.**

5 (a) REQUIREMENT.—Not later than January 1,  
6 2006, the Secretary of Defense shall prescribe regulations,  
7 or modify existing regulations, on the policies and proce-  
8 dures relating to personal commercial solicitations, includ-  
9 ing the sale of life insurance and securities, on Depart-  
10 ment of Defense installations.

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

13 (1) Section 586 of the National Defense Au-  
14 thorization Act for Fiscal Year 2004 (Public Law  
15 108–136; 117 Stat. 1493).

16 (2) Section 8133 of the Department of Defense  
17 Appropriations Act, 2005 (Public Law 108–287;  
18 118 Stat. 1002).

19 **SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS**  
20 **UNDER THE NATIONAL GUARD YOUTH CHAL-**  
21 **LENGE PROGRAM.**

22 (a) IN GENERAL.—Section 509(d) of title 32, United  
23 States Code, is amended by striking paragraphs (1), (2),  
24 (3), and (4) and inserting the following new paragraphs:

1           “(1) for fiscal year 2006, 65 percent of the  
2 costs of operating the State program during that fis-  
3 cal year;

4           “(2) for fiscal year 2007, 70 percent of the  
5 costs of operating the State program during that fis-  
6 cal year; and

7           “(3) for fiscal year 2008 and each subsequent  
8 fiscal year, 75 percent of the costs of operating the  
9 State program during such fiscal year.”.

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

12 **SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVER-**  
13 **SITY AWARD OF DEGREE OF MASTER OF**  
14 **SCIENCE IN JOINT CAMPAIGN PLANNING**  
15 **AND STRATEGY.**

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

19 **“§ 2163. National Defense University: master of**  
20 **science degrees**

21       “(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—  
22 The President of the National Defense University, upon  
23 the recommendation of the faculty of the respective college  
24 or other school within the University, may confer the mas-  
25 ter of science degrees specified in subsection (b).

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

3           “(1) MASTER OF SCIENCE IN NATIONAL SECUR-  
4       RITY STRATEGY.—The degree of master of science in  
5       national security strategy, to graduates of the Uni-  
6       versity who fulfill the requirements of the program  
7       of the National War College.

8           “(2) MASTER OF SCIENCE IN NATIONAL RE-  
9       SOURCE STRATEGY.—The degree of master of  
10      science in national resource strategy, to graduates of  
11      the University who fulfill the requirements of the  
12      program of the Industrial College of the Armed  
13      Forces.

14          “(3) MASTER OF SCIENCE IN JOINT CAMPAIGN  
15      PLANNING AND STRATEGY.—The degree of master  
16      of science in joint campaign planning and strategy,  
17      to graduates of the University who fulfill the re-  
18      quirements of the program of the Joint Advanced  
19      Warfighting School at the Joint Forces Staff Col-  
20      lege.

21          “(c) REGULATIONS.—The authority provided by this  
22      section shall be exercised under regulations prescribed by  
23      the Secretary of Defense.”.

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

“2163. National Defense University: master of science degrees.”.

4 (c) EFFECTIVE DATE.—Paragraph (3) of section  
 5 2163(b) of title 10, United States Code, as amended by  
 6 subsection (a), shall take effect for degrees awarded after  
 7 May 2005.

8 **SEC. 597. CLARIFICATION OF CERTAIN AUTHORITIES RE-**  
 9 **LATING TO THE COMMISSION ON THE NA-**  
 10 **TIONAL GUARD AND RESERVES.**

11 (a) NATURE OF COMMISSION.—Subsection (a) of sec-  
 12 tion 513 of the Ronald W. Reagan National Defense Au-  
 13 thorization Act for Fiscal Year 2005 (Public Law 108–  
 14 375; 118 Stat. 1880) is amended by inserting “in the leg-  
 15 islative branch” after “There is established”.

16 (b) PAY OF MEMBERS.—Subsection (e)(1) of such  
 17 section is amended striking “except that” and all that fol-  
 18 lows through the end and inserting “except that—

19 “(A) in applying the first sentence of subsection  
 20 (a) of section 957 of such Act to the Commission,  
 21 ‘may’ shall be substituted for ‘shall’; and

22 “(B) in applying subsections (a), (c)(2), and (e)  
 23 of section 957 of such Act to the Commission, ‘level  
 24 IV of the Executive Schedule’ shall be substituted  
 25 for ‘level V of the Executive Schedule’.”.

1 (c) TECHNICAL AMENDMENT.—Subsection (c)(2)(C)  
 2 of such section is amended by striking “section 404(a)(4)”  
 3 and inserting “section 416(a)(4)”.

4 (d) EFFECTIVE DATE.—The amendments made by  
 5 this section shall take effect on October 28, 2004, as if  
 6 included in the enactment of the Ronald W. Reagan Na-  
 7 tional Defense Authorization Act for Fiscal Year 2005.

8 **SEC. 598. CONSUMER EDUCATION FOR MEMBERS OF THE**  
 9 **ARMED FORCES AND THEIR SPOUSES ON IN-**  
 10 **SURANCE AND OTHER FINANCIAL SERVICES.**

11 (a) EDUCATION AND COUNSELING REQUIRE-  
 12 MENTS.—

13 (1) IN GENERAL.—Chapter 50 of title 10,  
 14 United States Code, is amended by adding at the  
 15 end the following new section:

16 **“§ 992. Consumer education: financial services**

17 **“(a) REQUIREMENT FOR CONSUMER EDUCATION**  
 18 **PROGRAM FOR MEMBERS.—(1) The Secretary concerned**  
 19 **shall carry out a program to provide comprehensive edu-**  
 20 **cation to members of the armed forces under the jurisdic-**  
 21 **tion of the Secretary on—**

22 **“(A) financial services that are available under**  
 23 **law to members;**

24 **“(B) financial services that are routinely of-**  
 25 **fered by private sector sources to members;**

1           “(C) practices relating to the marketing of pri-  
2       vate sector financial services to members;

3           “(D) such other matters relating to financial  
4       services available to members, and the marketing of  
5       financial services to members, as the Secretary con-  
6       siders appropriate; and

7           “(E) such other financial practices as the Sec-  
8       retary considers appropriate.

9       “(2) Training under this subsection shall be provided  
10   to members as—

11           “(A) a component of members initial entry ori-  
12       entation training; and

13           “(B) a component of periodically recurring re-  
14       quired training that is provided for the members at  
15       military installations.

16       “(3) The training provided at a military installation  
17   under paragraph (2)(B) shall include information on any  
18   financial services marketing practices that are particularly  
19   prevalent at that military installation and in the vicinity.

20       “(b) COUNSELING FOR MEMBERS AND SPOUSES.—

21   (1) The Secretary concerned shall, upon request, provide  
22   counseling on financial services to each member of the  
23   armed forces, and such member’s spouse, under the juris-  
24   diction of the Secretary.

1       “(2)(A) In the case of a military installation at which  
2 at least 2,000 members of the armed forces on active duty  
3 are assigned, the Secretary concerned—

4           “(i) shall provide counseling on financial serv-  
5 ices under this subsection through a full-time finan-  
6 cial services counselor at such installation; and

7           “(ii) may provide such counseling at such in-  
8 stallation by any means elected by the Secretary  
9 from among the following:

10           “(I) Through members of the armed forces  
11 in grade E-7 or above, or civilians, who provide  
12 such counseling as part of their other duties for  
13 the armed forces or the Department of Defense.

14           “(II) By contract, including contract for  
15 services by telephone and by the Internet.

16           “(III) Through qualified representatives of  
17 nonprofit organizations and agencies under for-  
18 mal agreements with the Department of De-  
19 fense to provide such counseling.

20       “(B) In the case of any military installation not de-  
21 scribed in subparagraph (A), the Secretary concerned shall  
22 provide counseling on financial services under this sub-  
23 section at such installation by any of the means set forth  
24 in subparagraph (A)(ii), as elected by the Secretary con-  
25 cerned.

1       “(3) Each financial services counselor under para-  
2 graph (2)(A)(i), and any other individual providing coun-  
3 seling on financial services under paragraph (2), shall be  
4 an individual who, by reason of education, training, or ex-  
5 perience, is qualified to provide helpful counseling to mem-  
6 bers of the armed forces and their spouses on financial  
7 services and marketing practices described in subsection  
8 (a)(1). Such individual may be a member of the armed  
9 forces or an employee of the Federal Government.

10       “(4) The Secretary concerned shall take such action  
11 as is necessary to ensure that each financial services coun-  
12 selor under paragraph (2)(A)(i), and any other individual  
13 providing counseling on financial services under para-  
14 graphs (2), is free from conflicts of interest relevant to  
15 the performance of duty under this section. and, in the  
16 performance of that duty, is dedicated to furnishing mem-  
17 bers of the armed forces and their spouses with helpful  
18 information and counseling on financial services and re-  
19 lated marketing practices.

20       “(c) LIFE INSURANCE.—(1) In counseling a member  
21 of the armed forces, or spouse of a member of the armed  
22 forces, under this section regarding life insurance offered  
23 by a private sector source, a financial services counselor  
24 under subsection (b)(2)(A)(i), or another individual pro-  
25 viding counseling on financial services under subsection

1 (b)(2), shall furnish the member or spouse, as the case  
2 may be, with information on the availability of  
3 Servicemembers' Group Life Insurance under subchapter  
4 III of chapter 19 of title 38, including information on the  
5 amounts of coverage available and the procedures for  
6 electing coverage and the amount of coverage.

7       “(2)(A) A covered member of the armed forces may  
8 not authorize payment to be made for private sector life  
9 insurance by means of an allotment of pay to which the  
10 member is entitled under chapter 3 of title 37 unless the  
11 authorization of allotment is accompanied by a written  
12 certification by a commander of the member, a financial  
13 services counselor referred to in subsection (b)(2)(A)(i),  
14 or another individual providing counseling on financial  
15 services under subsection (b)(2), as applicable, that the  
16 member has received counseling under paragraph (1) re-  
17 garding the purchase of coverage under that private sector  
18 life insurance.

19       “(B) Subject to subparagraph (C), a written certifi-  
20 cation described in subparagraph (A) may not be made  
21 with respect to a member's authorization of allotment as  
22 described in subparagraph (A) until seven days after the  
23 date of the member's authorization of allotment in order  
24 to facilitate the provision of counseling to the member  
25 under paragraph (1).

1       “(C) The commander of a member may waive the ap-  
2 plicability of subparagraph (B) to a member for good  
3 cause, including the member’s imminent change of station.

4       “(D) In this paragraph, the term ‘covered member  
5 of the armed forces’ means an active duty member of the  
6 armed forces in grades E-1 through E-4.

7       “(d) FINANCIAL SERVICES DEFINED.—In this sec-  
8 tion, the term ‘financial services’ includes the following:

9           “(1) Life insurance, casualty insurance, and  
10 other insurance.

11           “(2) Investments in securities or financial in-  
12 struments.

13           “(3) Banking, credit, loans, deferred payment  
14 plans, and mortgages.”.

15       (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions at the beginning of such chapter is amended  
17 by adding at the end the following new item:

“992. Consumer education: financial services.”.

18       (b) CONTINUING EFFECT OF EXISTING ALLOTMENTS  
19 FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992  
20 of title 10, United States Code (as added by subsection  
21 (a)), shall not affect any allotment of pay authorized by  
22 a member of the Armed Forces before the effective date  
23 of such section.

24       (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect on the first day of the first

1 month that begins more than 120 days after the date of  
2 the enactment of this Act.

3 **SEC. 599. REPORT ON PREDATORY LENDING PRACTICES DI-**  
4 **RECTED AT MEMBERS OF THE ARMED**  
5 **FORCES AND THEIR DEPENDENTS.**

6 (a) FINDINGS.—The Senate makes the following  
7 findings:

8 (1) Predatory lending practices harm members  
9 of the Armed Forces and are an increasing problem  
10 for the Armed Forces.

11 (2) Predatory lending practices not only hurt  
12 the financial security of the members of the Armed  
13 Forces but, according to the Under Secretary of De-  
14 fense for Personnel and Readiness, also threaten the  
15 operational readiness of the Armed Forces.

16 (3) The General Accountability Office found in  
17 an April 2005 report that the Department of De-  
18 fense was not fully utilizing tools available to the  
19 Department to curb the predatory lending practices  
20 directed at members of the Armed Forces.

21 (b) SENSE OF SENATE.—It is the sense of the Senate  
22 that—

23 (1) the Department of Defense should work  
24 with financial service regulators to protect the mem-

1       bers of the Armed Forces from predatory lending  
2       practices; and

3           (2) the Senate should consider and adopt  
4       legislation—

5           (A) to strengthen disclosure, education,  
6       and other protections for members of the  
7       Armed Forces regarding predatory lending  
8       practices; and

9           (B) to ensure greater cooperation between  
10       financial services regulators and the Depart-  
11       ment of Defense on the protection of members  
12       of the Armed Forces from predatory lending  
13       practices.

14       (c) REPORT.—

15           (1) REPORT REQUIRED.—Not later than 90  
16       days after the date of the enactment of this Act, the  
17       Secretary of Defense shall, in consultation with the  
18       Secretary of the Treasury, the Chairman of the Fed-  
19       eral Reserve, the Chairman of the Federal Deposit  
20       Insurance Corporation, and representatives of mili-  
21       tary charity organizations and consumer organiza-  
22       tions, submit to the appropriate committees of Con-  
23       gress a report on predatory lending practices di-  
24       rected at members of the Armed Forces and their  
25       families.

1           (2) ELEMENTS.—The report under paragraph  
2 (1) shall include—

3           (A) a description of the prevalence of pred-  
4 atory lending practices directed at members of  
5 the Armed Forces and their families;

6           (B) an assessment of the effects of preda-  
7 tory lending practices on members of the  
8 Armed Forces and their families;

9           (C) a description of the strategy of the De-  
10 partment of Defense, and of any current or  
11 planned programs of the Department, to edu-  
12 cate members of the Armed Forces and their  
13 families regarding predatory lending practices;

14           (D) a description of the strategy of the De-  
15 partment of Defense, and of any current or  
16 planned programs of the Department, to reduce  
17 or eliminate—

18           (i) the prevalence of predatory lending  
19 practices directed at members of the  
20 Armed Forces and their families; and

21           (ii) the negative effect of such prac-  
22 tices on members of the Armed Forces and  
23 their families; and

24           (E) recommendations for additional legisla-  
25 tive and administrative action to reduce or

1 eliminate predatory lending practices directed  
2 at members of the Armed Forces and their  
3 families.

4 (3) DEFINITIONS.—In this subsection:

5 (A) The term “appropriate committees of  
6 Congress” means—

7 (i) the Committees on Armed Services  
8 and Banking, Housing, and Urban Affairs  
9 of the Senate; and

10 (ii) the Committees on Armed Serv-  
11 ices and Financial Services of the House of  
12 Representatives.

13 (B) The term “predatory lending practice”  
14 means an unfair or abusive loan or credit sale  
15 transition or collection practice.

16 **SEC. 599A. PARTICIPATION OF MEMBERS OF THE ARMED**  
17 **FORCES IN THE PARALYMPIC GAMES.**

18 Section 717(a)(1) of title 10, United States Code, is  
19 amended by striking “and Olympic Games” and inserting  
20 “, Olympic Games, and Paralympic Games,”.

21 **SEC. 599B. MODIFICATION OF ELIGIBILITY FOR POSITION**  
22 **OF PRESIDENT OF THE NAVAL POST-**  
23 **GRADUATE SCHOOL.**

24 Subsection (a) of section 7042 of title 10, United  
25 States Code, is amended to read as follows:

1       “(a)(1) The President of the Naval Postgraduate  
2 School shall be one of the following:

3               “(A) An officer of the Navy not below the grade  
4 of rear admiral (lower half) who is detailed to such  
5 position.

6               “(B) A civilian individual having qualifications  
7 appropriate to the position of President of the Naval  
8 Postgraduate School who is appointed to such posi-  
9 tion.

10       “(2) The President of the Naval Postgraduate School  
11 shall be detailed or assigned to such position under para-  
12 graph (1) by the Secretary of the Navy, upon the rec-  
13 ommendation of the Chief of Naval Operations.

14       “(3) An individual assigned as President of the Naval  
15 Postgraduate School under paragraph (1)(B) shall serve  
16 in such position for a term of not more than five years.”.

1 **TITLE VI—COMPENSATION AND**  
 2 **OTHER PERSONNEL BENEFITS**  
 3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMA-**  
 5 **NENT MILITARY PROFESSORS AT THE**  
 6 **UNITED STATES NAVAL ACADEMY WITH OVER**  
 7 **36 YEARS OF SERVICE.**

8 Section 203(b) of title 37, United States Code, is  
 9 amended by inserting “, the United States Naval Acad-  
 10 emy,” after “the United States Military Academy”.

11 **SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBU-**  
 12 **TIONS FOR MEMBERS OF THE ARMED**  
 13 **FORCES PARTICIPATING IN THE THRIFT SAV-**  
 14 **INGS PLAN.**

15 (a) **AUTHORITY TO MAKE CONTRIBUTIONS FOR CER-**  
 16 **TAIN FIRST-TIME ENLISTEES.**—Section 211(d) of title  
 17 37, United States Code, is amended—

18 (1) in paragraph (1)—

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

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

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

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

3 “(B) in the case of a member first enlisting in  
4 the armed forces, the period of the member’s enlist-  
5 ment is not less than two years.”;

6 (2) in paragraph (2), by striking “paragraph  
7 (1)” the first place it appears and inserting “para-  
8 graph (1)(A)”;

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

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

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

1 **SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL**  
2 **SUBSISTENCE ALLOWANCE FOR LOW-INCOME**  
3 **MEMBERS WITH DEPENDENTS.**

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

6 **SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED**  
7 **PAY UPON APPOINTMENT OF AN ENLISTED**  
8 **MEMBER AS AN OFFICER.**

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

11 “(d) In determining the amount of the pay and allow-  
12 ances of a grade formerly held by an officer, the following  
13 special and incentive pays may be considered only so long  
14 as the officer continues to perform the duty creating the  
15 entitlement to or eligibility for such pay and would other-  
16 wise be eligible to receive such pay in the officer’s former  
17 grade:

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

20 “(2) Submarine duty incentive pay under sec-  
21 tion 301c of this title.

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

24 “(4) Hardship duty special pay under section  
25 305 of this title.

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

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

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

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

10          “(9) Special pay for extension of overseas tour  
11 of duty under section 314 of this title.

12          “(10) Foreign language proficiency pay under  
13 section 316 of this title.

14          “(11) Critical skill retention bonus under sec-  
15 tion 323 of this title, if payable in periodic install-  
16 ments.”.

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

1 **SEC. 605. PERMANENT EXTENSION OF PERIOD OF TEM-**  
 2 **PORARY CONTINUATION OF BASIC ALLOW-**  
 3 **ANCE FOR HOUSING FOR DEPENDENTS OF**  
 4 **MEMBERS OF THE ARMED FORCES WHO DIE**  
 5 **ON ACTIVE DUTY.**

6 Effective immediately after the termination, pursuant  
 7 to subsection (b) of section 1022 of the Emergency Sup-  
 8 plemental Appropriations Act for Defense, the Global War  
 9 on Terror, and Tsunami Relief, 2005 (Public Law 109–  
 10 13; 119 Stat. 251), of the amendments made by sub-  
 11 section (a) of such section, section 403(l) of title 37,  
 12 United States Code, is amended by striking “180 days”  
 13 each place it appears and inserting “365 days”.

14 **SEC. 606. BASIC ALLOWANCE FOR HOUSING FOR RESERVE**  
 15 **MEMBERS.**

16 (a) **EQUAL TREATMENT OF RESERVE MEMBERS.**—  
 17 Subsection (g) of section 403 of title 37, United States  
 18 Code, is amended—

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

21 (2) by inserting after paragraph (2) the fol-  
 22 lowing new paragraph (3):

23 “(3) The rate of basic allowance for housing to be  
 24 paid to the following members of a reserve component  
 25 shall be equal to the rate in effect for similarly situated

1 members of a regular component of the uniformed serv-  
2 ices:

3           “(A) A member who is called or ordered to ac-  
4           tive duty for a period of more than 30 days.

5           “(B) A member who is called or ordered to ac-  
6           tive duty for a period of 30 days or less in support  
7           of a contingency operation.”; and

8           (3) in paragraph (4), as so redesignated, by  
9           striking “less than 140 days” and inserting “30  
10          days or less”.

11          (b) CONFORMING AMENDMENT REGARDING MEM-  
12          BERS WITHOUT DEPENDENTS.—Paragraph (1) of such  
13          subsection is amended by inserting “or for a period of  
14          more than 30 days” after “in support of a contingency  
15          operation” both places it appears.

16 **SEC. 607. INCOME REPLACEMENT PAYMENTS FOR RE-**  
17 **SERVES EXPERIENCING EXTENDED AND FRE-**  
18 **QUENT MOBILIZATION FOR ACTIVE DUTY**  
19 **SERVICE.**

20          (a) IN GENERAL.—Chapter 19 of title 37, United  
21          States Code, is amended by adding at the end the fol-  
22          lowing new section:

1 **“§ 910. Replacement of lost income: involuntarily mo-**  
2 **bilized reserve component members sub-**  
3 **ject to extended and frequent active duty**  
4 **service**

5 “(a) PAYMENT REQUIRED.—The Secretary con-  
6 cerned shall pay to an eligible member of a reserve compo-  
7 nent of the armed forces an amount equal to the monthly  
8 active-duty income differential of the member, as deter-  
9 mined by the Secretary. The payments shall be made on  
10 a monthly basis.

11 “(b) ELIGIBILITY.—Subject to subsection (c), a re-  
12 serve component member is entitled to a payment under  
13 this section for any full month of active duty of the mem-  
14 ber, while on active duty under an involuntary mobiliza-  
15 tion order, following the date on which the member—

16 “(1) completes 180 continuous days of service  
17 on active duty under such an order;

18 “(2) completes 24 months on active duty during  
19 the previous 60 months under such an order; or

20 “(3) is involuntarily mobilized for service on ac-  
21 tive duty six months or less following the member’s  
22 separation from the member’s previous period of ac-  
23 tive duty.

24 “(c) MINIMUM AND MAXIMUM PAYMENT  
25 AMOUNTS.—(1) A payment under this section shall be  
26 made to a member for a month only if the amount of the

1 monthly active-duty income differential for the month is  
2 greater than \$50.

3 “(2) Notwithstanding the amount determined under  
4 subsection (d) for a member for a month, the monthly pay-  
5 ment to a member under this section may not exceed  
6 \$3,000.

7 “(d) MONTHLY ACTIVE-DUTY INCOME DIFFEREN-  
8 TIAL.—For purposes of this section, the monthly active-  
9 duty income differential of a member is the difference  
10 between—

11 “(1) the average monthly civilian income of the  
12 member; and

13 “(2) the member’s total monthly military com-  
14 pensation.

15 “(e) DEFINITIONS.—In this section:

16 “(1) The term ‘average monthly civilian in-  
17 come’, with respect to a member of a reserve compo-  
18 nent, means the amount, determined by the Sec-  
19 retary concerned, of the earned income of the mem-  
20 ber for either the 12 months preceding the member’s  
21 mobilization or the 12 months covered by the mem-  
22 ber’s most recent Federal income tax filing, divided  
23 by 12.

1           “(2) The term ‘total monthly military com-  
2           pensation’ means the amount, computed on a  
3           monthly basis, of the sum of—

4                   “(A) the amount of the regular military  
5           compensation (RMC) of the member; and

6                   “(B) any amount of special pay or incen-  
7           tive pay and any allowance (other than an al-  
8           lowance included in regular military compensa-  
9           tion) that is paid to the member on a monthly  
10          basis.”.

11          (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of such chapter is amended by adding  
13 at the end the following new item:

          “910. Replacement of lost income: involuntarily mobilized reserve component  
  members subject to extended and frequent active duty serv-  
  ice.”.

14          (c) EFFECTIVE DATE.—Section 910 of title 37,  
15 United States Code, as added by subsection (a), shall  
16 apply for months after December 2005.

17          (d) LIMITATION ON FISCAL YEAR 2006 OBLIGA-  
18 TIONS.—During fiscal year 2006, obligations incurred  
19 under section 910 of title 37, United States Code, to pro-  
20 vide income replacement payments to involuntarily mobi-  
21 lized members of a reserve component who are subject to  
22 extended and frequent active duty service may not exceed  
23 \$60,000,000.

1     **Subtitle B—Bonuses and Special**  
2                   **and Incentive Pays**

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

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

10          (b) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**  
11     **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section  
12     308d(c) of such title is amended by striking “December  
13     31, 2005” and inserting “December 31, 2006”.

14          (c) **READY RESERVE NON-PRIOR SERVICE ENLIST-**  
15     **MENT BONUS.**—Section 308g(h) of such title is amended  
16     by striking “an enlistment after September 30, 1992.”  
17     and inserting “an enlistment—

18                 “(1) during the period beginning on October 1,  
19                 1992, and ending on September 30, 2005; or

20                 “(2) after September 30, 2006.”.

21          (d) **READY RESERVE ENLISTMENT AND REENLIST-**  
22     **MENT BONUS.**—Section 308h(g) of such title is amended  
23     by striking “December 31, 2005” and inserting “Decem-  
24     ber 31, 2006”.

1 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section  
2 308i(f) of such title is amended by striking “December  
3 31, 2005” and inserting “December 31, 2006”.

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

7 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
8 GRAM.—Section 2130a(a)(1) of title 10, United States  
9 Code, is amended by striking “December 31, 2005” and  
10 inserting “December 31, 2006”.

11 (b) REPAYMENT OF EDUCATION LOANS FOR CER-  
12 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
13 LECTED RESERVE.—Section 16302(d) of such title is  
14 amended by striking “before January 1, 2006” and insert-  
15 ing “on or before December 31, 2006”.

16 (c) ACCESSION BONUS FOR REGISTERED NURSES.—  
17 Section 302d(a)(1) of title 37, United States Code, is  
18 amended by striking “December 31, 2005” and inserting  
19 “December 31, 2006”.

20 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
21 THETISTS.—Section 302e(a)(1) of such title is amended  
22 by striking “December 31, 2005” and inserting “Decem-  
23 ber 31, 2006”.

24 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
25 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-

1 CIALTIES.—Section 302g(f) of such title is amended by  
2 striking “December 31, 2005” and inserting “December  
3 31, 2006”.

4 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
5 Section 302h(a)(1) of such title is amended by striking  
6 “December 31, 2005” and inserting “December 31,  
7 2006”.

8 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
9 Section 302j(a) of such title is amended by striking “the  
10 date of the enactment of the Floyd D. Spence National  
11 Defense Authorization Act for Fiscal Year 2001 and end-  
12 ing on September 30, 2005” and inserting “October 30,  
13 2000, and ending on December 31, 2006”.

14 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
15 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
16 **CERS.**

17 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
18 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
19 312(e) of title 37, United States Code, is amended by  
20 striking “December 31, 2005” and inserting “December  
21 31, 2006”.

22 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
23 312b(c) of such title is amended by striking “December  
24 31, 2005” and inserting “December 31, 2006”.

1 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
2 BONUS.—Section 312c(d) of such title is amended by  
3 striking “December 31, 2005” and inserting “December  
4 31, 2006”.

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

7 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
8 tion 301b(a) of title 37, United States Code, is amended  
9 by striking “December 31, 2005” and inserting “Decem-  
10 ber 31, 2006”.

11 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f)  
12 of such title is amended by striking “December 31, 2006”  
13 and inserting “December 31, 2007”.

14 (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
15 BERS.—Section 308(g) of such title is amended by strik-  
16 ing “December 31, 2005” and inserting “December 31,  
17 2006”.

18 (d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
19 Section 309(e) of such title is amended by striking “De-  
20 cember 31, 2005” and inserting “December 31, 2006”.

21 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-  
22 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
23 amended by striking “December 31, 2005” and inserting  
24 “December 31, 2006”.

1 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
2 ICAL SKILLS.—Section 324(g) of such title is amended by  
3 striking “December 31, 2005” and inserting “December  
4 31, 2006”.

5 **SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT IN-**  
6 **CENTIVE PAY.**

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

9 (1) in subsection (a)—

10 (A) by striking “monthly”; and

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

15 (2) in subsection (b)—

16 (A) by inserting “(1)” before “The Sec-  
17 retary concerned”;

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

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

24 “(2) The Secretary concerned shall require a member  
25 performing service in an assignment designated under

1 subsection (a) to enter into a written agreement with the  
2 Secretary in order to qualify for the payment of incentive  
3 pay on a lump sum or installment basis under this section.  
4 The written agreement shall specify the period for which  
5 the incentive pay will be paid to the member and, subject  
6 to subsection (c), the amount of the lump sum, or each  
7 installment, of the incentive pay.”; and

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

10          “(c) MAXIMUM RATE OR AMOUNT.—(1) The max-  
11 imum monthly rate of incentive pay payable to a member  
12 on a monthly basis under this section is \$1,500.

13          “(2) The amount of the lump sum payment of incen-  
14 tive pay payable to a member on a lump sum basis under  
15 this section may not exceed an amount equal to the prod-  
16 uct of—

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

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

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

4               “(A) the product of (i) a monthly rate specified  
5 in the written agreement of the member under sub-  
6 section (b)(2) (which monthly rate may not exceed  
7 the maximum monthly rate authorized under para-  
8 graph (1) at the time of the written agreement), and  
9 (ii) the number of months in the period for which  
10 incentive pay will be paid; divided by

11               “(B) the number of installments over such pe-  
12 riod.

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

18       (b) REPAYMENT.—Such section is further  
19 amended—

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

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

1       “(d) REPAYMENT OF INCENTIVE PAY.—(1)(A) A  
2 member who, pursuant to an agreement under subsection  
3 (b)(2), receives a lump sum or installment payment of in-  
4 centive pay under this section and who fails to complete  
5 the total period of service or other conditions specified in  
6 the agreement voluntarily or because of misconduct, shall  
7 refund to the United States an amount equal to the per-  
8 centage of incentive pay paid which is equal to the unex-  
9 pired portion of the service divided by the total period of  
10 service.

11       “(B) The Secretary concerned may waive repayment  
12 of an amount of incentive pay under subparagraph (A),  
13 whether in whole or in part, if the Secretary determines  
14 that conditions and circumstances warrant.

15       “(2) An obligation to repay the United States im-  
16 posed under paragraph (1) is for all purposes a debt owed  
17 to the United States.

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

1 **SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLIST-**  
2 **MENT BONUS FOR CERTAIN SENIOR SUPER-**  
3 **VISORY NUCLEAR QUALIFIED ENLISTED PER-**  
4 **SONNEL.**

5 (a) IN GENERAL.—Section 308 of title 37, United  
6 States Code, is amended—

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

9 (2) by inserting after subsection (a) the fol-  
10 lowing new subsection (b):

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

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

15 “(B) is currently qualified for duty in connec-  
16 tion with the supervision, operation, and mainte-  
17 nance of naval nuclear propulsion plants;

18 “(C) is qualified in a military skill designated  
19 as critical by the Secretary of Defense; and

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

24 “(2) The bonus to be paid a member under para-  
25 graph (1) may not exceed the lesser of the following  
26 amounts:



1           “(1) has completed fewer than 20 years of mili-  
2           tary service; and

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

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

17          “(c) ACCESSION BONUS AUTHORIZED.—Under regu-  
18          lations prescribed by the Secretary of Defense, the Sec-  
19          retary concerned may pay an accession bonus to a person  
20          who—

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

23                 “(2) executes a written agreement to serve as  
24                 an enlisted member in the Selected Reserve of the  
25                 Ready Reserve of an armed force for a period of not

1 less than three years upon acceptance of the agree-  
2 ment by the Secretary concerned.

3 “(d) LIMITATION ON AMOUNT OF BONUS.—The  
4 amount of a bonus under subsection (a) or (c) may not  
5 exceed \$10,000.

6 “(e) PAYMENT METHOD.—Upon acceptance of a  
7 written agreement by the Secretary concerned, the total  
8 amount of the bonus payable under the agreement be-  
9 comes fixed. The agreement shall specify whether the  
10 bonus shall be paid by the Secretary concerned in a lump  
11 sum or in installments.

12 “(f) CONTINUED ENTITLEMENT TO BONUS PAY-  
13 MENTS.—A member entitled to a bonus under this section  
14 who is called or ordered to active duty shall be paid, dur-  
15 ing that period of active duty, any amount of the bonus  
16 that becomes payable to the member during that period  
17 of active duty.

18 “(g) REPAYMENT FOR FAILURE TO COMMENCE OR  
19 COMPLETE OBLIGATED SERVICE.—(1) An individual who,  
20 after being paid all or part of a bonus under an agreement  
21 under subsection (a) or (c), does not commence to serve  
22 in the Selected Reserve or does not satisfactorily partici-  
23 pate in the Selected Reserve for the total period of service  
24 specified in such agreement shall repay to the United

1 States the amount of such bonus so paid, except as other-  
2 wise prescribed under paragraph (2).

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

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

17 “(h) TERMINATION OF BONUS AUTHORITY.—No  
18 bonus may be paid under this section with respect to any  
19 agreement entered into under subsection (a) or (c) after  
20 December 31, 2006.”.

21 (b) REPEAL OF SUPERSEDED AFFILIATION BONUS  
22 AUTHORITY.—Section 308e of such title is repealed.

23 (c) CLERICAL AMENDMENTS.—The table of sections  
24 at the beginning of chapter 5 of such title is amended—

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

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

3 and

4 (B) by striking the item relating to section  
5 308e.

6 (d) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on October 1, 2005, and shall  
8 apply with respect to agreements entered into under sec-  
9 tion 308c of title 37, United States Code (as amended by  
10 subsection (a)), on or after that date.

11 **SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY**  
12 **FOR ENLISTED MEMBERS OF THE SELECTED**  
13 **RESERVE ASSIGNED TO CERTAIN HIGH PRI-**  
14 **ORITY UNITS.**

15 (a) ELIGIBILITY FOR PAY.—Subsection (a) of section  
16 308d of title 37, United States Code, is amended by strik-  
17 ing “an enlisted member” and inserting “a member”.

18 (b) AMOUNT OF PAY.—Such subsection is further  
19 amended by striking “\$10” and inserting “\$50”.

20 (c) CONFORMING AND CLERICAL AMENDMENTS.—

21 (1) CONFORMING AMENDMENT.—The heading  
22 of such section is amended to read as follows:

1 **“§ 308d. Special pay: members of the Selected Re-**  
 2 **serve assigned to certain high priority**  
 3 **units”.**

4 (2) CLERICAL AMENDMENT.—The table of sec-  
 5 tions at the beginning of chapter 5 of such title is  
 6 amended by striking the item relating to section  
 7 308d and inserting the following new item:

“308d. Special pay: members of the Selected Reserve assigned to certain high  
 priority units.”.

8 (d) EFFECTIVE DATE.—The amendments made by  
 9 this section shall take effect on October 1, 2005, and shall  
 10 apply to inactive-duty training performed on or after that  
 11 date.

12 **SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS**  
 13 **FOR MEMBERS OF THE SELECTED RESERVE**  
 14 **QUALIFIED IN A CRITICAL MILITARY SKILL**  
 15 **OR WHO VOLUNTEER FOR ASSIGNMENT TO A**  
 16 **HIGH PRIORITY UNIT.**

17 (a) BONUS AUTHORIZED.—

18 (1) IN GENERAL.—Chapter 5 of title 37, United  
 19 States Code, is amended by inserting after section  
 20 308j the following new section:

1 **“§ 308k. Special pay: retention incentive bonus for**  
2 **members of the Selected Reserve quali-**  
3 **fied in a critical military skill; assign-**  
4 **ment bonus for members of the Selected**  
5 **Reserve who volunteer for assignment to**  
6 **a high priority unit**

7 “(a) BONUSES AUTHORIZED.—(1) An eligible officer  
8 or enlisted member of the armed forces may be paid a  
9 retention bonus as provided in this section if—

10 “(A) in the case of an officer or warrant officer,  
11 the member executes a written agreement to remain  
12 in the Selected Reserve for at least 2 years;

13 “(B) in the case of an enlisted member, the  
14 member reenlists or voluntarily extends the mem-  
15 ber’s enlistment in the Selected Reserve for a period  
16 of at least 2 years; or

17 “(C) in the case of an enlisted member serving  
18 on an indefinite reenlistment, the member executes  
19 a written agreement to remain in the Selected Re-  
20 serve for at least 2 years.

21 “(2) An officer or enlisted member of the armed  
22 forces may be paid an assignment bonus as provided in  
23 this section if the member voluntarily agrees to an assign-  
24 ment to a high priority unit of the Selected Reserve of  
25 the Ready Reserve of an armed force for at least 2 years.

1       “(b) MEMBERS ELIGIBLE FOR RETENTION  
2 BONUS.—Subject to subsection (d), an officer or enlisted  
3 member is eligible under subsection (a)(1) for a retention  
4 bonus under this section if the member—

5           “(1) is qualified in a military skill or specialty  
6 designated as critical for purposes of this section  
7 under subsection (c); or

8           “(2) agrees to train or retrain in a military skill  
9 or specialty so designated as critical.

10       “(c) DESIGNATION OF CRITICAL SKILLS OR SPECIAL-  
11 TIES AND HIGH PRIORITY UNITS.—The Secretary con-  
12 cerned shall—

13           “(1) designate the military skills and specialties  
14 that shall be treated as critical military skills and  
15 specialties for purposes of this section; and

16           “(2) designate the units that shall be treated as  
17 high priority units for purposes of this section.

18       “(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may  
19 not be paid under subsection (a) to a member of the armed  
20 forces who—

21           “(1) has completed more than 25 years of  
22 qualifying service under section 12732 of title 10; or

23           “(2) will complete the member’s twenty-fifth  
24 year of qualifying service under section 12732 of

1 title 10 before the end of the period of service for  
2 which the bonus is being offered.

3 “(e) MAXIMUM BONUS AMOUNT.—A member may  
4 enter into an agreement under this section, or reenlist or  
5 voluntarily extend the member’s enlistment, more than  
6 once to receive a bonus under this section. However, a  
7 member may not receive a total of more than \$100,000  
8 in payments under this section.

9 “(f) PAYMENT METHODS.—(1) A bonus under sub-  
10 section (a) may be paid in a single lump sum or in install-  
11 ments.

12 “(2) In the case of a member who agrees to train  
13 or retrain in a military skill or specialty designated as crit-  
14 ical under subsection (b)(2), no payment may be made  
15 until the member successfully completes the training or  
16 retraining and is qualified in such skill or specialty.

17 “(g) RELATIONSHIP TO OTHER INCENTIVES.—A  
18 bonus paid to a member under subsection (a) is in addi-  
19 tion to any other pay and allowances to which the member  
20 is entitled under any other provision of law.

21 “(h) REPAYMENT FOR FAILURE TO COMMENCE OR  
22 COMPLETE OBLIGATED SERVICE.—(1) An individual who,  
23 after receiving all or part of the bonus under an agree-  
24 ment, or a reenlistment or voluntary extension of enlist-  
25 ment, referred to in subsection (a), does not commence

1 to serve in the Selected Reserve, or does not satisfactorily  
2 participate in the Selected Reserve for the total period of  
3 service specified in the agreement, or under such reenlist-  
4 ment or voluntary extension of enlistment, as applicable,  
5 shall repay to the United States such bonus, except under  
6 conditions established by the Secretary concerned.

7 “(2) The Secretary concerned shall establish, in ac-  
8 cordance with the regulations prescribed under subsection  
9 (i)—

10 “(A) whether repayment of a bonus under para-  
11 graph (1) is required in whole or in part;

12 “(B) the method for computing the amount of  
13 such repayment; and

14 “(C) the conditions under which an exception to  
15 repayment otherwise required under that paragraph  
16 would apply.

17 “(3) An obligation to repay the United States im-  
18 posed under paragraph (1) is for all purposes a debt owed  
19 to the United States. A discharge in bankruptcy under  
20 title 11 that is entered less than 5 years after the termi-  
21 nation of an agreement under subsection (a), or a reenlist-  
22 ment or voluntary extension of enlistment under sub-  
23 section (a), does not discharge the individual signing the  
24 agreement, reenlisting, or voluntarily extending enlist-

1 ment, as applicable, from a debt arising under paragraph  
2 (1).

3 “(i) REGULATIONSection shall be administered under  
4 regulations prescribed by the Secretary of Defense.

5 “(j) TERMINATION OF AUTHORITY.—No bonus may  
6 be paid under this section with respect to any agreement,  
7 reenlistment, or voluntary extension of enlistment in the  
8 armed forces entered into after December 31, 2006.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions at the beginning of chapter 5 of such title is  
11 amended by inserting after the item relating to sec-  
12 tion 308j the following new item:

“308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.”.

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

15 **SEC. 620. TERMINATION OF LIMITATION ON DURATION OF**  
16 **PAYMENT OF IMMINENT DANGER SPECIAL**  
17 **PAY DURING HOSPITALIZATION.**

18 (a) TERMINATION OF LIMITATION.—Section 310(b)  
19 of title 37, United States Code, is amended by striking  
20 “not more than three additional months” and inserting  
21 “any month, or any portion of a month,”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall take effect on the date of the enact-

1 ment of this Act, and shall apply with respect to months  
2 beginning on or after that date.

3 **SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IM-**  
4 **MINENT DANGER SPECIAL PAY.**

5 Section 310 of title 37, United States Code, is  
6 amended—

7 (1) by redesignating subsections (b), (c), and  
8 (d) as subsections (c), (d), and (e), respectively; and

9 (2) by inserting after subsection (a) the fol-  
10 lowing new subsection:

11 “(b) DATE OF COMMENCEMENT OF PAYMENT OF IM-  
12 MINENT DANGER PAY.—Payment of special pay under  
13 this section to a member covered by subsection (a)(2)(D)  
14 may be made from any date, as determined by the Sec-  
15 retary of Defense, on or after which such member was as-  
16 signed to duty in a foreign area determined by the Sec-  
17 retary to be covered by such subsection.”.

18 **SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PRO-**  
19 **FICIENCY PAY TO MEMBERS ON ACTIVE DUTY**  
20 **AS A BONUS.**

21 (a) **AUTHORITY TO PAY.**—Section 316 of title 37,  
22 United States Code, is amended—

23 (1) in subsection (a)—

24 (A) by inserting “OR BONUS” after “SPE-  
25 CIAL PAY”; and

1 (B) by inserting “or a bonus” after  
2 “monthly special pay”;

3 (2) in subsection (d)—

4 (A) by redesignating paragraph (2) as  
5 paragraph (3); and

6 (B) by inserting after paragraph (1) the  
7 following new paragraph (2):

8 “(2) The amount of the bonus paid under subsection  
9 (a) may not exceed \$12,000 for the one-year period cov-  
10 ered by the certification of the member. The Secretary  
11 concerned may pay the bonus in a single lump sum at  
12 the beginning of the certification period or in installments  
13 during the certification period.”; and

14 (3) in subsection (f)(1)(C), by inserting “or a  
15 bonus” after “special pay”.

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

18 **SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE**

19 **ARMED FORCES.**

20 (a) IN GENERAL.—Chapter 5 of title 37, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing new section:

1 **“§ 327. Incentive bonus: transfer between armed**  
2 **forces**

3 “(a) INCENTIVE BONUS AUTHORIZED.—A bonus  
4 under this section may be paid to an eligible member of  
5 a regular component or reserve component of an armed  
6 force who executes a written agreement—

7 “(1) to transfer from such regular component  
8 or reserve component to a regular component or re-  
9 serve component of another armed force; and

10 “(2) to serve pursuant to such agreement for a  
11 period of not less than three years in the component  
12 to which transferred.

13 “(b) ELIGIBLE MEMBERS.—A member is eligible to  
14 enter into an agreement under subsection (a) if, as of the  
15 date of the agreement, the member—

16 “(1) has not failed to satisfactorily complete  
17 any term of enlistment in the armed forces;

18 “(2) is eligible for reenlistment in the armed  
19 forces or, in the case of an officer, is eligible to con-  
20 tinue in service in a regular or reserve component of  
21 the armed forces; and

22 “(3) has fulfilled such requirements for transfer  
23 to the component of the armed force to which the  
24 member will transfer as the Secretary having juris-  
25 diction over such armed force shall establish.

1       “(c) LIMITATION.—A member may enter into an  
2 agreement under subsection (a) to transfer to a regular  
3 component or reserve component of another armed force  
4 only if the Secretary having jurisdiction over such armed  
5 force determines that there is shortage of trained and  
6 qualified personnel in such component.

7       “(d) AMOUNT AND PAYMENT OF BONUS.—(1) A  
8 bonus under this section may not exceed \$2,500.

9       “(2) A bonus under this section shall be paid by the  
10 Secretary having jurisdiction of the armed force to which  
11 the member to be paid the bonus is transferring.

12       “(3) A bonus under this section shall, at the election  
13 of the Secretary paying the bonus—

14               “(A) be disbursed to the member in one lump  
15 sum when the transfer for which the bonus is paid  
16 is approved by the chief personnel officer of the  
17 armed force to which the member is transferring; or

18               “(B) be paid to the member in annual install-  
19 ments in such amounts as may be determined by the  
20 Secretary paying the bonus.

21       “(e) RELATIONSHIP TO OTHER PAY AND ALLOW-  
22 ANCES.—A bonus paid to a member under this section is  
23 in addition to any other pay and allowances to which the  
24 member is entitled.

1       “(f) REPAYMENT OF BONUS.—(1) A member who is  
2 paid a bonus under an agreement under this section and  
3 who, voluntarily or because of misconduct, fails to serve  
4 for the period covered by such agreement shall refund to  
5 the United States an amount which bears the same ratio  
6 to the amount of the bonus paid such member as the pe-  
7 riod which such member failed to serve bears to the total  
8 period for which the bonus was paid.

9       “(2) An obligation to reimburse the United States  
10 imposed under paragraph (1) is for all purposes a debt  
11 owed to the United States.

12       “(3) A discharge in bankruptcy under title 11 that  
13 is entered less than 5 years after the termination of an  
14 agreement under this section does not discharge the per-  
15 son signing such agreement from a debt arising under  
16 paragraph (1).

17       “(g) REGULATIONS.—The Secretaries concerned  
18 shall prescribe regulations to carry out this section. Regu-  
19 lations prescribed by the Secretary of a military depart-  
20 ment under this subsection shall be subject to the approval  
21 of the Secretary of Defense.

22       “(h) TERMINATION OF AUTHORITY.—No agreement  
23 under this section may be entered into after December 31,  
24 2006.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 5 of such title is amended by  
 3 adding at the end the following new item:

“327. Incentive bonus: transfer between armed forces.”.

4 **SEC. 624. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SUR-**  
 5 **GEONS FOR INCENTIVE SPECIAL PAY FOR**  
 6 **MEDICAL OFFICERS OF THE ARMED FORCES.**

7 (a) IN GENERAL.—For purposes of eligibility for in-  
 8 centive special pay payable under section 302(b) of title  
 9 37, United States Code, oral and maxillofacial surgeons  
 10 shall be treated as medical officers of the Armed Forces  
 11 who may be paid variable special pay under section  
 12 302(a)(2) of such title.

13 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
 14 fect on October 1, 2005, and shall apply with respect to  
 15 incentive special pay payable under section 302(b) of title  
 16 37, United States Code, on or after that date.

17 **Subtitle C—Travel and**  
 18 **Transportation Allowances**

19 **SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CON-**  
 20 **NECTION WITH THE REPATRIATION OF**  
 21 **SERVICEMEMBERS OR CIVILIAN EMPLOYEES**  
 22 **HELD CAPTIVE.**

23 (a) MILITARY CAPTIVES.—(1) Chapter 7 of title 37,  
 24 United States Code, is amended by inserting after section  
 25 411i the following new section:

1 **“§ 411j. Travel and transportation allowances: trans-**  
2 **portation of family members incident to**  
3 **the repatriation of members held captive**

4 “(a) ALLOWANCE FOR FAMILY MEMBERS AND CER-  
5 TAIN OTHERS.—(1) Under uniform regulations prescribed  
6 by the Secretaries concerned, travel and transportation de-  
7 scribed in subsection (d) may be provided for not more  
8 than 3 family members of a member described in sub-  
9 section (b).

10 “(2) In addition to the family members authorized  
11 to be provided travel and transportation under paragraph  
12 (1), the Secretary concerned may provide travel and trans-  
13 portation described in subsection (d) to an attendant to  
14 accompany a family member described in that paragraph  
15 if the Secretary determines that—

16 “(A) the family member to be accompanied is  
17 unable to travel unattended because of age, physical  
18 condition, or other reason determined by the Sec-  
19 retary; and

20 “(B) no other family member who is eligible for  
21 travel and transportation under paragraph (1) is  
22 able to serve as an attendant for the family member.

23 “(3) If no family member of a member described in  
24 subsection (b) is able to travel to the repatriation site of  
25 the member, travel and transportation described in sub-

1 section (d) may be provided to not more than 2 persons  
2 related to and selected by the member.

3 “(b) COVERED MEMBERS.—A member described in  
4 this subsection is a member of the uniformed services  
5 who—

6 “(1) is serving on active duty;

7 “(2) was held captive, as determined by the  
8 Secretary concerned; and

9 “(3) is repatriated to a site inside or outside  
10 the United States.

11 “(c) ELIGIBLE FAMILY MEMBERS.—In this section,  
12 the term ‘family member’ has the meaning given the term  
13 in section 411h(b) of this title.

14 “(d) TRAVEL AND TRANSPORTATION AUTHOR-  
15 IZED.—(1) The transportation authorized by subsection  
16 (a) is round-trip transportation between the home of the  
17 family member (or home of the attendant or person pro-  
18 vided transportation under paragraph (2) or (3) of sub-  
19 section (a), as the case may be) and the location of the  
20 repatriation site at which the member is located.

21 “(2) In addition to the transportation authorized by  
22 subsection (a), the Secretary concerned may provide a per  
23 diem allowance or reimbursement for the actual and nec-  
24 essary expenses of the travel, or a combination thereof,

1 but not to exceed the rates established for such allowances  
2 and expenses under section 404(d) of this title.

3 “(3) The transportation authorized by subsection (a)  
4 may be provided by any of the means described in section  
5 411h(d)(1) of this title.

6 “(4) An allowance under this subsection may be paid  
7 in advance.

8 “(5) Reimbursement payable under this subsection  
9 may not exceed the cost of government-procured round-  
10 trip air travel.”.

11 (2) The table of sections at the beginning of chapter  
12 7 of such title is amended by inserting after the item relat-  
13 ing to section 411i the following new item:

“411j. Travel and transportation allowances: transportation of family members  
incident to the repatriation of members held captive.”.

14 (b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5,  
15 United States Code, is amended by adding at the end the  
16 following new section:

17 **“§ 5760. Travel and transportation allowances: trans-**  
18 **portation of family members incident to**  
19 **the repatriation of employees held cap-**  
20 **tive**

21 “(a) ALLOWANCE FOR FAMILY MEMBERS AND CER-  
22 TAIN OTHERS.—(1) Under uniform regulations prescribed  
23 by the heads of agencies, travel and transportation de-  
24 scribed in subsection (d) may be provided for not more

1 than 3 family members of an employee described in sub-  
2 section (b).

3 “(2) In addition to the family members authorized  
4 to be provided travel and transportation under paragraph  
5 (1), the head of an agency may provide travel and trans-  
6 portation described in subsection (d) to an attendant to  
7 accompany a family member described in subsection (b)  
8 if the head of an agency determines—

9 “(A) the family member to be accompanied is  
10 unable to travel unattended because of age, physical  
11 condition, or other reason determined by the head of  
12 the agency; and

13 “(B) no other family member who is eligible for  
14 travel and transportation under subsection (a) is  
15 able to serve as an attendant for the family member.

16 “(3) If no family member of an employee described  
17 in subsection (b) is able to travel to the repatriation site  
18 of the employee, travel and transportation described in  
19 subsection (d) may be provided to not more than 2 persons  
20 related to and selected by the employee.

21 “(b) COVERED EMPLOYEES.—An employee described  
22 in this subsection is an employee (as defined in section  
23 2105 of this title) who—

24 “(1) was held captive, as determined by the  
25 head of an agency concerned; and

1           “(2) is repatriated to a site inside or outside  
2           the United States.

3           “(c) ELIGIBLE FAMILY MEMBERS.—In this section,  
4           the term ‘family member’ has the meaning given the term  
5           in section 411h(b) of title 37.

6           “(d) TRAVEL AND TRANSPORTATION AUTHOR-  
7           IZED.—(1) The transportation authorized by subsection  
8           (a) is round-trip transportation between the home of the  
9           family member (or home of the attendant or person pro-  
10          vided transportation under paragraph (2) or (3) of sub-  
11          section (a), as the case may be) and the location of the  
12          repatriation site at which the employee is located.

13          “(2) In addition to the transportation authorized by  
14          subsection (a), the head of an agency may provide a per  
15          diem allowance or reimbursement for the actual and nec-  
16          essary expenses of the travel, or a combination thereof,  
17          but not to exceed the rates established for such allowances  
18          and expenses under section 404(d) of title 37.

19          “(3) The transportation authorized by subsection (a)  
20          may be provided by any of the means described in section  
21          411h(d)(1) of title 37.

22          “(4) An allowance under this subsection may be paid  
23          in advance.

1       “(5) Reimbursement payable under this subsection  
2 may not exceed the cost of government-procured round-  
3 trip air travel.”.

4       (2) The table of sections at the beginning of chapter  
5 57 of such title is amended by adding at the end the fol-  
6 lowing new item:

      “5760. Travel and transportation allowances: transportation of family members  
      incident to the repatriation of employees held captive.”.

7       (a) **AUTHORITY TO CONTINUE ALLOWANCE.**—Effec-  
8 tive as of September 30, 2005, section 1026 of division  
9 A of the Emergency Supplemental Appropriations Act for  
10 Defense, the Global War on Terror, and Tsunami Relief,  
11 2005 (Public Law 109–13), is amended by striking sub-  
12 sections (d) and (e).

13       (b) **CODIFICATION OF REPORTING REQUIREMENT.**—  
14 Section 411h of title 37, United States Code, is amended  
15 by adding at the end the following new subsection:

16       “(e) If the amount of travel and transportation allow-  
17 ances provided in a fiscal year under clause (ii) of sub-  
18 section (a)(2)(B) exceeds \$20,000,000, the Secretary of  
19 Defense shall submit to Congress a report specifying the  
20 total amount of travel and transportation allowances pro-  
21 vided under such clause in such fiscal year.”.

22       (c) **CONFORMING AMENDMENT.**—Subsection  
23 (a)(2)(B)(ii) of such section, as added by section 1026 of  
24 division A of the Emergency Supplemental Appropriations

1 Act for Defense, the Global War on Terror, and Tsunami  
2 Relief, 2005 (Public Law 109–13), is amended by striking  
3 “under section 1967(c)(1)(A) of title 38”.

4 (d) FUNDING.—Funding shall be provided out of ex-  
5 isting funds.

## 6 **Subtitle D—Retired Pay and** 7 **Survivor Benefits**

### 8 **SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND EN-** 9 **HANCEMENT OF LIFE INSURANCE BENEFITS** 10 **FOR CERTAIN COMBAT RELATED DEATHS.**

11 (a) INCREASED AMOUNT OF DEATH GRATUITY.—

12 (1) INCREASED AMOUNT.—Section 1478(a) of  
13 title 10, United States Code, is amended by striking  
14 “\$12,000” and inserting “\$100,000”.

15 (2) EFFECTIVE DATE.—The amendment made  
16 by this subsection shall take effect on October 7,  
17 2001, and shall apply with respect to deaths occur-  
18 ring on or after that date.

19 (3) COORDINATION WITH OTHER ENHANCE-  
20 MENTS.—If the date of the enactment of this Act oc-  
21 curs before October 1, 2005—

22 (A) effective as of such date of enactment,  
23 the amendments made to section 1478 of title  
24 10, United States Code, by the Emergency Sup-  
25 plemental Appropriations Act for Defense, the

1 Global War on Terror, and Tsunami Relief,  
2 2005 (Public Law 109–13) are repealed; and

3 (B) effective immediately before the execu-  
4 tion of the amendment made by paragraph (1),  
5 the provisions of section 1478 of title 10,  
6 United States Code, as in effect on the date be-  
7 fore the date of the enactment of the Act re-  
8 ferred to in subparagraph (A), shall be revived.

9 (b) SERVICEMEMBERS’ GROUP LIFE INSURANCE EN-  
10 HANCEMENTS.—

11 (1) INCREASED MAXIMUM AMOUNT OF SGLI.—  
12 Section 1967 of title 38, United States Code, is  
13 amended—

14 (A) in subsection (a)(3)(A), by striking  
15 clause (i) and inserting the following new  
16 clause:

17 “(i) In the case of a member—

18 “(I) \$400,000 or such lesser amount as  
19 the member may elect as provided in subpara-  
20 graph (B);

21 “(II) in the case of a member covered by  
22 subsection (e), the amount provided for or elect-  
23 ed by the member under subclause (I) plus the  
24 additional amount of insurance provided for the  
25 member by subsection (e); or

1           “(III) in the case of a member covered by  
2           subsection (e) who has made an election under  
3           paragraph (2)(A) not to be insured under this  
4           subchapter, the amount of insurance provided  
5           for the member by subsection (e).”; and

6           (B) in subsection (d), by striking  
7           “\$250,000” and inserting “\$400,000”.

8           (2) INCREMENTS OF DECREASED AMOUNTS  
9           ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of  
10          such section is amended by striking “member or  
11          spouse” in the last sentence and inserting “member,  
12          be evenly divisible by \$50,000 and, in the case of a  
13          member’s spouse”.

14          (3) ADDITIONAL AMOUNT FOR MEMBERS SERV-  
15          ING IN CERTAIN AREAS OR OPERATIONS.—

16          (A) INCREASED AMOUNT.—Section 1967  
17          of such title is further amended—

18                  (i) by redesignating subsection (e) as  
19                  subsection (f); and

20                  (ii) by inserting after subsection (d)  
21                  the following new subsection (e):

22                  “(e)(1) A member covered by this subsection is any  
23          member as follows:

24                          “(A) Any member who dies as a result of one  
25                          or more wounds, injuries, or illnesses incurred while

1 serving in an operation or area that the Secretary of  
2 Defense designates, in writing, as a combat oper-  
3 ation or a zone of combat, respectively, for purposes  
4 of this subsection.

5 “(B) Any member who formerly served in an  
6 operation or area so designated and whose death is  
7 determined (under regulations prescribed by the Sec-  
8 retary of Defense) to be the direct result of injury  
9 or illness incurred or aggravated while so serving.

10 “(2) The additional amount of insurance under this  
11 subchapter that is provided for a member by this sub-  
12 section is \$150,000, except that in a case in which the  
13 amount provided for or elected by the member under sub-  
14 section (a)(3)(A)(i)(I) exceeds \$250,000, the additional  
15 amount of insurance under this subchapter that is pro-  
16 vided for the member by this subsection shall be reduced  
17 to such amount as is necessary to comply with the limita-  
18 tion in paragraph (3).

19 “(3) The total amount of insurance payable for a  
20 member under this subchapter may not exceed \$400,000.

21 “(4) While a member is serving in an operation or  
22 area designated as described in paragraph (1), the cost  
23 of insurance of the member under this subchapter that  
24 is attributable to \$150,000 of insurance coverage shall,  
25 at the election of the Secretary concerned—

1           “(A) be contributed as provided in section  
2           1969(b)(2) of this title, rather through deduction or  
3           withholding from the member’s pay; or

4           “(B) if deducted or withheld from the member’s  
5           pay, be reimbursed to the member through such  
6           mechanism as the Secretary concerned determines  
7           appropriate.”.

8                       (B) FUNDING.—Section 1969(b) of such  
9           title is amended—

10                               (i) by inserting “(1)” after “(b)”; and

11                               (ii) by adding at the end the following

12                               new paragraph:

13           “(2) For each month for which a member insured  
14           under this subchapter is serving in an operation or area  
15           designated as described by paragraph (1)(A) of section  
16           1967(e) of this title, there may, at the election of the Sec-  
17           retary concerned under paragraph (4)(A) of such section,  
18           be contributed from the appropriation made for active  
19           duty pay of the uniformed service concerned an amount  
20           determined by the Secretary and certified to the Secretary  
21           concerned to be the cost of Servicemembers’ Group Life  
22           Insurance which is traceable to the cost of providing insur-  
23           ance for the member under section 1967 of this title in  
24           the amount of \$150,000.”.

1           (4) CONFORMING AMENDMENT.—Section  
2 1967(a)(2)(A) of such title is amended by inserting  
3 before the period at the end the following: “, except  
4 with respect to insurance provided under paragraph  
5 (3)(A)(i)(III)”.

6           (5) COORDINATION WITH VGLI.—Section  
7 1977(a) of such title is amended—

8           (A) by striking “\$250,000” each place it  
9 appears and inserting “\$400,000”; and

10           (B) by adding at the end of paragraph (1)  
11 the following new sentence: “Any additional  
12 amount of insurance provided a member under  
13 section 1967(e) of this title may not be treated  
14 as an amount for which Veterans’ Group Life  
15 Insurance shall be issued under this section.”.

16           (6) REQUIREMENTS REGARDING ELECTIONS OF  
17 MEMBERS TO REDUCE OR DECLINE INSURANCE.—  
18 Section 1967(a) of such title is further amended—

19           (A) in paragraph (2), by adding at the end  
20 the following new subparagraph:

21           “(C) Pursuant to regulations prescribed by the Sec-  
22 retary of Defense, notice of an election of a member with  
23 a spouse not to be insured under this subchapter, or to  
24 be insured under this subchapter in an amount less than  
25 the maximum amount provided under paragraph

1 (3)(A)(i)(I), shall be provided to the spouse of the mem-  
2 ber.”; and

3 (B) in paragraph (3), by adding at the end  
4 the following new subparagraph:

5 “(D) Whenever a member who is not married elects  
6 not to be insured under this subchapter, or to be insured  
7 under this subchapter in an amount less than the max-  
8 imum amount provided for under subparagraph (A)(i)(I),  
9 the Secretary concerned shall provide a notice of such elec-  
10 tion to any person designated by the member as a bene-  
11 ficiary or designated as the member’s next-of-kin for the  
12 purpose of emergency notification, as determined under  
13 regulations prescribed by the Secretary of Defense.”.

14 (7) REQUIREMENT REGARDING REDESIGNATION  
15 OF BENEFICIARIES.—Section 1970 of such title is  
16 amended by adding at the end the following new  
17 subsection:

18 “(j) A member with a spouse may not modify the ben-  
19 eficiary or beneficiaries designated by the member under  
20 subsection (a) without providing written notice of such  
21 modification to the spouse.”.

22 (8) EFFECTIVE DATE.—This subsection and the  
23 amendments made by this subsection shall take ef-  
24 fect on October 1, 2005, immediately after the ter-  
25 mination of the amendments made to sections 1967,

1 1969, 1970, and 1977 of title 38, United States  
2 Code, by the Emergency Supplemental Appropria-  
3 tions Act for Defense, the Global War on Terror,  
4 and Tsunami Relief, 2005 (Public Law 109–13).

5 **SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED**  
6 **FORCES RETIREMENT HOME.**

7 (a) REDESIGNATION OF CHIEF OPERATING OFFICER  
8 AS CHIEF EXECUTIVE OFFICER.—

9 (1) IN GENERAL.—Section 1515 of the Armed  
10 Forces Retirement Home Act of 1991 (24 U.S.C.  
11 415) is amended—

12 (A) by striking “Chief Operating Officer”  
13 each place it appears and inserting “Chief Ex-  
14 ecutive Officer”; and

15 (B) in subsection (e)(1), by striking “Chief  
16 Operating Officer’s” and inserting “Chief Exec-  
17 utive Officer’s”.

18 (2) CONFORMING AMENDMENTS.—Such Act is  
19 further amended by striking “Chief Operating Offi-  
20 cer” each place it appears in a provision as follows  
21 and inserting “Chief Executive Officer”:

22 (A) In section 1511 (24 U.S.C. 411).

23 (B) In section 1512 (24 U.S.C. 412).

24 (C) In section 1513(a) (24 U.S.C. 413(a)).

1 (D) In section 1514(c)(1) (24 U.S.C.  
2 414(c)(1)).

3 (E) In section 1516(b) (24 U.S.C. 416(b)).

4 (F) In section 1517 (24 U.S.C. 417).

5 (G) In section 1518(c) (24 U.S.C. 418(c)).

6 (H) In section 1519(c) (24 U.S.C. 419(c)).

7 (I) In section 1521(a) (24 U.S.C. 421(a)).

8 (J) In section 1522 (24 U.S.C. 422).

9 (K) In section 1523(b) (24 U.S.C. 423(b)).

10 (L) In section 1531 (24 U.S.C. 431).

11 (3) CLERICAL AMENDMENTS.—(A) The heading  
12 of section 1515 of such Act is amended to read as  
13 follows:

14 **“SEC. 1515. CHIEF EXECUTIVE OFFICER.”**

15 (B) The table of contents for such Act is  
16 amended by striking the item relating to section  
17 1515 and inserting the following new item:

“Sec. 1515 Chief Executive Officer.”.

18 (4) REFERENCES.—Any reference in any law,  
19 regulation, document, record, or other paper of the  
20 United States to the Chief Operating Officer of the  
21 Armed Forces Retirement Home shall be considered  
22 to be a reference to the Chief Executive Officer of  
23 the Armed Forces Retirement Home.

1           (b) PHYSICIANS AND DENTISTS FOR EACH RETIRE-  
2 MENT HOME FACILITY.—Section 1513 of such Act (24  
3 U.S.C. 413) is amended—

4           (1) in subsection (a), by striking “subsection  
5 (b)” and inserting “subsections (b), (c), and (d)”;  
6 and

7           (2) by adding at the end the following new sub-  
8 section:

9           “(c) PHYSICIANS AND DENTISTS FOR EACH RETIRE-  
10 MENT HOME FACILITY.—(1) In providing for the health  
11 care needs of residents under subsection (c), the Retire-  
12 ment Home shall have in attendance at each facility of  
13 the Retirement Home, during the daily business hours of  
14 such facility, a physician and a dentist, each of whom shall  
15 have skills and experience suited to residents of such facil-  
16 ity.

17           “(2) In providing for the health care needs of resi-  
18 dents, the Retirement shall also have available to residents  
19 of each facility of the Retirement Home, on an on-call  
20 basis during hours other than the daily business hours of  
21 such facility, a physician and a dentist each of whom have  
22 skills and experience suited to residents of such facility.

23           “(3) In this subsection, the term ‘daily business  
24 hours’ means the hours between 9 o’clock ante meridian

1 and 5 o'clock post meridian, local time, on each of Monday  
2 through Friday.”.

3 (c) TRANSPORTATION TO MEDICAL CARE OUTSIDE  
4 RETIREMENT HOME FACILITIES.—Section 1513 of such  
5 Act is further amended—

6 (1) in the third sentence of subsection (b), by  
7 inserting “, except as provided in subsection (d),”  
8 after “shall not”; and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE  
12 RETIREMENT HOME FACILITIES.—The Retirement Home  
13 shall provide to any resident of a facility of the Retirement  
14 Home, upon request of such resident, transportation to  
15 any medical facility located not more than 30 miles from  
16 such facility for the provision of medical care to such resi-  
17 dent. The Retirement Home may not collect a fee from  
18 a resident for transportation provided under this sub-  
19 section.”.

20 (d) MILITARY DIRECTOR FOR EACH RETIREMENT  
21 HOME.—Section 1517(b)(1) of such Act (24 U.S.C.  
22 417(b)(1)) is amended by striking “a civilian with experi-  
23 ence as a continuing care retirement community profes-  
24 sional or”.

1 **SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF**  
2 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**  
3 **AND INDEMNITY COMPENSATION.**

4 (a) REPEAL.—Subchapter II of chapter 73 of title  
5 10, United States Code is amended—

6 (1) in section 1450(c)(1), by inserting after “to  
7 whom section 1448 of this title applies” the fol-  
8 lowing: “(except in the case of a death as described  
9 in subsection (d) or (f) of such section)”; and

10 (2) in section 1451(c)—

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

12 (B) by redesignating paragraphs (3) and

13 (4) as paragraphs (2) and (3), respectively.

14 (b) PROHIBITION ON RETROACTIVE BENEFITS.—No  
15 benefits may be paid to any person for any period before  
16 the effective date provided under subsection (e) by reason  
17 of the amendments made by subsection (a).

18 (c) PROHIBITION ON RECOUPMENT OF CERTAIN  
19 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-  
20 ENTS.—A surviving spouse who is or has been in receipt  
21 of an annuity under the Survivor Benefit Plan under sub-  
22 chapter II of chapter 73 of title 10, United States Code,  
23 that is in effect before the effective date provided under  
24 subsection (e) and that is adjusted by reason of the  
25 amendments made by subsection (a) and who has received  
26 a refund of retired pay under section 1450(e) of title 10,

1 United States Code, shall not be required to repay such  
2 refund to the United States.

3 (d) RECONSIDERATION OF OPTIONAL ANNUITY.—  
4 Section 1448(d)(2) of title 10, United States Code, is  
5 amended by adding at the end the following new sen-  
6 tences: “The surviving spouse, however, may elect to ter-  
7minate an annuity under this subparagraph in accordance  
8 with regulations prescribed by the Secretary concerned.  
9 Upon such an election, payment of an annuity to depend-  
10 ent children under this subparagraph shall terminate ef-  
11 fective on the first day of the first month that begins after  
12 the date on which the Secretary concerned receives notice  
13 of the election, and, beginning on that day, an annuity  
14 shall be paid to the surviving spouse under paragraph (1)  
15 instead.”.

16 (e) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the later of—

18 (1) the first day of the first month that begins  
19 after the date of the enactment of this Act; or

20 (2) the first day of the fiscal year that begins  
21 in the calendar year in which this Act is enacted.

1 **SEC. 644. EFFECTIVE DATE FOR PAID-UP COVERAGE**  
2 **UNDER SURVIVOR BENEFIT PLAN.**

3 Section 1452(j) of title 10, United States Code, is  
4 amended by striking “October 1, 2008” and inserting  
5 “October 1, 2005”.

6 **SEC. 645. INCLUSION OF VETERANS WITH SERVICE-CON-**  
7 **NECTED DISABILITIES RATED AS TOTAL BY**  
8 **REASON OF UNEMPLOYABILITY UNDER TER-**  
9 **MINATION OF PHASE-IN OF CONCURRENT RE-**  
10 **CEIPT OF RETIRED PAY AND VETERANS’ DIS-**  
11 **ABILITY COMPENSATION.**

12 (a) **INCLUSION OF VETERANS.**—Section 1414(a)(1)  
13 of title 10, United States Code, is amended by inserting  
14 “or a qualified retiree receiving veterans’ disability com-  
15 pensation for a disability rated as total (within the mean-  
16 ing of subsection (e)(3)(B))” after “rated as 100 percent”.

17 (b) **EFFECTIVE DATE.**—The amendment made by  
18 subsection (a) shall take effect on December 31, 2004.

19 (c) **ADDITIONAL DEATH GRATUITY.**—In the case of  
20 an active duty member of the armed forces who died be-  
21 tween October 7, 2001, and May 11, 2005, and was not  
22 eligible for an additional death gratuity under section  
23 1478(e)(3)(A) of title 10, United States Code (as added  
24 by section 1013(b) of Public Law 109–13), the eligible  
25 survivors of such decedent shall receive, in addition to the  
26 death gratuity available to such survivors under section

1 1478(a) of such title, an additional death gratuity of  
 2 \$150,000 under the same conditions as provided under  
 3 section 1478(e)(4) of such title.

## 4 **Subtitle E—Other Matters**

### 5 **SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE** 6 **ARMED FORCES TO OBTAIN PROFESSIONAL** 7 **CREDENTIALS.**

8 (a) PAYMENT AUTHORIZED.—Chapter 101 of title  
 9 10, United States Code, is amended by inserting after sec-  
 10 tion 2007 the following new section:

#### 11 **“§ 2007a. Payment of expenses of members of the** 12 **armed forces to obtain professional cre-** 13 **dentials**

14 “(a) PAYMENT AUTHORIZED.—Except as provided in  
 15 subsection (b), the Secretary of Defense may pay for—

16 “(1) expenses of members of the armed forces  
 17 to obtain professional credentials, including expenses  
 18 of professional accreditation, State-imposed and pro-  
 19 fessional licenses, and professional certification; and

20 “(2) examinations to obtain such credentials.

21 “(b) EXCEPTION.—The authority in subsection (a)  
 22 may not be exercised on behalf of any member of the  
 23 armed forces for expenses to obtain the basic qualifica-  
 24 tions for membership in a profession or officer community.

1       “(c) FUNDS AVAILABLE.—Funds appropriated or  
2 otherwise made available to the Secretary of Defense may  
3 be used to pay expenses under subsection (a).”.

4       (b) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of such chapter is amended by adding  
6 at the end the following new item:

“2007a. Payment of expenses of members of the armed forces to obtain profes-  
sional credentials.”.

7 **SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT**  
8 **SAVINGS PLAN FOR INITIAL ENLISTEES IN**  
9 **THE ARMED FORCES.**

10       (a) PILOT PROGRAM REQUIRED.—During fiscal year  
11 2006, the Secretary of the Army shall carry out within  
12 the Army a pilot program in order to assess the extent  
13 to which contributions by the military departments to the  
14 Thrift Savings Fund on behalf of members of the Armed  
15 Forces described in subsection (b) would—

16           (1) assist the Armed Forces in recruiting ef-  
17       forts; and

18           (2) assist such members in establishing habits  
19       of financial responsibility during their initial enlist-  
20       ments in the Armed Forces.

21       (b) COVERED MEMBERS.—A member of the Armed  
22 Forces described in this subsection is a member of the  
23 Armed Forces who is serving in the Armed Forces under

1 an initial enlistment for a period of not less than two  
2 years.

3 (c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

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

9 (2) LIMITATIONS.—The amount of any con-  
10 tributions made with respect to a member under  
11 paragraph (1) shall be subject to the provisions of  
12 section 8432(c) of title 5, United States Code.

13 (d) REPORT.—

14 (1) IN GENERAL.—Not later than February 1,  
15 2007, the Secretary of Defense shall submit to the  
16 congressional defense committees a report on the  
17 pilot program under subsection (a).

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

20 (A) A description of the pilot program, in-  
21 cluding the number of members of the Army  
22 who participated in the pilot program and the  
23 contributions made by the Army to the Thrift  
24 Savings Fund on behalf of such members dur-  
25 ing the period of the pilot program.

1 (B) An assessment, based on the pilot pro-  
2 gram and taking into account the views of offi-  
3 cers and senior enlisted personnel of the Army,  
4 and of field recruiters, of the extent to which  
5 contributions by the military departments to  
6 the Thrift Savings Fund on behalf of members  
7 of the Armed Forces similar to the participants  
8 in the pilot program—

9 (i) would enhance the recruiting ef-  
10 forts of the Armed Forces; and

11 (ii) would assist such members in es-  
12 tablishing habits of financial responsibility  
13 during their initial enlistments in the  
14 Armed Forces.

15 **SEC. 653. EXTENSION OF EFFECTIVE DATE.**

16 Section 6 of the Higher Education Relief Opportuni-  
17 ties for Students Act of 2003 (20 U.S.C. 1070 note) is  
18 amended by striking “September 30, 2005” and inserting  
19 “September 30 2007”.

20 **SEC. 654. OUTREACH TO MEMBERS OF THE ARMED FORCES**  
21 **AND THEIR DEPENDENTS ON THE**  
22 **SERVICEMEMBERS CIVIL RELIEF ACT.**

23 (a) OUTREACH TO MEMBERS OF THE ARMED  
24 FORCES.—

1           (1) IN GENERAL.—The Secretary concerned  
2 shall provide to each member of the Armed Forces  
3 under the jurisdiction of the Secretary pertinent in-  
4 formation on the rights and protections available to  
5 servicemembers and their dependents under the  
6 Servicemembers Civil Relief Act (50 U.S.C. App.  
7 501 et seq.).

8           (2) TIME OF PROVISION.—Information shall be  
9 provided to a member of the Armed Forces under  
10 paragraph (1) at times as follows:

11                   (A) During initial orientation training.

12                   (B) In the case of a member of a reserve  
13 component of the Armed Forces, during initial  
14 orientation training and when the member is  
15 mobilized or otherwise individually called or or-  
16 dered to active duty for a period of more than  
17 one year.

18                   (C) At such other times as the Secretary  
19 concerned considers appropriate.

20           (b) OUTREACH TO DEPENDENTS.—The Secretary  
21 concerned may provide to the adult dependents of mem-  
22 bers of the Armed Forces under the jurisdiction of the  
23 Secretary pertinent information on the rights and protec-  
24 tions available to servicemembers and their dependents  
25 under the Servicemembers Civil Relief Act.

1 (c) DEFINITIONS.—In this section, the terms “de-  
2 pendent” and “Secretary concerned” have the meanings  
3 given such terms in section 101 of the Servicemembers  
4 Civil Relief Act (50 U.S.C. App. 511).

5 **Subtitle F—Enhancement of Au-**  
6 **thorities for Recruitment and**  
7 **Retention**

8 **SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT**  
9 **INCENTIVE PAY.**

10 (a) INCREASE IN MAXIMUM RATE.—Section 307a(c)  
11 of title 37, United States Code, is amended by striking  
12 “\$1,500” and inserting “\$3,000”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect on the date of the enact-  
15 ment of this Act, and shall apply with respect to months  
16 beginning on or after that date.

17 **SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE**  
18 **FOR HOUSING IN AREAS SUBJECT TO DEC-**  
19 **LARATION OF A MAJOR DISASTER.**

20 (a) TEMPORARY INCREASE AUTHORIZED.—Section  
21 403(b) of title 37, United States Code, is amended—

22 (1) by redesignating paragraphs (6) and (7) as  
23 paragraphs (7) and (8), respectively; and

24 (2) by inserting after paragraph (4) the fol-  
25 lowing new paragraph (5):

1       “(5)(A) The Secretary of Defense may prescribe a  
2 temporary increase in rates of basic allowance for housing  
3 in a military housing area located in an area for which  
4 a major disaster has been declared in accordance with sec-  
5 tion 401 of the Robert T. Stafford Disaster Relief and  
6 Emergency Assistance Act (42 U.S.C. 5170).

7       “(B) The amount of the increase under this para-  
8 graph in rates of basic allowance for housing in an area  
9 by reason of a disaster shall be based on a determination  
10 by the Secretary of the amount by which the costs of ade-  
11 quate housing for civilians have increased in the area by  
12 reason of the disaster.

13       “(C) The amount of any increase under this para-  
14 graph in a rate of basic allowance for housing may not  
15 exceed the amount equal to 20 percent of such rate of  
16 basic allowance for housing.

17       “(D) A member may be paid a basic allowance for  
18 housing at a rate increased under this paragraph by rea-  
19 son of a disaster only if the member certifies to the Sec-  
20 retary concerned that the member has incurred increased  
21 housing costs in the area concerned by reason of the dis-  
22 aster.

23       “(E) An increase in rates of basic allowance for hous-  
24 ing in an area under this paragraph shall remain in effect  
25 until the effective date of the first adjustment in rates of

1 basic allowance for housing made for the area pursuant  
2 to a redetermination of housing costs in the area under  
3 paragraph (4) that occurs after the date of the increase  
4 under this paragraph.”.

5 (b) EFFECTIVE DATE.—The amendments made by  
6 subsection (a) shall take effect on September 1, 2005, and  
7 shall apply with respect to months beginning on or after  
8 that date.

9 **SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR**  
10 **RECRUITMENT OF MILITARY PERSONNEL.**

11 (a) AUTHORITY TO PROVIDE INCENTIVES.—The  
12 Secretary of Defense may, in consultation with the Direc-  
13 tor of the Office of Management and Budget, develop and  
14 provide incentives (in addition to any other incentives au-  
15 thorized by law) for the recruitment of individuals as offi-  
16 cers and enlisted members of the Armed Forces.

17 (b) CONSTRUCTION WITH OTHER PERSONNEL AU-  
18 THORITIES.—

19 (1) IN GENERAL.—Incentives may be provided  
20 under subsection (a)—

21 (A) without regard to the lack of specific  
22 authority for such incentives under title 10,  
23 United States Code, or title 37, United States  
24 Code; and

1 (B) notwithstanding any provision of title  
2 10, United States Code, or title 37, United  
3 States Code, or any rule or regulation pre-  
4 scribed under such provision, relating to meth-  
5 ods of—

6 (i) determining requirements for, and  
7 the compensation of, members of the  
8 Armed Forces who are assigned duty as  
9 military recruiters; or

10 (ii) providing incentives to individuals  
11 to accept commissions or enlist in the  
12 Armed Forces, including the provision of  
13 group or individual bonuses, pay, or other  
14 incentives.

15 (2) WAIVER OF OTHERWISE APPLICABLE  
16 LAWS.—No provision of title 10, United States  
17 Code, or title 37, United States Code, may be  
18 waived with respect to, or otherwise determined to  
19 be inapplicable to, the provision of incentives under  
20 subsection (a) except with the approval of the Sec-  
21 retary.

22 (c) PLANS.—

23 (1) DEVELOPMENT OF PLANS.—Before pro-  
24 viding an incentive under subsection (a), or entering  
25 into any agreement or contract with respect to the

1 provision of such incentive, the Secretary shall de-  
2 velop a plan that includes—

3 (A) a description of such incentive, includ-  
4 ing the purpose of such project and the mem-  
5 bers (or potential recruits) of the Armed Forces  
6 to be addressed by such incentive;

7 (B) a statement of the anticipated out-  
8 comes of such incentive; and

9 (C) the method of evaluating the effective-  
10 ness of such incentive.

11 (2) SUBMITTAL OF PLANS.—Not later than 30  
12 days before the provision of an incentive under sub-  
13 section (a), the Secretary shall submit a copy of the  
14 plan developed under paragraph (1) on such  
15 incentive—

16 (A) to the elements of the Department of  
17 Defense to be affected by the provision of such  
18 incentive; and

19 (B) to Congress.

20 (d) LIMITATIONS.—

21 (1) NUMBER OF INDIVIDUALS.—The number of  
22 individuals provided incentives under subsection (a)  
23 may not exceed the number of individuals equal to  
24 20 percent of the accession mission of the Armed

1 Force concerned for the fiscal year in which such in-  
2 centives are first provided.

3 (2) DURATION OF PROVISION.—The provision  
4 of incentives under subsection (a) shall terminate  
5 not later than the end of the three-year period be-  
6 ginning on the date on which the provision of such  
7 incentives commences (except that such incentives  
8 may continue to be provided beyond the date other-  
9 wise provided in this paragraph to the extent nec-  
10 essary to evaluate the effectiveness of such incen-  
11 tives).

12 (e) REPORTS.—

13 (1) IN GENERAL.—The Secretary shall submit  
14 to Congress on an annual basis a report on the in-  
15 centives provided under subsection (a) during the  
16 preceding year.

17 (2) ELEMENTS.—Each report under this sub-  
18 section shall include—

19 (A) a description of the incentives provided  
20 under subsection (a) during the fiscal year cov-  
21 ered by such report; and

22 (B) an assessment of the impact of such  
23 incentives on the recruitment of individuals as  
24 officers or enlisted members of the Armed  
25 Forces.

1 **SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY**  
2 **SEPARATION OF TARGETED MEMBERS OF**  
3 **THE ARMED FORCES.**

4 (a) PAY AND BENEFITS AUTHORIZED.—

5 (1) IN GENERAL.—Chapter 59 of title 10,  
6 United States Code, is amended by inserting after  
7 section 1175 the following new section:

8 **“§ 1175a. Voluntary separation pay and benefits**

9 “(a) IN GENERAL.—Under regulations approved by  
10 the Secretary of Defense, the Secretary concerned may  
11 provide voluntary separation pay and benefits in accord-  
12 ance with this section to eligible members of the armed  
13 forces who are voluntarily separated from active duty in  
14 the armed forces.

15 “(b) ELIGIBLE MEMBERS.—(1) Except as provided  
16 in paragraph (2), a member of the armed forces is eligible  
17 for voluntary separation pay and benefits under this sec-  
18 tion if the member—

19 “(A) has served on active duty for more than  
20 6 years but not more than 20 years;

21 “(B) has served at least 5 years of continuous  
22 active duty immediately preceding the date of the  
23 member’s separation from active duty;

24 “(C) has not been approved for payment of a  
25 voluntary separation incentive under section 1175 of  
26 this title;

1           “(D) meets such other requirements as the Sec-  
2           retary concerned may prescribe, which may include  
3           requirements relating to—

4                   “(i) years of service, skill, rating, military  
5                   specialty, or competitive category;

6                   “(ii) grade or rank;

7                   “(iii) remaining period of obligated service;

8                   or

9                   “(iv) any combination of these factors; and

10                  “(E) requests separation from active duty.

11           “(2) The following members are not eligible for vol-  
12           untary separation pay and benefits under this section:

13                   “(A) Members discharged with disability sever-  
14                   ance pay under section 1212 of this title.

15                   “(B) Members transferred to the temporary  
16                   disability retired list under section 1202 or 1205 of  
17                   this title.

18                   “(C) Members being evaluated for disability re-  
19                   tirement under chapter 61 of this title.

20                   “(D) Members who have been previously dis-  
21                   charged with voluntary separation pay.

22                   “(E) Members who are subject to pending dis-  
23                   ciplinary action or who are subject to administrative  
24                   separation or mandatory discharge under any other  
25                   provision of law or regulations.

1       “(3) The Secretary concerned shall determine each  
2 year the number of members to be separated, and provided  
3 separation pay and benefits, under this section during the  
4 fiscal year beginning in such year.

5       “(c) SEPARATION.—Each eligible member of the  
6 armed forces whose request for separation from active  
7 duty under subsection (b)(1)(E) is approved shall be sepa-  
8 rated from active duty.

9       “(d) ADDITIONAL SERVICE IN READY RESERVE.—Of  
10 the number of members of the armed forces to be sepa-  
11 rated from active duty in a fiscal year, as determined  
12 under subsection (b)(3), the Secretary concerned shall de-  
13 termine a number of such members, in such skill and  
14 grade combinations as the Secretary concerned shall des-  
15 ignate, who shall serve in the Ready Reserve, after separa-  
16 tion from active duty, for a period of not less than three  
17 years, as a condition of the receipt of voluntary separation  
18 pay and benefits under this section.

19       “(e) SEPARATION PAY AND BENEFITS.—(1) A mem-  
20 ber of the armed forces who is separated from active duty  
21 under subsection (c) shall be paid voluntary separation  
22 pay in accordance with subsection (g) in an amount deter-  
23 mined by the Secretary concerned pursuant to subsection  
24 (f).

1       “(2) A member who is not entitled to retired or re-  
2 tainer pay upon separation shall be entitled to the benefits  
3 and services provided under—

4           “(A) chapter 58 of this title during the 180-day  
5 period beginning on the date the member is sepa-  
6 rated (notwithstanding any termination date for  
7 such benefits and services otherwise applicable under  
8 the provisions of such chapter); and

9           “(B) sections 404 and 406 of title 37.

10       “(f) COMPUTATION OF VOLUNTARY SEPARATION  
11 PAY.—The Secretary concerned shall specify the amount  
12 of voluntary separation pay that an individual or defined  
13 group of members of the armed forces may be paid under  
14 subsection (e)(1). No member may receive as voluntary  
15 separation pay an amount greater than three times the  
16 full amount of separation pay for a member of the same  
17 pay grade and years of service who is involuntarily sepa-  
18 rated under section 1174 of this title.

19       “(g) PAYMENT OF VOLUNTARY SEPARATION PAY.—  
20 (1) Voluntary separation pay under this section may be  
21 paid in a single lump sum.

22       “(2) In the case of a member of the armed forces  
23 who, at the time of separation under subsection (e), has  
24 completed at least 15 years, but less than 20 years, of

1 active service, voluntary separation pay may be paid, at  
2 the election of the Secretary concerned, in—

3 “(A) a single lump sum;

4 “(B) installments over a period not to exceed  
5 10 years; or

6 “(C) a combination of lump sum and such in-  
7 stallments.

8 “(h) COORDINATION WITH RETIRED OR RETAINER  
9 PAY AND DISABILITY COMPENSATION.—(1) A member  
10 who is paid voluntary separation pay under this section  
11 and who later qualifies for retired or retainer pay under  
12 this title or title 14 shall have deducted from each pay-  
13 ment of such retired or retainer pay an amount, in such  
14 schedule of monthly installments as the Secretary con-  
15 cerned shall specify, until the total amount deducted from  
16 such retired or retainer pay is equal to the total amount  
17 of voluntary separation pay so paid.

18 “(2)(A) Except as provided in subparagraphs (B)  
19 and (C), a member who is paid voluntary separation pay  
20 under this section shall not be deprived, by reason of the  
21 member’s receipt of such pay, of any disability compensa-  
22 tion to which the member is entitled under the laws ad-  
23 ministered by the Secretary of Veterans Affairs, but there  
24 shall be deducted from such disability compensation an  
25 amount, in such schedule of monthly installments as the

1 Secretary concerned shall specify, until the total amount  
2 deducted from such disability compensation is equal to the  
3 total amount of voluntary separation pay so paid.

4 “(B) No deduction shall be made from the disability  
5 compensation paid to an eligible disabled uniformed serv-  
6 ices retiree under section 1413, or to an eligible combat-  
7 related disabled uniformed services retiree under section  
8 1413a of this title, who is paid voluntary separation pay  
9 under this section.

10 “(C) No deduction may be made from the disability  
11 compensation paid to a member for the amount of vol-  
12 untary separation pay received by the member because of  
13 an earlier discharge or release from a period of active duty  
14 if the disability which is the basis for that disability com-  
15 pensation was incurred or aggravated during a later pe-  
16 riod of active duty.

17 “(3) The requirement under this subsection to repay  
18 voluntary separation pay following retirement from the  
19 armed forces does not apply to a member who was eligible  
20 to retire at the time the member applied and was accepted  
21 for voluntary separation pay and benefits under this sec-  
22 tion.

23 “(4) The Secretary concerned may waive the require-  
24 ment to repay voluntary separation pay under paragraphs  
25 (1) and (2) if the Secretary determines that recovery

1 would be against equity and good conscience or would be  
2 contrary to the best interests of the United States.

3 “(i) RETIREMENT DEFINED.—In this section, the  
4 term ‘retirement’ includes a transfer to the Fleet Reserve  
5 or Fleet Marine Corps Reserve.

6 “(j) REPAYMENT FOR MEMBERS WHO RETURN TO  
7 ACTIVE DUTY.—(1) Except as provided in paragraphs (2)  
8 and (3), a member of the armed forces who, after having  
9 received all or part of voluntary separation pay under this  
10 section, returns to active duty shall have deducted from  
11 each payment of basic pay, in such schedule of monthly  
12 installments as the Secretary concerned shall specify, until  
13 the total amount deducted from such basic pay equals the  
14 total amount of voluntary separation pay received.

15 “(2) Members who are involuntarily recalled to active  
16 duty or full-time National Guard duty in accordance with  
17 section 12301(a), 12301(b), 12301(g), 12302, 12303, or  
18 12304 of this title or section 502(f)(1) of title 32 shall  
19 not be subject to this subsection.

20 “(3) Members who are recalled or perform active duty  
21 or full-time National Guard duty in accordance with sec-  
22 tion 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as  
23 the period served is less than 180 consecutive days with  
24 the consent of the member), 12319, or 12503 of title 10,  
25 or section 114, 115, or 502(f)(2) of title 32 (insofar as

1 the period served is less than 180 consecutive days with  
2 consent of the member), shall not be subject to this sub-  
3 section.

4 “(4) The Secretary of Defense may waive, in whole  
5 or in part, repayment required under paragraph (1) if the  
6 Secretary determines that recovery would be against eq-  
7 uity and good conscience or would be contrary to the best  
8 interests of the United States. The authority in this para-  
9 graph may be delegated only to the Undersecretary of De-  
10 fense for Personnel and Readiness and the Principal Dep-  
11 uty Undersecretary of Defense for Personnel and Read-  
12 ness.

13 “(k) TERMINATION OF AUTHORITY.—(1) The au-  
14 thority to separate a member of the armed forces from  
15 active duty under subsection (c) shall terminate on De-  
16 cember 31, 2008.

17 “(2) A member who separates by the date specified  
18 in paragraph (1) may continue to be provided voluntary  
19 separation pay and benefits under this section until the  
20 member has received the entire amount of pay and bene-  
21 fits to which the member is entitled under this section.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions at the beginning of chapter 59 of such title is  
24 amended by inserting after the item relating to sec-  
25 tion 1175 the following new item:

“1175a. Voluntary separation pay and benefits.”.

1 (b) LIMITATION ON APPLICABILITY.—During the pe-  
2 riod beginning on the date of the enactment of this Act  
3 and ending on December 31, 2008, the members of the  
4 Armed Forces who are eligible for separation, and for the  
5 provision of voluntary separation pay and benefits, under  
6 section 1175a of title 10, United States Code (as added  
7 by subsection (a)), shall be limited to officers of the Armed  
8 Forces who meet the eligibility requirements of section  
9 1175a(b) of title 10, United States Code (as so added),  
10 but have not completed more than 12 years of active serv-  
11 ice as of the date of separation from active duty.

12 (c) OFFICER SELECTIVE EARLY RETIREMENT.—Sec-  
13 tion 638a(a) of title 10, United States Code, is amended  
14 by adding at the end the following new sentence: “During  
15 the period beginning on October 1, 2005, and ending on  
16 December 31, 2011, the Secretary of Defense may also  
17 authorize the Secretary of the Navy and the Secretary of  
18 the Air Force to take any of the actions set forth in such  
19 subsection with respect to officers of the armed forces  
20 under the jurisdiction of such Secretary.”.

21 **SEC. 675. EDUCATION LOAN REPAYMENT PROGRAM FOR**  
22 **CHAPLAINS IN THE SELECTED RESERVE.**

23 (a) IN GENERAL.—Chapter 1609 of title 10, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new section:

1 **“§ 16303. Education loan repayment program: chap-**  
2 **lains serving in the Selected Reserve**

3 “(a) AUTHORITY TO REPAY EDUCATION LOANS.—  
4 Under regulations prescribed by the Secretary of Defense  
5 and subject to the provisions of this section, the Secretary  
6 concerned may, for purposes of maintaining adequate  
7 numbers of chaplains in the Selected Reserve, repay a loan  
8 that—

9 “(1) was used by a person described in sub-  
10 section (b) to finance education resulting in a Mas-  
11 ters of Divinity degree; and

12 “(2) was obtained from an accredited theo-  
13 logical seminary as listed in the Association of Theo-  
14 logical Schools (ATS) handbook.

15 “(b) ELIGIBLE PERSONS.—(1) Except as provided in  
16 paragraph (2), a person described in this subsection is a  
17 person who—

18 “(A) satisfies the requirements specified in sub-  
19 section (c);

20 “(B) holds, or is fully qualified for, an appoint-  
21 ment as a chaplain in a reserve component of an  
22 armed force; and

23 “(C) signs a written agreement to serve not less  
24 than three years in the Selected Reserve.

1       “(2) A person accessioned into the Chaplain Can-  
2 didate Program is not eligible for the repayment of loans  
3 under subsection (a).

4       “(c) ACADEMIC AND PROFESSIONAL REQUIRE-  
5 MENTS.—The requirements specified in this subsection  
6 are such requirements for accessioning and commissioning  
7 of chaplains as are prescribed by the Secretary concerned  
8 in regulations.

9       “(d) LOAN REPAYMENT.—(1) Subject to paragraph  
10 (2), the repayment of a loan under this section may con-  
11 sist of payment of the principal, interest, and related ex-  
12 penses of such loan.

13       “(2) The amount of any repayment of a loan made  
14 under this section on behalf of a person may not exceed  
15 \$20,000 for each three year period of obligated service  
16 that the person agrees to serve in an agreement described  
17 in subsection (b)(3). Of such amount, not more than an  
18 amount equal to 50 percent of such amount may be paid  
19 before the completion by the person of the first year of  
20 obligated service pursuant to such agreement. The balance  
21 of such amount shall be payable at such time or times  
22 as are prescribed by the Secretary concerned in regula-  
23 tions.

24       “(e) EFFECT OF FAILURE TO COMPLETE OBLIGA-  
25 TION.—A person on behalf of whom repayment of a loan

1 is made under this section who fails, during the period  
 2 of obligated service the person agrees to serve in an agree-  
 3 ment described in subsection (b)(3), to serve satisfactorily  
 4 in the Selected Reserve may, at the election of the Sec-  
 5 retary concerned, be required to pay the United States an  
 6 amount equal to any amount of repayments made on be-  
 7 half of the person in connection with the agreement.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of chapter 1609 of such title is amended  
 10 by adding at the end the following new item:

“16303. Education loan repayment program: chaplains serving in the Selected  
 Reserve.”.

11 **SEC. 676. SERVICEMEMBERS RIGHTS UNDER THE HOUSING**  
 12 **AND URBAN DEVELOPMENT ACT OF 1968.**

13 (a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the  
 14 Housing and Urban Development Act of 1968 (12 U.S.C.  
 15 1701x(c)(5)(A)(ii)) is amended—

16 (1) in subclause (II), by striking “; and” and  
 17 inserting a semicolon;

18 (2) in subclause (III), by striking the period  
 19 and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(IV) notify the homeowner by a  
 22 statement or notice, written in plain  
 23 English by the Secretary of Housing  
 24 and Urban Development, in consulta-

1                   tion with the Secretary of Defense  
2                   and the Secretary of the Treasury, ex-  
3                   plaining the mortgage and foreclosure  
4                   rights of servicemembers, and the de-  
5                   pendents of such servicemembers,  
6                   under the Servicemembers Civil Relief  
7                   Act (50 U.S.C. App. 501 et seq.), in-  
8                   cluding the toll-free military one  
9                   source number to call if  
10                  servicemembers, or the dependents of  
11                  such servicemembers, require further  
12                  assistance.”.

13           (b) NO EFFECT ON OTHER LAWS.—Nothing in this  
14 section shall relieve any person of any obligation imposed  
15 by any other Federal, State, or local law.

16           (c) DISCLOSURE FORM.—Not later than 150 days  
17 after the date of enactment of this Act, the Secretary of  
18 Housing and Urban Development shall issue a final disclo-  
19 sure form to fulfill the requirement of section  
20 106(c)(5)(A)(ii)(IV) of the Housing and Urban Develop-  
21 ment Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

22           (d) EFFECTIVE DATE.—The amendments made  
23 under subsection (a) shall take effect 150 days after the  
24 date of enactment of this Act.

1 **SEC. 677. EXTENSION OF ELIGIBILITY FOR SSI FOR CER-**  
2 **TAIN INDIVIDUALS IN FAMILIES THAT IN-**  
3 **CLUDE MEMBERS OF THE RESERVE AND NA-**  
4 **TIONAL GUARD.**

5 Section 1631(j)(1)(B) of the Social Security Act (42  
6 U.S.C. 1383(j)(1)(B)) is amended by inserting “(24 con-  
7 secutive months, in the case of such an individual whose  
8 ineligibility for benefits under or pursuant to both such  
9 sections is a result of being called to active duty pursuant  
10 to section 12301(d) or 12302 of title 10, United States  
11 Code, or section 502(f) of title 32, United States Code)”  
12 after “for a period of 12 consecutive months”.

13 **SEC. 678. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS**  
14 **FOR INDIVIDUALS WHO COMMITTED A CAP-**  
15 **ITAL OFFENSE.**

16 (a) PROHIBITION AGAINST INTERMENT IN NATIONAL  
17 CEMETERY.—Section 2411 of title 38, United States  
18 Code, is amended—

19 (1) in subsection (b)—

20 (A) by amending paragraph (1) to read as  
21 follows:

22 “(1) A person whose conviction of a Federal  
23 capital crime is final.”; and

24 (B) by amending paragraph (2) to read as  
25 follows:

1           “(2) A person whose conviction of a State cap-  
2           ital crime is final.”; and

3           (2) in subsection (d)—

4                 (A) in paragraph (1), by striking “the  
5                 death penalty or life imprisonment” and insert-  
6                 ing “a life sentence or the death penalty”; and

7                 (B) in paragraph (2), by striking “the  
8                 death penalty or life imprisonment without pa-  
9                 role may be imposed” and inserting “a life sen-  
10                tence or the death penalty may be imposed”.

11           (b) DENIAL OF CERTAIN BURIAL-RELATED BENE-  
12           FITS.—Section 985 of title 10, United States Code, is  
13           amended—

14                 (1) in subsection (a), by striking “who has been  
15                 convicted of a capital offense under Federal or State  
16                 law for which the person was sentenced to death or  
17                 life imprisonment without parole.” and inserting  
18                 “described in section 2411(b) of title 38.”;

19                 (2) in subsection (b), by striking “convicted of  
20                 a capital offense under Federal law” and inserting  
21                 “described in section 2411(b) of title 38”; and

22                 (3) by amending subsection (c) to read as fol-  
23                 lows:

24                 “(c) DEFINITION.—In this section, the term ‘burial’  
25                 includes inurnment.”.

1 (c) DENIAL OF FUNERAL HONORS.—Section 1491(h)  
2 of title 10, United States Code, is amended—

3 (1) by redesignating paragraphs (1) and (2) as  
4 subparagraphs (A) and (B), respectively;

5 (2) by striking “ means a decedent who—” and  
6 inserting the following: “—

7 “(1) means a decedent who—”;

8 (3) in subparagraph (B), as redesignated, by  
9 striking the period at the end and inserting “; and”;  
10 and

11 (4) by adding at the end the following:

12 “(2) does not include any person described in  
13 section 2411(b) of title 38.”.

14 (d) RULEMAKING.—

15 (1) DEPARTMENT OF DEFENSE.—The Sec-  
16 retary of Defense shall prescribe regulations to en-  
17 sure that a person is not interred in any military  
18 cemetery under the authority of the Secretary or  
19 provided funeral honors under section 1491 of title  
20 10, United States Code, unless a good faith effort  
21 has been made to determine whether such person is  
22 described in section 2411(b) of title 38, United  
23 States Code, or is otherwise ineligible for such inter-  
24 ment or honors under Federal law.

1           (2) DEPARTMENT OF VETERANS AFFAIRS.—

2           The Secretary of Veterans Affairs shall prescribe  
3           regulations to ensure that a person is not interred  
4           in any cemetery in the National Cemetery System  
5           unless a good faith effort has been made to deter-  
6           mine whether such person is described in section  
7           2411(b) of title 38, United States Code, or is other-  
8           wise ineligible for such interment under Federal law.

9           (e) SAVINGS PROVISION.—The amendments made by  
10          subsections (a), (b), and (c) shall not apply to any person  
11          whose sentence for a Federal capital crime or a State cap-  
12          ital crime (as such terms are defined in section 2411(d)  
13          of title 38, United States Code) was commuted by the  
14          President or the Governor of a State.

15       **SEC. 679. VETERANS PREFERENCE ELIGIBILITY FOR MILI-**  
16                               **TARY RESERVISTS.**

17          (a) SHORT TITLE.—This section may be cited as the  
18          “Reservist Access to Veterans Preference Act”.

19          (b) VETERANS PREFERENCE ELIGIBILITY.—Section  
20          2108(1) of title 5, United States Code, is amended by  
21          striking “separated from” and inserting “discharged or  
22          released from active duty in”.

23          (c) SAVINGS PROVISION.—Nothing in the amendment  
24          made by subsection (b) may be construed to affect a deter-  
25          mination made before the date of enactment of this Act

1 that an individual is preference eligible (as defined in sec-  
 2 tion 2108(3) of title 5, United States Code).

3 **TITLE VII—HEALTH CARE**  
 4 **Subtitle A—Benefits Matters**

5 **SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OF-**  
 6 **FICERS FOR HEALTH CARE PENDING ACTIVE**  
 7 **DUTY FOLLOWING ISSUANCE OF ORDERS TO**  
 8 **ACTIVE DUTY.**

9 Section 1074(a)(2)(B)(iii) of title 10, United States  
 10 Code, is amended by inserting before the semicolon the  
 11 following: “, or the orders have been issued but the mem-  
 12 ber has not entered on active duty”.

13 **SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT**  
 14 **REQUIREMENTS FOR NURSING HOME RESI-**  
 15 **DENTS UNDER THE PHARMACY BENEFITS**  
 16 **PROGRAM.**

17 Section 1074g(a)(6) of title 10, United States Code,  
 18 is amended by adding at the end the following new sub-  
 19 paragraph:

20 “(C) In the case of a beneficiary who is a resident  
 21 of a nursing home and who is required, by State law, to  
 22 use nursing home pharmacy services utilizing pre-pack-  
 23 aged pharmaceuticals, any deductible or copayment re-  
 24 quirements for such pharmaceuticals under the cost shar-  
 25 ing requirements may not exceed such deductible or copay-

1 ment requirements as are applicable under the cost shar-  
2 ing requirements to a beneficiary who uses a network pro-  
3 vider pharmacy under the pharmacy benefits program.”.

4 **SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY**  
5 **SPOUSES OF DECEASED MEMBERS FOR EN-**  
6 **ROLLMENT AS DEPENDENTS IN A TRICARE**  
7 **DENTAL PLAN.**

8 Section 1076a(k)(2) of title 10, United States Code,  
9 is amended—

10 (1) by striking “under subsection (f), or” and  
11 inserting “under subsection (f),”; and

12 (2) by inserting after “is not enrolled because  
13 the dependent is a child under the minimum age for  
14 enrollment,” the following: “or is not enrolled be-  
15 cause the dependent is a spouse who did not qualify  
16 for enrollment on the date of the member’s death be-  
17 cause the spouse was also on active duty for a period  
18 of more than 30 days on the date of the member’s  
19 death,”.

1 **SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE**  
2 **PRIME COVERAGE OF CHILDREN OF MEM-**  
3 **BERS OF THE UNIFORMED SERVICES WHO**  
4 **DIE WHILE SERVING ON ACTIVE DUTY FOR A**  
5 **PERIOD OF MORE THAN 30 DAYS.**

6 (a) PERIOD OF ELIGIBILITY.—Section 1079(g) of  
7 title 10, United States Code, is amended—

8 (1) by inserting “(1)” after “(g)”;

9 (2) by striking the second sentence; and

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

12 “(2) In addition to any continuation of eligibility for  
13 benefits under paragraph (1), when a member dies while  
14 on active duty for a period of more than 30 days, the  
15 member’s dependents who are receiving benefits under a  
16 plan covered by subsection (a) shall continue to be eligible  
17 for benefits under TRICARE Prime during the three-year  
18 period beginning on the date of the member’s death, ex-  
19 cept that, in the case of such a dependent of the deceased  
20 who is described by subparagraph (D) or (I) of section  
21 1072(2) of this title, the period of continued eligibility  
22 shall be the longer of the following periods beginning on  
23 such date:

24 “(A) Three years.

25 “(B) The period ending on the date on which  
26 such dependent attains 21 years of age.

1           “(C) In the case of such a dependent who, at  
2           21 years of age, is enrolled in a full-time course of  
3           study in a secondary school or in a full-time course  
4           of study in an institution of higher education ap-  
5           proved by the administering Secretary and was, at  
6           the time of the member’s death, in fact dependent  
7           on the member for over one-half of such dependent’s  
8           support, the period ending on the earlier of the fol-  
9           lowing dates:

10                   “(i) The date on which such dependent  
11                   ceases to pursue such a course of study, as de-  
12                   termined by the administering Secretary.

13                   “(ii) The date on which such dependent at-  
14                   tains 23 years of age.

15           “(3) For the purposes of paragraph (2)(C), a depend-  
16           ent shall be treated as being enrolled in a full-time course  
17           of study in an institution of higher education during any  
18           reasonable period of transition between the dependent’s  
19           completion of a full-time course of study in a secondary  
20           school and the commencement of an enrollment in a full-  
21           time course of study in an institution of higher education,  
22           as determined by the administering Secretary.

23           “(4) The terms and conditions under which health  
24           benefits are provided under this chapter to a dependent  
25           of a deceased member under paragraph (2) shall be the

1 same as those that would apply to the dependent under  
2 this chapter if the member were living and serving on ac-  
3 tive duty for a period of more than 30 days.

4 “(5) In this subsection, the term ‘TRICARE Prime’  
5 means the managed care option of the TRICARE pro-  
6 gram.”.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall take effect on October 7, 2001, and  
9 shall apply with respect to deaths occurring on or after  
10 that date.

11 **SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SE-**  
12 **LECTED RESERVE UNDER THE TRICARE PRO-**  
13 **GRAM.**

14 (a) GENERAL ELIGIBILITY.—Subsection (a) of sec-  
15 tion 1076d of title 10, United States Code, is amended—

16 (1) by striking “(a) ELIGIBILITY.—A member”  
17 and inserting “(a) ELIGIBILITY.—(1) Except as pro-  
18 vided in paragraph (2), a member”;

19 (2) by striking “after the member completes”  
20 and all that follows through “one or more whole  
21 years following such date”; and

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

1       “(2) Paragraph (1) does not apply to a member who  
2 is enrolled, or is eligible to enroll, in a health benefits plan  
3 under chapter 89 of title 5.”.

4       (b) **CONDITION FOR TERMINATION OF ELIGI-**  
5 **BILITY.**—Subsection (b) of such section is amended by  
6 striking “(b) **PERIOD OF COVERAGE.—(1) TRICARE**  
7 **Standard**” and all that follows through “(3) **Eligibility**”  
8 and inserting “(b) **TERMINATION OF ELIGIBILITY UPON**  
9 **TERMINATION OF SERVICE.—Eligibility**”.

10       (c) **CONFORMING AMENDMENTS.**—

11           (1) Such section is further amended—

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

13               (B) by redesignating subsection (g) as sub-  
14 section (e) and transferring such subsection  
15 within such section so as to appear following  
16 subsection (d).

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

19       “**§ 1076d. TRICARE program: TRICARE Standard cov-**  
20               **erage for members of the Selected Re-**  
21               **serve**”.

22       (d) **REPEAL OF OBSOLETE PROVISION.**—Section  
23 1076b of title 10, United States Code, is repealed.

1 (e) CLERICAL AMENDMENTS.—The table of sections  
 2 at the beginning of chapter 55 of title 10, United States  
 3 Code, is amended—

4 (1) by striking the item relating to section  
 5 1076b; and

6 (2) by striking the item relating to section  
 7 1076d and inserting the following:

“1076d. TRICARE program: TRICARE Standard coverage for members of the  
 Selected Reserve.”.

8 (f) SAVINGS PROVISION.—Enrollments in TRICARE  
 9 Standard that are in effect on the day before the date of  
 10 the enactment of this Act under section 1076d of title 10,  
 11 United States Code, as in effect on such day, shall be con-  
 12 tinued until terminated after such day under such section  
 13 1076d as amended by this section.

14 **Subtitle B—Planning,**  
 15 **Programming, and Management**

16 **SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE**  
 17 **REGIONAL OFFICES.**

18 (a) COORDINATOR IN EACH REGIONAL OFFICE.—

19 (1) IN GENERAL.—In each TRICARE Regional  
 20 Office there shall be a position the responsibilities of  
 21 which shall be the monitoring, oversight, and im-  
 22 provement of the TRICARE Standard option in the  
 23 TRICARE region concerned.

1           (2) DESIGNATION.—The position under para-  
2           graph (1) in a TRICARE Regional Office shall be  
3           filled by an individual in such Regional Office des-  
4           ignated for that purpose.

5           (b) DUTIES OF POSITION.—

6           (1) IN GENERAL.—The specific duties of the  
7           positions required under subsection (a) shall be as  
8           set forth in regulations prescribed by the Secretary  
9           of Defense, in consultation with the other admin-  
10          istering Secretaries.

11          (2) ELEMENTS.—The duties shall include—

12           (A) identifying health care providers who  
13           will participate in the TRICARE program and  
14           provide the TRICARE Standard option under  
15           that program;

16           (B) communicating with beneficiaries who  
17           receive the TRICARE Standard option;

18           (C) outreach to community health care  
19           providers to encourage their participation in the  
20           TRICARE program; and

21           (D) publication of information that identi-  
22           fies health care providers in the TRICARE re-  
23           gion concerned who provide the TRICARE  
24           Standard option.

1 (c) REPORT.—Not later than 90 days after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 to the congressional defense committees a report setting  
4 forth the plans to implement the requirements of the sec-  
5 tion.

6 (d) DEFINITIONS.—In this section:

7 (1) The terms “administering Secretaries” and  
8 “TRICARE program” have the meaning given such  
9 terms in section 1072 of title 10, United States  
10 Code.

11 (2) The term “TRICARE Standard” means the  
12 Civilian Health and Medical Program of the Uni-  
13 formed Services option under the TRICARE pro-  
14 gram.

15 **SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENE-**  
16 **FITS THROUGH MILITARY HEALTH CARE SYS-**  
17 **TEM.**

18 (a) REPORT REQUIRED.—Not later than February 1,  
19 2007, the Secretary of Defense shall submit to the con-  
20 gressional defense committees a report on the delivery of  
21 health care benefits through the military health care sys-  
22 tem.

23 (b) ELEMENTS.—The report under subsection (a)  
24 shall include the following:

1           (1) An analysis of the organization and costs of  
2           delivering health care benefits to current and retired  
3           members of the Armed Forces and their families.

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

7           (3) An assessment of the role of health benefits  
8           in the recruitment and retention of members of the  
9           Armed Forces, whether in the regular components or  
10          the reserve components of the Armed Forces.

11          (4) An assessment of the experience of the mili-  
12          tary departments during fiscal years 2003, 2004,  
13          and 2005 in recruitment and retention of military  
14          and civilian medical and dental personnel, whether  
15          in the regular components or the reserve components  
16          of the Armed Forces, in light of military and civilian  
17          medical manpower requirements.

18          (5) A description of requirements for graduate  
19          medical education for military medical care providers  
20          and options for meeting such requirements, includ-  
21          ing civilian medical training programs.

22          (c) RECOMMENDATIONS.—In addition to the matters  
23          specified in subsection (b), the report under subsection (a)  
24          shall also include such recommendations for legislative or  
25          administrative action as the Secretary considers necessary

1 to improve efficiency and quality in the provision of health  
2 care benefits through the military health care system, in-  
3 cluding recommendations on—

4 (1) the organization and delivery of health care  
5 benefits;

6 (2) mechanisms required to measure costs more  
7 accurately;

8 (3) mechanisms required to measure quality of  
9 care, and access to care, more accurately;

10 (4) Department of Defense participation in the  
11 Medicare Advantage Program, formerly Medicare  
12 plus Choice;

13 (5) the use of flexible spending accounts and  
14 health savings accounts for military retirees under  
15 the age of 65;

16 (6) incentives for eligible beneficiaries of the  
17 military health care system to retain private em-  
18 ployer-provided health care insurance;

19 (7) means of improving integrated systems of  
20 disease management, including chronic illness man-  
21 agement;

22 (8) means of improving the safety and effi-  
23 ciency of pharmacy benefits management;

1           (9) the management of enrollment options for  
2 categories of eligible beneficiaries in the military  
3 health care system;

4           (10) reform of the provider payment system, in-  
5 cluding the potential for use of a pay-for-perform-  
6 ance system in order to reward quality and efficiency  
7 in the TRICARE System;

8           (11) means of improving efficiency in the ad-  
9 ministration of the TRICARE program, to include  
10 the reduction of headquarters and redundant man-  
11 agement layers, and maximizing efficiency in the  
12 claims processing system;

13           (12) other improvements in the efficiency of the  
14 military health care system; and

15           (13) any other matters the Secretary considers  
16 appropriate to improve the efficiency and quality of  
17 military health care benefits.

18 **SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFEREN-**  
19 **TIAL PAYMENTS TO CHILDREN'S HOSPITALS**  
20 **FOR HEALTH CARE FOR CHILDREN DEPEND-**  
21 **ENTS UNDER TRICARE.**

22           (a) STUDY.—The Comptroller General of the United  
23 States shall conduct a study of the effectiveness of the  
24 current system of differential payments to children's hos-  
25 pitals for health care services for severely ill dependent

1 children of members of the uniformed services under the  
2 TRICARE program in achieving the objective of securing  
3 adequate health care services for such dependent children  
4 under that program.

5 (b) ELEMENTS OF STUDY.—The study required by  
6 subsection (a) shall include the following:

7 (1) A description of the current participation of  
8 children’s hospitals in the TRICARE program.

9 (2) An assessment of the current system of dif-  
10 ferential payments to children’s hospitals for health  
11 care services described in that subsection, including  
12 an assessment of—

13 (A) the extent to which the calculation of  
14 such differential payments takes into account  
15 the complexity and extraordinary resources re-  
16 quired for the provision of such health care  
17 services;

18 (B) the extent to which such differential  
19 payments provide appropriate compensation to  
20 such hospitals for the provision of such services;  
21 and

22 (C) any obstacles or challenges to the de-  
23 velopment of future modifications to the system  
24 of differential payments.

1           (3) An assessment of the adequacy of the ac-  
2           cess of dependent children described in that sub-  
3           section to specialized hospital services for their ill-  
4           nesses under the TRICARE program.

5           (c) REPORTS.—Not later than May 1, 2006, the  
6           Comptroller General shall submit to the Secretary of De-  
7           fense and the congressional defense committees a report  
8           on the study required by subsection (a), together with such  
9           recommendations, if any, as the Comptroller General con-  
10          siders appropriate for modifications of the current system  
11          of differential payments to children’s hospitals in order to  
12          achieve the objective described in that subsection.

13          (d) TRANSMITTAL TO CONGRESS.—

14               (1) IN GENERAL.—Not later than November 1,  
15               2006, the Secretary of Defense shall transmit to the  
16               congressional defense committees the report sub-  
17               mitted by the Comptroller General to the Secretary  
18               under subsection (c).

19               (2) IMPLEMENTATION OF MODIFICATIONS.—If  
20               the report under paragraph (1) includes rec-  
21               ommendations of the Comptroller General for modi-  
22               fications of the current system of differential pay-  
23               ments to children’s hospitals, the Secretary shall  
24               transmit with the report—

1 (A) a proposal for such legislative or ad-  
2 ministration action as may be required to im-  
3 plement such modifications; and

4 (B) an assessment and estimate of the  
5 costs associated with the implementation of  
6 such modifications.

7 (e) DEFINITIONS.—In this section:

8 (1) DIFFERENTIAL PAYMENTS TO CHILDREN’S  
9 HOSPITALS.—The term “differential payments to  
10 children’s hospitals” means the additional amounts  
11 paid to children’s hospitals under the TRICARE  
12 program for health care procedures for severely ill  
13 children in order to take into account the additional  
14 costs associated with such procedures for such chil-  
15 dren when compared with the costs associated with  
16 such procedures for adults and other children.

17 (2) TRICARE PROGRAM.—The term  
18 “TRICARE program” has the meaning given that  
19 term in section 1072(7) of title 10, United States  
20 Code.

1 **SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER**  
2 **GENERAL REVIEWS OF CERTAIN DEPART-**  
3 **MENT OF DEFENSE-DEPARTMENT OF VET-**  
4 **ERANS AFFAIRS PROJECTS ON SHARING OF**  
5 **HEALTH CARE RESOURCES.**

6 (a) JOINT INCENTIVES PROGRAM.—Section 8111(d)  
7 of title 38, United States Code, is amended—

8 (1) by striking paragraph (3); and

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

11 (b) HEALTH CARE RESOURCES SHARING AND CO-  
12 ORDINATION PROJECT.—Section 722 of the Bob Stump  
13 National Defense Authorization Act for Fiscal Year 2003  
14 (Public Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111  
15 note) is amended—

16 (1) by striking subsection (h);

17 (2) by redesignating subsection (i) as subsection  
18 (h); and

19 (3) in paragraph (2) of subsection (h), as so re-  
20 designated, by striking “based on recommendations”  
21 and all that follows and inserting “as determined by  
22 the Secretaries based on information available to the  
23 Secretaries to warrant such action.”.

24 **SEC. 715. SURVEYS ON TRICARE STANDARD.**

25 Section 723(a) of the National Defense Authorization  
26 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.

1 1532; 10 U.S.C. 1073 note) is amended by adding at the  
2 end the following new paragraph:

3       “(4) The surveys required by paragraph (1) shall in-  
4 clude questions designed to determine from health care  
5 providers participating in such surveys whether such pro-  
6 viders are aware of the TRICARE program, what percent-  
7 age of the current patient population of such providers re-  
8 ceive any benefit option under the TRICARE program,  
9 and whether such providers accept patients under the  
10 medicare program or new patients under the medicare  
11 program.”.

12 **SEC. 716. MODIFICATION OF HEALTH CARE QUALITY IN-**  
13 **FORMATION AND TECHNOLOGY ENHANCE-**  
14 **MENT REPORT REQUIREMENTS.**

15       Section 723(e) of the National Defense Authorization  
16 Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amend-  
17 ed by striking paragraphs (1) through (4) and inserting  
18 the following new paragraphs:

19       “(1) Quality measures, including structure,  
20 process, and outcomes concerning—

21               “(A) patient safety;

22               “(B) timeliness and accessibility of care;

23               “(C) patient satisfaction; and

24               “(D) the use of evidence-based practices.

25       “(2) Population health.

1 “(3) Biosurveillance.”.

2 **SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO**  
3 **PATIENT CARE REPORTING AND MANAGE-**  
4 **MENT SYSTEM.**

5 (a) REPEAL OF REQUIREMENT TO LOCATE DEPART-  
6 MENT OF DEFENSE PATIENT SAFETY CENTER WITHIN  
7 ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection  
8 (c)(3) of section 754 of the Floyd D. Spence National De-  
9 fense Authorization Act for Fiscal Year 2001 (as enacted  
10 into law by Public Law 106–398; 114 Stat. 1654A–196)  
11 is amended by striking “within the Armed Forces Institute  
12 of Pathology”.

13 (b) RENAMING OF MEDTEAMS PROGRAM.—The cap-  
14 tion of subsection (d) of such section is amended by strik-  
15 ing “MEDTEAMS” and inserting “MEDICAL TEAM TRAIN-  
16 ING”.

17 **SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS**  
18 **TRICARE REGIONAL DIRECTORS.**

19 (a) QUALIFICATIONS.—Effective as of the date of the  
20 enactment of this Act, no individual may serve in the posi-  
21 tion of Regional Director under the TRICARE program  
22 unless the individual—

23 (1) is—

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

1 (B) a civilian employee of the Department  
2 of Defense in the Senior Executive Service; and  
3 (2) has at least 10 years of experience, or  
4 equivalent expertise or training, in the military  
5 health care system, managed care, and health care  
6 policy and administration.

7 (b) TRICARE PROGRAM DEFINED.—In this section,  
8 the term “TRICARE program” has the meaning given  
9 such term in section 1072(7) of title 10, United States  
10 Code.

11 **SEC. 719. REPORT ON THE DEPARTMENT OF DEFENSE COM-**  
12 **POSITE HEALTH CARE SYSTEM II.**

13 (a) REPORT REQUIRED.—Not later than six months  
14 after the date of the enactment of this Act, the Secretary  
15 of Defense shall submit to the appropriate committees of  
16 Congress a report on the Department of Defense Com-  
17 posite Health Care System II (CHCS II).

18 (b) REPORT ELEMENTS.—The report under sub-  
19 section (a) shall include the following:

20 (1) A chronology and description of previous ef-  
21 forts undertaken to develop an electronic medical  
22 records system capable of maintaining a two-way ex-  
23 change of data between the Department of Defense  
24 and the Department of Veterans Affairs.

1           (2) The plans as of the date of the report, in-  
2           cluding any projected commencement dates, for the  
3           implementation of the Composite Health Care Sys-  
4           tem II.

5           (3) A statement of the amounts obligated and  
6           expended as of the date of the report on the develop-  
7           ment of a system for the two-way exchange of data  
8           between the Department of Defense and the Depart-  
9           ment of Veterans Affairs, including the Composite  
10          Health Care System II.

11          (4) An estimate of the amounts that will be re-  
12          quired for the completion of the Composite Health  
13          Care System II.

14          (5) A description of the software and hardware  
15          being considered as of the date of the report for use  
16          in the Composite Health Care System II.

17          (6) A description of the management structure  
18          used in the development of the Composite Health  
19          Care System II.

20          (7) A description of the accountability measures  
21          utilized during the development of the Composite  
22          Health Care System II in order to evaluate progress  
23          made in the development of that System.

24          (8) The schedule for the remaining development  
25          of the Composite Health Care System II.

1 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
2 FINED.—In this section, the term “appropriate commit-  
3 tees of Congress” means—

4 (1) the Committees on Armed Services, Appro-  
5 priations, Veterans’ Affairs, and Health, Education,  
6 Labor, and Pensions of the Senate; and

7 (2) the Committees on Armed Services, Appro-  
8 priations, Veterans’ Affairs, and Energy and Com-  
9 merce of the House of Representatives.

10 **SEC. 720. RESPONSE TO MEDICAL NEEDS ARISING FROM**  
11 **MANDATORY MILITARY VACCINATIONS.**

12 (a) IN GENERAL.—The Secretary of Defense shall  
13 maintain a joint military medical center of excellence fo-  
14 cusing on the medical needs arising from mandatory mili-  
15 tary vaccinations.

16 (b) ELEMENTS.—The joint military medical center of  
17 excellence under subsection (a) shall consist of the fol-  
18 lowing:

19 (1) The Vaccine Health Care Centers of the  
20 Department of Defense, which shall be the principle  
21 elements of the center.

22 (2) Any other elements that the Secretary con-  
23 siders appropriate.

24 (c) AUTHORIZED ACTIVITIES.—In acting as the prin-  
25 ciple elements of the joint military medical center under

1 subsection (a), the Vaccine Health Care Centers referred  
2 to in subsection (b)(1) may carry out the following:

3 (1) Medical assistance and care to individuals  
4 receiving mandatory military vaccines and their de-  
5 pendants, including long-term case management for  
6 adverse events where necessary.

7 (2) Evaluations to identify and treat potential  
8 and actual health effects from vaccines before and  
9 after their use in the field.

10 (3) The development and sustainment of a long-  
11 term vaccine safety and efficacy registry.

12 (4) Support for an expert clinical advisory  
13 board for case reviews related to disability assess-  
14 ment questions.

15 (5) Long-term and short-term studies to iden-  
16 tify unanticipated benefits and adverse events from  
17 vaccines.

18 (6) Educational outreach for immunization pro-  
19 viders and those requiring immunizations.

20 (7) The development, dissemination, and valida-  
21 tion of educational materials for Department of De-  
22 fense healthcare workers relating to vaccine safety,  
23 efficacy, and acceptability.

1 **SEC. 721. MENTAL HEALTH COUNSELORS UNDER TRICARE.**

2 (a) IN GENERAL.—Section 1079(a) of title 10,  
3 United States Code, is amended by adding at the end the  
4 following new paragraph:

5 “(17) Services of mental health counselors, ex-  
6 cept that—

7 “(A) such services are limited to services  
8 provided by counselors who are licensed under  
9 applicable State law to provide mental health  
10 services;

11 “(B) such services may be provided inde-  
12 pendently of medical oversight and supervision  
13 only in areas identified by the Secretary as  
14 ‘medically underserved areas’ where the Sec-  
15 retary determines that 25 percent or more of  
16 the residents are located in primary shortage  
17 areas designated pursuant to section 332 of the  
18 Public Health Services Act (42 U.S.C. 254e);  
19 and

20 “(C) the provision of such services shall be  
21 consistent with such rules as may be prescribed  
22 by the Secretary of Defense, including criteria  
23 applicable to credentialing or certification of  
24 mental health counselors and a requirement  
25 that mental health counselors accept payment

1           under this section as full payment for all serv-  
2           ices provided pursuant to this paragraph.”.

3           (b) **AUTHORITY TO ENTER INTO PERSONAL SERV-**  
4 **ICES CONTRACTS.**—Section 704(c)(2) of the National De-  
5 fense Authorization Act for Fiscal Year 1995 (Public Law  
6 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amend-  
7 ed by inserting “mental health counselors,” after “psy-  
8 chologists,”.

9 **SEC. 722. PANDEMIC AVIAN FLU PREPAREDNESS.**

10          (a) **REPORT.**—The Secretary of Defense shall report  
11 to the Committees on Armed Services of the Senate and  
12 the House of Representatives efforts within the Depart-  
13 ment of Defense to prepare for pandemic influenza, in-  
14 cluding pandemic avian influenza. The Secretary shall ad-  
15 dress the following, with respect to military and civilian  
16 personnel—

17           (1) the procurement of vaccines, antivirals and  
18           other medicines, and medical supplies, including per-  
19           sonal protective equipment, particularly those that  
20           must be imported;

21           (2) protocols for the allocation and distribution  
22           of vaccines and medicines among high priority popu-  
23           lations;

24           (3) public health containment measures that  
25           may be implemented on military bases and other fa-

1 cilities, including quarantine, travel restrictions and  
2 other isolation precautions;

3 (4) communication with Department of Defense  
4 affiliated health providers about pandemic prepared-  
5 ness and response;

6 (5) surge capacity for the provision of medical  
7 care during pandemics;

8 (6) the availability and delivery of food and  
9 basic supplies and services;

10 (7) surveillance efforts domestically and inter-  
11 nationally, including those utilizing the Global  
12 Emerging Infections Systems (GEIS), and how such  
13 efforts are integrated with other ongoing surveillance  
14 systems;

15 (8) the integration of pandemic and response  
16 planning with those of other Federal departments,  
17 including the Department of Health and Human  
18 Services, Department of the Veterans Affairs, De-  
19 partment of State, and USAID; and

20 (9) collaboration (as appropriate) with inter-  
21 national entities engaged in pandemic preparedness  
22 and response.

23 (b) SUBMISSION OF REPORT.—Not later than 120  
24 days after the date of enactment of this Act, the Secretary  
25 of Defense shall submit the report to the Committees on

1 Armed Services of the Senate and the House of Represent-  
2 atives.

3 **SEC. 723. COMPTROLLER GENERAL REPORT ON EXPANDED**  
4 **PARTNERSHIP BETWEEN THE DEPARTMENT**  
5 **OF DEFENSE AND THE DEPARTMENT OF VET-**  
6 **ERANS AFFAIRS ON THE PROVISION OF**  
7 **HEALTH CARE SERVICES.**

8 (a) REPORT REQUIRED.—Not later than 180 days  
9 after the date of the enactment of this Act, the Comp-  
10 troller General of the United States shall submit to the  
11 appropriate committees of Congress a report on the feasi-  
12 bility of an expanded partnership between the Department  
13 of Defense and the Department of Veterans Affairs for  
14 the provision of health care services.

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

17 (1) An overview of the current health care sys-  
18 tems of the Department of Defense and the Depart-  
19 ment of Veterans Affairs, including—

20 (A) the total number of eligible bene-  
21 ficiaries in each system as of September 30,  
22 2005;

23 (B) the total number of current consumers  
24 of health care services in each system as of that  
25 date;

1 (C) the total cost of each system in the  
2 most recent fiscal year for which complete cost  
3 data for both systems exists;

4 (D) the annual workload or production of  
5 health care by beneficiary category in each sys-  
6 tem in the most recent fiscal year for which  
7 complete data on workload or production of  
8 health care for both systems exists;

9 (E) the total cost of health care by bene-  
10 ficiary category in each system in the most re-  
11 cent fiscal year for which complete cost data for  
12 both systems exists;

13 (F) the total staffing of medical and ad-  
14 ministrative personnel in each system as of Sep-  
15 tember 30, 2005;

16 (G) the number and location of facilities,  
17 including both hospitals and clinics, operated by  
18 each system as of that date; and

19 (H) the size, capacity, and production of  
20 graduate medical education programs in each  
21 system as of that date.

22 (2) A comparative analysis of the characteris-  
23 tics of each health care system, including a deter-  
24 mination and comparative analysis of—

25 (A) the mission of such systems;

1 (B) the demographic characteristics of the  
2 populations served by such systems;

3 (C) the categories of eligibility for health  
4 care services in such systems;

5 (D) the nature of benefits available by ben-  
6 eficiary category in such systems;

7 (E) access to and quality of health care  
8 services in such systems;

9 (F) the out-of-pocket expenses for health  
10 care by beneficiary category in such systems;

11 (G) the structure and methods of financing  
12 the care for all categories of beneficiaries in  
13 such systems;

14 (H) the management and acquisition of  
15 medical equipment and supplies in such sys-  
16 tems, including pharmaceuticals and prosthetic  
17 and other medical assistive devices;

18 (I) the mix of health care services available  
19 in such systems;

20 (J) the current inpatient and outpatient  
21 capacity of such systems; and

22 (K) the human resource systems for med-  
23 ical personnel in such systems, including the  
24 rates of compensation for civilian employees.

1           (3) A summary of current sharing efforts be-  
2           tween the health care systems of the Department of  
3           Defense and the Department of Veterans Affairs.

4           (4) An assessment of the advantages and dis-  
5           advantages for military retirees and their dependents  
6           participating in the health care system of the De-  
7           partment of Veterans Affairs of an expanded part-  
8           nership between the health care systems of the De-  
9           partment of Defense and the Department of Vet-  
10          erans Affairs, with a separate assessment to be  
11          made for—

12                   (A) military retirees and dependents under  
13                   the age of 65; and

14                   (B) military retirees and dependents over  
15                   the age of 65.

16          (5) Projections for the future growth of health  
17          care costs for retirees and veterans in the health  
18          care systems of the Department of Defense and the  
19          Department of Veterans Affairs, including rec-  
20          ommendations on mechanisms to ensure more effec-  
21          tive and higher quality services in the future for  
22          military retirees and veterans now served by both  
23          systems.

24          (6) Options for means of achieving a more ef-  
25          fective partnership between the health care systems

1 of the Department of Defense and the Department  
2 of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system  
3 of the Department of Veterans Affairs.  
4

5  
6 (c) SOLICITATION OF VIEW.—In preparing the report  
7 required by subsection (a), the Comptroller General shall  
8 seek the views of representatives of military family organizations, military retiree organizations, and organizations  
9 representing veterans and their families.  
10

11 (d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—  
12  
13

14 (1) the Committees on Armed Services and Veterans Affairs’ of the Senate; and  
15

16 (2) the Committees on Armed Services and Veterans Affairs’ of the House of Representatives.  
17

18 **SEC. 724. STUDY AND REPORT ON CIVILIAN AND MILITARY**  
19 **PARTNERSHIP PROJECT.**

20 (a) STUDY.—The Secretary of Defense shall conduct  
21 a study on the feasibility of conducting a military and civilian partnership project to permit employees of the Department of Defense and of a non-profit health care entity  
22 to jointly staff and provide health care services to military  
23  
24

1 personnel and civilians at a Department of Defense mili-  
2 tary treatment facility.

3 (b) REPORT.—Not later than December 31, 2006,  
4 the Secretary of Defense shall submit to the Committee  
5 on Armed Services of the Senate and the Committee on  
6 Armed Services of the House of Representatives a report  
7 on the study required by subsection (a).

## 8 **Subtitle C—Other Matters**

### 9 **SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCI-** 10 **ATED WITH USE OF ANTI-MALARIAL DRUGS.**

11 (a) STUDY REQUIRED.—

12 (1) IN GENERAL.—The Secretary of Defense  
13 shall conduct a study of adverse health events that  
14 may be associated with use of anti-malarial drugs,  
15 including mefloquine.

16 (2) PARTICIPATION OF CERTAIN RESEARCH-  
17 ERS.—The Secretary shall ensure the participation  
18 in the study of epidemiological and clinical research-  
19 ers of the Federal Government outside the Depart-  
20 ment of Defense, and of epidemiological and clinical  
21 researchers outside the Federal Government.

22 (b) MATTERS COVERED.—The study required by sub-  
23 section (a) shall include the following:

1           (1) A comparison of adverse health events that  
2           may be associated with different anti-malarial drugs,  
3           including mefloquine.

4           (2) An analysis of the extent to which  
5           mefloquine may be a risk factor contributing to sui-  
6           cides among members of the Armed Forces.

7           (c) REPORT.—Not later than one year after the date  
8           of the enactment of this Act, the Secretary shall submit  
9           to the congressional defense committees a report on the  
10          study required by subsection (a).

11 **SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND**  
12                                   **TREATMENT OF POST TRAUMATIC STRESS**  
13                                   **DISORDER AND OTHER MENTAL HEALTH**  
14                                   **CONDITIONS.**

15          (a) PILOT PROJECTS REQUIRED.—The Secretary of  
16          Defense shall carry out not less than three pilot projects  
17          to evaluate the efficacy of various approaches to improving  
18          the capability of the military and civilian health care sys-  
19          tems to provide early diagnosis and treatment of Post  
20          Traumatic Stress Disorder (PTSD) and other mental  
21          health conditions.

22          (b) PILOT PROJECT REQUIREMENTS.—

23                  (1) MOBILIZATION-DEMOBILIZATION FACIL-  
24                  ITY.—

1           (A) IN GENERAL.—One of the pilot  
2 projects under subsection (a) shall be carried  
3 out at a military medical facility at a large mili-  
4 tary installation at which the mobilization or  
5 demobilization of members of the Armed Forces  
6 occurs.

7           (B) ELEMENTS.—The pilot project under  
8 this paragraph shall be designed to evaluate  
9 and produce effective diagnostic and treatment  
10 approaches for use by primary care providers in  
11 the military health care system in order to im-  
12 prove the capability of such providers to diag-  
13 nose and treat Post Traumatic Stress Disorder  
14 in a manner that avoids the referral of patients  
15 to specialty care by a psychiatrist or other men-  
16 tal health professional.

17       (2) NATIONAL GUARD OR RESERVE FACILITY.—

18           (A) IN GENERAL.—One of the pilot  
19 projects under subsection (a) shall be carried  
20 out at the location of a National Guard or Re-  
21 serve unit or units that are located more than  
22 40 miles from a military medical facility and  
23 whose personnel are served primarily by civilian  
24 community health resources.

1 (B) ELEMENTS.—The pilot project under  
2 this paragraph shall be designed—

3 (i) to evaluate approaches for pro-  
4 viding evidence-based clinical information  
5 on Post Traumatic Stress Disorder to civil-  
6 ian primary care providers; and

7 (ii) to develop educational materials  
8 and other tools for use by members of the  
9 National Guard or Reserve who come into  
10 contact with other members of the Na-  
11 tional Guard or Reserve who may suffer  
12 from Post Traumatic Stress Disorder in  
13 order to encourage and facilitate early re-  
14 porting and referral for treatment.

15 (3) INTERNET-BASED DIAGNOSIS AND TREAT-  
16 MENT.—One of the pilot projects under subsection  
17 (a) shall be designed to evaluate—

18 (A) Internet-based automated tools avail-  
19 able to military and civilian health care pro-  
20 viders for the early diagnosis and treatment of  
21 Post Traumatic Stress Disorder, and for track-  
22 ing patients who suffer from Post Traumatic  
23 Stress Disorder; and

24 (B) Internet-based tools available to family  
25 members of members of the Armed Forces in

1           order to assist such family members in the  
2           identification of the emergence of Post Trau-  
3           matic Stress Disorder.

4           (c) REPORT.—Not later than June 1, 2006, the Sec-  
5   retary shall submit to the congressional defense commit-  
6   tees a report on the pilot projects to be carried out under  
7   this section. The report shall include a description of each  
8   such pilot project, including the location of the pilot  
9   projects under paragraphs (2) and (3) of subsection (b),  
10 and the scope and objectives of each such pilot project.

11          (d) FUNDING.—

12           (1) IN GENERAL.—(A) The amount authorized  
13   to be appropriated by section 303(a) for the Defense  
14   Health Program is hereby increased by \$10,000,000.

15           (B) Of the amount authorized to be appro-  
16   priated by section 303(a) for the Defense Health  
17   Program, as increased by subparagraph (A),  
18   \$10,000,000 shall be available for pilot projects  
19   under this section.

20           (C) The amount available under subparagraph  
21   (B) shall remain available until expended.

22           (2) OFFSET.—The amount authorized to be ap-  
23   propriated by section 301(2) for operation and main-  
24   tenance for the Navy is hereby decreased by  
25   \$10,000,000.

1 **SEC. 733. DEPARTMENT OF DEFENSE TASK FORCE ON MEN-**  
2 **TAL HEALTH.**

3 (a) **REQUIREMENT TO ESTABLISH.**—The Secretary  
4 of Defense shall establish within the Department of De-  
5 fense a task force to examine matters relating to mental  
6 health and the Armed Forces.

7 (b) **COMPOSITION.**—

8 (1) **MEMBERS.**—The task force shall consist of  
9 not more than 14 members appointed by the Sec-  
10 retary of Defense from among individuals described  
11 in paragraph (2) who have demonstrated expertise in  
12 the area of mental health.

13 (2) **RANGE OF MEMBERS.**—The individuals ap-  
14 pointed to the task force shall include—

15 (A) at least one member of each of the  
16 Army, Navy, Air Force, and Marine Corps; and

17 (B) a number of persons from outside the  
18 Department of Defense equal to the total num-  
19 ber of personnel from within the Department of  
20 Defense (whether members of the Armed  
21 Forces or civilian personnel) who are appointed  
22 to the task force.

23 (3) **INDIVIDUALS APPOINTED WITHIN DEPART-**  
24 **MENT OF DEFENSE.**—At least one of the individuals  
25 appointed to the task force from within the Depart-

1       ment of Defense shall be the surgeon general of an  
2       Armed Force or a designee of such surgeon general.

3               (4) INDIVIDUALS APPOINTED OUTSIDE DEPART-  
4       MENT OF DEFENSE.—(A) Individuals appointed to  
5       the task force from outside the Department of De-  
6       fense may include officers or employees of other de-  
7       partments or agencies of the Federal Government,  
8       officers or employees of State and governments, or  
9       individuals from the private sector.

10              (B) The individuals appointed to the task force  
11       from outside the Department of Defense shall  
12       include—

13              (i) an officer or employee of the Depart-  
14       ment of Veterans Affairs appointed by the Sec-  
15       retary of Defense in consultation with the Sec-  
16       retary of Veterans Affairs;

17              (ii) an officer or employee of the Substance  
18       Abuse and Mental Health Services Administra-  
19       tion of the Department of Health and Human  
20       Services appointed by the Secretary of Defense  
21       in consultation with the Secretary of Health  
22       and Human Services; and

23              (iii) at least two individuals who are rep-  
24       resentatives of—

1 (I) a mental health policy and advo-  
2 cacy organization; and

3 (II) a national veterans service organi-  
4 zation.

5 (5) DEADLINE FOR APPOINTMENT.—All ap-  
6 pointments of individuals to the task force shall be  
7 made not later than 120 days after the date of the  
8 enactment of this Act.

9 (6) CO-CHAIRS OF TASK FORCE.—There shall  
10 be two co-chairs of the task force. One of the co-  
11 chairs shall be designated by the Secretary of the  
12 Defense at the time of appointment from among the  
13 Department of Defense personnel appointed to the  
14 task force. The other co-chair shall be selected from  
15 among the members appointed from outside the De-  
16 partment of Defense by members so appointed.

17 (c) LONG-TERM PLAN ON MENTAL HEALTH SERV-  
18 ICES.—

19 (1) IN GENERAL.—Not later than 12 months  
20 after the date on which all members of the task  
21 force have been appointed, the task force shall sub-  
22 mit to the Secretary a long-term plan (referred to as  
23 a strategic plan) on means by which the Department  
24 of Defense shall improve the efficacy of mental

1 health services provided to members of the Armed  
2 Forces by the Department of Defense.

3 (2) UTILIZATION OF OTHER EFFORTS.—In pre-  
4 paring the report, the task force shall take into con-  
5 sideration completed and ongoing efforts by the De-  
6 partment of Defense to improve the efficacy of men-  
7 tal health care provided to members of the Armed  
8 Forces by the Department.

9 (3) ELEMENTS.—The long-term plan shall in-  
10 clude an assessment of and recommendations (in-  
11 cluding recommendations for legislative or adminis-  
12 trative action) for measures to improve the fol-  
13 lowing:

14 (A) The awareness of the prevalence of  
15 mental health conditions among members of the  
16 Armed Forces.

17 (B) The efficacy of existing programs to  
18 prevent, identify, and treat mental health condi-  
19 tions among members of the Armed Forces, in-  
20 cluding programs for and with respect to for-  
21 ward-deployed troops.

22 (C) The reduction or elimination of bar-  
23 riers to care, including the stigma associated  
24 with seeking help for mental health related con-  
25 ditions, and the enhancement of confidentiality

1 for members of the Armed Forces seeking care  
2 for such conditions.

3 (D) The adequacy of outreach, education,  
4 and support programs on mental health matters  
5 for families of members of the Armed Forces.

6 (E) The efficacy of programs and mecha-  
7 nisms for ensuring a seamless transition from  
8 care of members of the Armed Forces on active  
9 duty for mental health conditions through the  
10 Department of Defense to care for such condi-  
11 tions through the Department of Veterans Af-  
12 fairs after such members are discharged or re-  
13 leased from military, naval, or air service.

14 (F) The availability of long-term follow-up  
15 and access to care for mental health conditions  
16 for members of the Individual Ready Reserve,  
17 and the Selective Reserve and for discharged,  
18 separated, or retired members of the Armed  
19 Forces.

20 (G) Collaboration among organizations in  
21 the Department of Defense with responsibility  
22 for or jurisdiction over the provision of mental  
23 health services.

24 (H) Coordination between the Department  
25 of Defense and civilian communities, including

1 local support organizations, with respect to  
2 mental health services.

3 (I) The scope and efficacy of curricula and  
4 training on mental health matters for com-  
5 manders in the Armed Forces.

6 (J) Such other matters as the task force  
7 considers appropriate.

8 (d) ADMINISTRATIVE MATTERS.—

9 (1) COMPENSATION.—Each member of the task  
10 force who is a member of the Armed Forces or a ci-  
11 vilian officer or employee of the United States shall  
12 serve without compensation (other than compensa-  
13 tion to which entitled as a member of the Armed  
14 Forces or an officer or employee of the United  
15 States, as the case may be). Other members of the  
16 task force shall be treated for purposes of section  
17 3161 of title 5, United States Code, as having been  
18 appointed under subsection (b) of such section.

19 (2) OVERSIGHT.—The Under Secretary of De-  
20 fense for Personnel and Readiness shall oversee the  
21 activities of the task force.

22 (3) ADMINISTRATIVE SUPPORT.—The Wash-  
23 ington Headquarters Services of the Department of  
24 Defense shall provide the task force with personnel,  
25 facilities, and other administrative support as nec-

1        essary for the performance of the duties of the task  
2        force.

3           (4) ACCESS TO FACILITIES.—The Under Sec-  
4        retary of Defense for Personnel and Readiness shall,  
5        in coordination with the Secretaries of the military  
6        departments, ensure appropriate access by the task  
7        force to military installations and facilities for pur-  
8        poses of the discharge of the duties of the task force.

9        (e) REPORT.—

10           (1) IN GENERAL.—The task force shall submit  
11        to the Secretary of Defense a report on its activities  
12        under this section. The report shall include—

13           (A) a description of the activities of the  
14        task force;

15           (B) the plan required by subsection (e);  
16        and

17           (C) such other matters relating to the ac-  
18        tivities of the task force that the task force con-  
19        siders appropriate.

20           (2) TRANSMITTAL TO CONGRESS.—Not later  
21        than 90 days after receipt of the report under para-  
22        graph (1), the Secretary shall transmit the report to  
23        the Committees on Armed Services and Veterans'  
24        Affairs of the Senate and the House of Representa-  
25        tives. The Secretary may include in the transmittal

1 such comments on the report as the Secretary con-  
2 siders appropriate.

3 (f) TERMINATION.—The task force shall terminate  
4 90 days after the date on which the report of the task  
5 force is submitted to Congress under subsection (e)(2).

6 **TITLE VIII—ACQUISITION POL-**  
7 **ICY, ACQUISITION MANAGE-**  
8 **MENT, AND RELATED MAT-**  
9 **TERS**

10 **Subtitle A—Acquisition Policy and**  
11 **Management**

12 **SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON**  
13 **BEHALF OF THE DEPARTMENT OF DEFENSE.**

14 (a) INSPECTOR GENERAL REVIEWS AND DETER-  
15 MINATIONS.—

16 (1) IN GENERAL.—For each non-defense agency  
17 of the Federal Government that procured property  
18 or services in excess of \$100,000,000 on behalf of  
19 the Department of Defense during fiscal year 2005,  
20 the Inspector General of the Department of Defense  
21 and the Inspector General of such non-defense agen-  
22 cy shall, not later than March 15, 2006, jointly—

23 (A) review—

24 (i) the procurement policies, proce-  
25 dures, and internal controls of such non-

1 defense agency that are applicable to the  
2 procurement of property and services on  
3 behalf of the Department by such non-de-  
4 fense agency; and

5 (ii) the administration of those poli-  
6 cies, procedures, and internal controls; and

7 (B) determine in writing whether—

8 (i) such non-defense agency is compli-  
9 ant with defense procurement require-  
10 ments;

11 (ii) such non-defense agency is not  
12 compliant with defense procurement re-  
13 quirements, but made significant progress  
14 during 2005 toward ensuring compliance  
15 with defense procurement requirements; or

16 (iii) neither of the conclusions stated  
17 in clauses (i) and (ii) is correct in the case  
18 of such non-defense agency.

19 (2) ACTIONS FOLLOWING CERTAIN DETERMINA-  
20 TIONS.—If the Inspectors General determine under  
21 paragraph (1) that the conclusion stated in clause  
22 (ii) or (iii) of subparagraph (B) of such paragraph  
23 is correct in the case of a non-defense agency, those  
24 Inspectors General shall, not later than March 15,  
25 2007, jointly—

1 (A) conduct a second review, as described  
2 in paragraph (1)(A), regarding such non-de-  
3 fense agency's procurement of property or serv-  
4 ices on behalf of the Department of Defense in  
5 fiscal year 2006; and

6 (B) determine in writing whether such  
7 non-defense agency is or is not compliant with  
8 defense procurement requirements.

9 (b) COMPLIANCE WITH DEFENSE PROCUREMENT  
10 REQUIREMENTS.—For the purposes of this section, a non-  
11 defense agency is compliant with defense procurement re-  
12 quirements if such non-defense agency's procurement poli-  
13 cies, procedures, and internal controls applicable to the  
14 procurement of products and services on behalf of the De-  
15 partment of Defense, and the manner in which they are  
16 administered, are adequate to ensure such non-defense  
17 agency's compliance with the requirements of laws and  
18 regulations that apply to procurements of property and  
19 services made directly by the Department of Defense.

20 (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-  
21 SPECTORS GENERAL.—

22 (1) IN GENERAL.—Not later than 30 days after  
23 the date of the enactment of this Act, the Inspector  
24 General of the Department of Defense and the In-  
25 spector General of each non-defense agency referred

1 to in subsection (a) shall enter into a memorandum  
2 of understanding with each other to carry out the  
3 reviews and make the determinations required by  
4 this section.

5 (2) SCOPE OF MEMORANDA.—The Inspector  
6 General of the Department of Defense and the In-  
7 spector General of a non-defense agency may by mu-  
8 tual agreement conduct separate reviews of the pro-  
9 curement of property and services on behalf of the  
10 Department of Defense that are conducted by sepa-  
11 rate business units, or under separate government-  
12 wide acquisition contracts, of such non-defense agen-  
13 cy. In any case where such separate reviews are con-  
14 ducted, the Inspectors General shall make separate  
15 determinations under paragraphs (1) and (2) of sub-  
16 section (a), as applicable, with respect to each such  
17 separate review.

18 (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF  
19 DEPARTMENT OF DEFENSE.—

20 (1) LIMITATION DURING REVIEW PERIOD.—  
21 After March 15, 2006, and before March 16, 2007,  
22 no official of the Department of Defense may, except  
23 as provided in subsection (e) or (f), order, purchase,  
24 or otherwise procure property or services in an  
25 amount in excess of \$100,000 through a non-defense

1 agency for which a determination described in para-  
2 graph (1)(B)(iii) of subsection (a) has been made  
3 under that subsection.

4 (2) LIMITATION AFTER REVIEW PERIOD.—After  
5 March 15, 2007, no official of the Department of  
6 Defense may, except as provided in subsection (e) or  
7 (f), order, purchase, or otherwise procure property  
8 or services in an amount in excess of \$100,000  
9 through a non-defense agency that, having been sub-  
10 ject to review under this section, has not been deter-  
11 mined under this section as being compliant with de-  
12 fense procurement requirements.

13 (e) EXCEPTION FROM APPLICABILITY OF LIMITA-  
14 TIONS.—

15 (1) EXCEPTION.—No limitation applies under  
16 subsection (d) with respect to the procurement of  
17 property and services on behalf of the Department  
18 of Defense by a particular non-defense agency dur-  
19 ing any period that there is in effect a determination  
20 of the Under Secretary of Defense for Acquisition,  
21 Technology, and Logistics, made in writing, that it  
22 is necessary in the interest of the Department of De-  
23 fense to continue to procure property and services  
24 through such non-defense agency.

1           (2) APPLICABILITY OF DETERMINATION.—A  
2 written determination with respect to a non-defense  
3 agency under paragraph (1) is in effect for the pe-  
4 riod, not in excess of one year, that the Under Sec-  
5 retary of Defense for Acquisition, Technology, and  
6 Logistics shall specify in the written determination.  
7 The Under Secretary may extend from time to time,  
8 for up to one year at a time, the period for which  
9 the written determination remains in effect.

10          (f) TERMINATION OF APPLICABILITY OF LIMITA-  
11 TIONS.—Subsection (d) shall cease to apply to a non-de-  
12 fense agency on the date on which the Inspector General  
13 of the Department of Defense and the Inspector General  
14 of that agency jointly—

15           (1) determine that such non-defense agency is  
16 compliant with defense procurement requirements;  
17 and

18           (2) notify the Secretary of Defense of that de-  
19 termination.

20          (g) IDENTIFICATION OF PROCUREMENTS MADE  
21 DURING A PARTICULAR FISCAL YEAR.—For the purposes  
22 of subsection (a), a procurement shall be treated as being  
23 made during a particular fiscal year to the extent that  
24 funds are obligated by the Department of Defense for that  
25 procurement in that fiscal year.

1 (h) INAPPLICABILITY TO CERTAIN GSA CON-  
2 TRACTS.—This section does not apply as follows:

3 (1) To Client Support Centers of the Federal  
4 Technology Service of the General Services Adminis-  
5 tration, which are subject to review under section  
6 802 of the Ronald W. Reagan National Defense Au-  
7 thorization Act for Fiscal Year 2005 (Public Law  
8 108–375; 118 Stat. 2004; 10 U.S.C. 2302).

9 (2) To any purchase through the multiple  
10 award schedules established by the Administrator of  
11 General Services, as described in section 2302(2)(C)  
12 of title 10, United States Code, unless such pur-  
13 chase is made through—

14 (A) a non-defense agency other than the  
15 General Services Administration; or

16 (B) a business unit of the General Services  
17 Administration that is not responsible for ad-  
18 ministering the multiple award schedules pro-  
19 gram.

20 (i) DEFINITIONS.—In this section:

21 (1) The term “non-defense agency” means a  
22 department or agency of the Federal Government  
23 outside the Department of Defense, except as ex-  
24 cluded under subsection (h).

1           (2) The term “governmentwide acquisition con-  
2           tract”, with respect to a non-defense agency, means  
3           a task or delivery order contract that—

4                   (A) is entered into by the non-defense  
5                   agency; and

6                   (B) may be used as the contract under  
7                   which property or services are procured for one  
8                   or more other departments or agencies of the  
9                   Federal Government.

10 **SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.**

11           (a) ESTABLISHMENT.—

12                   (1) ORGANIZATION; DUTIES.—Subchapter I of  
13                   chapter 8 of title 10, United States Code, is amend-  
14                   ed by adding at the end the following new section:

15 **“§ 197. Contract Support Acquisition Centers**

16                   “(a) ESTABLISHMENT.—(1) The Secretary of De-  
17                   fense shall establish within the Defense Logistics Agency  
18                   a Defense Contract Support Acquisition Center.

19                   “(2) The Secretary of each military department shall  
20                   establish a Contract Support Acquisition Center for that  
21                   military department.

22                   “(b) DIRECTOR.—(1) The Director of a Contract  
23                   Support Acquisition Center is the head of the Center.

1       “(2)(A) The Secretary of Defense shall appoint the  
2 Director of the Defense Contract Support Acquisition  
3 Center.

4       “(B) The Secretary of a military department shall  
5 appoint the Director of the Contract Support Acquisition  
6 Center of that department.

7       “(3) The Director of a Contract Support Acquisition  
8 Center shall be selected from among commissioned officers  
9 of the armed forces on active duty and senior civilian offi-  
10 cers and employees of the Department of Defense who  
11 have substantial experience in the acquisition of contract  
12 services.

13       “(c) DUTIES REGARDING ACQUISITIONS.—(1)(A)  
14 The Director of the Defense Contract Support Acquisition  
15 Center shall act as the executive agent within the Depart-  
16 ment of Defense for each acquisition of contract services  
17 in excess of the simplified acquisition threshold for the De-  
18 partment of Defense, other than an acquisition referred  
19 to in subparagraph (B).

20       “(B) The Director of the Contract Support Acquisi-  
21 tion Center of a military department shall act as the exec-  
22 utive agent within that military department for each ac-  
23 quisition of contract services in excess of the simplified  
24 acquisition threshold for such military department.

1       “(2) In carrying out paragraph (1), the Director of  
2 a Center shall—

3               “(A) develop and maintain policies, procedures,  
4 and best practices guidelines addressing the acquisi-  
5 tion of contract services for the Secretary appointing  
6 the Director, including policies, procedures, and best  
7 practices guidelines for—

8                       “(i) acquisition planning;

9                       “(ii) solicitation and contract award;

10                      “(iii) requirements development and man-  
11 agement;

12                      “(iv) contract tracking and oversight;

13                      “(v) performance evaluation; and

14                      “(vi) risk management;

15               “(B) assign responsibility for carrying out the  
16 acquisition of contract services to employees of the  
17 Center and other appropriate organizational ele-  
18 ments under the jurisdiction of that Secretary;

19               “(C) dedicate fulltime commodity managers to  
20 coordinate the acquisition of key categories of serv-  
21 ices;

22               “(D) ensure that contract services being ac-  
23 quired to meet the Secretary’s requirements for  
24 those services are acquired by means of a contract,  
25 or a task or delivery order, that—

1           “(i) is in the best interests of the Depart-  
2           ment of Defense or, in the case of the Director  
3           of the Center for a military department, the  
4           best interests of that military department; and

5           “(ii) is entered into or issued, and is man-  
6           aged, in compliance with applicable laws, regu-  
7           lations, and directives, and other applicable re-  
8           quirements;

9           “(E) ensure that competitive procedures and  
10          performance-based contracting are used to the max-  
11          imum extent practicable for the acquisition of con-  
12          tract services for that Secretary; and

13          “(F) monitor data collection under section  
14          2330a of this title and periodically conduct a spend-  
15          ing analysis to ensure that funds expended for the  
16          acquisition of contract services for the Secretary are  
17          being expended in the most rational and economical  
18          manner practicable.

19          “(d) DUTIES REGARDING ACQUISITION PER-  
20          SONNEL.—The Directors of the Contract Support Acquisi-  
21          tion Centers shall work with appropriate officials of the  
22          Department of Defense—

23                 “(1) to identify the critical skills and com-  
24                 petencies needed to carry out the acquisition of con-

1       tract services on behalf of the Department of De-  
2       fense; and

3               “(2) to develop a comprehensive strategy for re-  
4       cruiting, training, and deploying employees to meet  
5       the requirements for those skills and competencies.

6       “(e) SCOPE OF AUTHORITY.—The authority of the  
7       Director of a Contract Support Acquisition Center under  
8       this section applies to acquisitions in excess of the sim-  
9       plified acquisition threshold.

10       “(f) EXCLUSIVITY OF AUTHORITY.—(1) After Sep-  
11       tember 30, 2009, no officer or employee of the Federal  
12       Government outside the Defense Contract Support Acqui-  
13       sition Center may, without the prior written approval of  
14       the Director of the Center or the Secretary of Defense,  
15       engage in a procurement action for the acquisition of con-  
16       tract services for the Department of Defense that is valued  
17       in excess of the simplified acquisition threshold, other than  
18       a procurement action covered by paragraph (2).

19       “(2) After September 30, 2009, no officer or em-  
20       ployee of the Federal Government outside the Contract  
21       Support Acquisition Center of a military department may,  
22       without the prior written approval of the Director of the  
23       Center, the Secretary of Defense, or the Secretary of that  
24       military department, engage in a procurement action for  
25       the acquisition of contract services for that military de-

1 partment that is valued in excess of the simplified acquisi-  
2 tion threshold.

3 “(3) In this subsection, the term ‘procurement action’  
4 includes the following actions:

5 “(A) Entry into a contract or any other form  
6 of agreement.

7 “(B) Issuance of a task order, delivery order, or  
8 military interdepartmental purchase request.

9 “(g) STAFF AND SUPPORT.—(1) The Secretary ap-  
10 pointing the Director of a Contract Support Acquisition  
11 Center shall ensure that the Director of the Center is pro-  
12 vided a staff and administrative support that are adequate  
13 for the Director to perform the duties of the position  
14 under this section effectively.

15 “(2) The Secretary of Defense may transfer to the  
16 Defense Contract Support Acquisition Center any per-  
17 sonnel within the Department of Defense whose principal  
18 duty is the acquisition of contract services for the Depart-  
19 ment of Defense.

20 “(3) The Secretary of a military department may  
21 transfer to the Contract Support Acquisition Center of  
22 that military department any personnel within such mili-  
23 tary department whose principal duty is the acquisition  
24 of contract services for that military department.

1       “(h) TRANSFERS OF NONDEFENSE ORGANIZA-  
2 TIONS.—(1) Except as provided in paragraph (5), the Sec-  
3 retary of Defense may accept from the head of a depart-  
4 ment or agency outside the Department of Defense a  
5 transfer to any of the Contract Support Acquisition Cen-  
6 ters of all or part of any organizational unit of such other  
7 department or agency that is primarily engaged in the ac-  
8 quisition of contract services if, during the most recent  
9 year for which data are available before such transfer,  
10 more than 50 percent of the contract services acquired by  
11 such organizational unit (determined on the basis of cost)  
12 were acquired on behalf of the Department of Defense.

13       “(2) The head of a department or agency outside the  
14 Department of Defense may transfer in accordance with  
15 this section an organizational unit that is authorized to  
16 be accepted under paragraph (1).

17       “(3) A transfer under this subsection may be made  
18 and accepted only pursuant to a memorandum of under-  
19 standing that is entered into by the head of the depart-  
20 ment or agency making the transfer and the Secretary of  
21 Defense.

22       “(4) A transfer of an organizational unit under this  
23 section shall include the transfer of the personnel of such  
24 organizational unit, the assets of such organizational unit,  
25 and the contracts of such organizational unit, to the extent

1 provided in the memorandum of understanding governing  
2 the transfer of the unit.

3 “(5) This section does not authorize a transfer of the  
4 multiple award schedule program of the General Services  
5 Administration described in section 2302(2)(C) of this  
6 title.

7 “(i) SIMPLIFIED ACQUISITION THRESHOLD.—In this  
8 section, the term ‘simplified acquisition threshold’ has the  
9 meaning given that term in section 2302(7) of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-  
11 tions at the beginning of such subchapter is amend-  
12 ed by adding at the end the following new item:

“197. Contract Support Acquisition Centers.”.

13 (b) IMPLEMENTATION.—

14 (1) PHASED IMPLEMENTATION OF DIRECTOR’S  
15 AUTHORITY TO ACT AS EXECUTIVE AGENT.—Not-  
16 withstanding subsections (c)(1) and (e) of section  
17 197 of title 10, United States Code (as added by  
18 subsection (a)), the authority of the Director of a  
19 Contract Support Acquisition Center to act under  
20 such section as executive agent for acquisitions of  
21 contract services before October 1, 2009, applies  
22 only with respect to—

23 (A) contracts in excess of \$10,000,000  
24 that are entered into after September 30, 2006,  
25 and before October 1, 2009; and

1 (B) any other acquisitions of contract serv-  
2 ices that, as designated by the Secretary who  
3 appointed the Director, are to be carried out for  
4 that Secretary by the Director.

5 (2) PROCUREMENT MANAGEMENT STRUC-  
6 TURE.—The Secretary of Defense shall implement  
7 section 2330 of title 10, United States Code (relat-  
8 ing to a management structure for the procurement  
9 of services for the Department of Defense), by desig-  
10 nating each Director of the Contract Support Acqui-  
11 sition Center appointed under section 197 of such  
12 title (as added by subsection (a)) to act as executive  
13 agent for the management of the procurements of  
14 services carried out for the Secretary appointing  
15 such Director with respect to—

16 (A) all contracts in excess of \$10,000,000  
17 that are entered into after September 30, 2006,  
18 and before October 1, 2009; and

19 (B) all contracts in excess of the simplified  
20 acquisition threshold (as defined in section  
21 2302(7) of such title) that are entered into  
22 after September 30, 2009.

23 (3) COMPLIANCE WITH CERTAIN PUBLIC LAW  
24 108–375 REQUIREMENTS.—For compliance with the  
25 requirements of section 854 of the Ronald W.

1 Reagan National Defense Authorization Act for Fis-  
2 cal Year 2005 (Public Law 108–375; 118 Stat.  
3 2022, 10 U.S.C. 2304 note), the Secretary con-  
4 cerned shall designate the Director of the Contract  
5 Support Acquisition Center appointed by that Sec-  
6 retary to act as the executive agent of that Secretary  
7 to review and approve the use of a contract for the  
8 acquisition of contract services that—

9 (A) is entered into after September 30,  
10 2006, by a department or agency outside the  
11 Department of Defense; and

12 (B) if entered into—

13 (i) before October 1, 2009, is valued  
14 in excess of \$10,000,000; or

15 (ii) after September 30, 2009, is val-  
16 ued in excess of the simplified acquisition  
17 threshold (as defined in section 2302(7) of  
18 title 10, United States Code).

19 (4) SECRETARY CONCERNED DEFINED.—In  
20 paragraph (3), the term “Secretary concerned”  
21 means the head of an agency named in subsection  
22 (f)(1) of section 854 of the Ronald W. Reagan Na-  
23 tional Defense Authorization Act for Fiscal Year  
24 2005 (Public Law 108–375; 118 Stat. 2022; 10  
25 U.S.C. 2304 note).

1 **SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND**  
2 **CROSS-SERVICING AGREEMENTS WITH RE-**  
3 **GIONAL ORGANIZATIONS OF WHICH THE**  
4 **UNITED STATES IS NOT A MEMBER.**

5 (a) ACQUISITION AGREEMENTS.—Section 2341(1) of  
6 title 10, United States Code, is amended by striking “of  
7 which the United States is a member”.

8 (b) CROSS-SERVICING AGREEMENTS.—Section  
9 2342(a)(1)(C) of such title is amended by striking “of  
10 which the United States is a member”.

11 (c) CONFORMING AMENDMENT.—Section 2344(b)(4)  
12 of such title is amended by striking “of which the United  
13 States is a member”.

14 **SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PRO-**  
15 **CUREMENT OF MAJOR WEAPON SYSTEMS AS**  
16 **COMMERCIAL ITEMS.**

17 (a) REQUIREMENT FOR AUTHORIZATION.—

18 (1) IN GENERAL.—Chapter 140 of title 10,  
19 United States Code, is amended by adding at the  
20 end the following new section:

21 **“§ 2379. Requirement for authorization for procure-**  
22 **ment of major weapon systems as com-**  
23 **mercial items**

24 “(a) REQUIREMENT FOR AUTHORIZATION.—A major  
25 weapon system of the Department of Defense may be  
26 treated as a commercial item, or purchased under proce-

1 dures established for the procurement of commercial  
2 items, only if specifically authorized by Congress.

3 “(b) TREATMENT OF SUBSYSTEMS AND COMPO-  
4 NENTS AS COMMERCIAL ITEMS.—A subsystem or compo-  
5 nent of a major weapon system shall be treated as a com-  
6 mercial item and purchased under procedures established  
7 for the procurement of commercial items if such sub-  
8 system or component otherwise meets the requirements for  
9 treatment as a commercial item.

10 “(c) MAJOR WEAPON SYSTEM DEFINED.—In this  
11 section, the term ‘major weapon system’ means a weapon  
12 system acquired pursuant to a major defense acquisition  
13 program (as that term is defined in section 2430 of this  
14 title).”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
16 tions at the beginning of chapter 140 of such title  
17 is amended by adding at the end the following new  
18 item:

“2379. Requirement for authorization for procurement of major weapon systems  
as commercial items.”.

19 (b) EFFECTIVE DATE.—The amendments made by  
20 subsection (a) shall take effect on the date of the enact-  
21 ment of this Act, and shall apply to contracts entered on  
22 or after such date.

1 **SEC. 805. REPORT ON SERVICE SURCHARGES FOR PUR-**  
2 **CHASES MADE FOR MILITARY DEPARTMENTS**  
3 **THROUGH OTHER DEPARTMENT OF DEFENSE**  
4 **AGENCIES.**

5 (a) **REPORTS BY MILITARY DEPARTMENTS.**—For  
6 each of fiscal years 2005 and 2006, the Secretary of each  
7 military department shall, not later than 60 days after the  
8 last day of that fiscal year, submit to the Under Secretary  
9 of Defense for Acquisition, Technology, and Logistics a  
10 report on the service charges imposed on such military de-  
11 partment for purchases in amounts greater than the sim-  
12 plified acquisition threshold that were made for that mili-  
13 tary department during such fiscal year through a con-  
14 tract entered into by an agency of the Department of De-  
15 fense other than that military department. The report  
16 shall specify the amounts of the service charges and iden-  
17 tify the services provided in exchange for such charges.

18 (b) **ANALYSIS OF MILITARY DEPARTMENT RE-**  
19 **PORTS.**—Not later than 90 days after receiving a report  
20 of the Secretary of a military department for a fiscal year  
21 under subsection (a), the Under Secretary of Defense for  
22 Acquisition, Technology, and Logistics shall review the  
23 service charges delineated in such report for the acqui-  
24 sitions covered by the report and the services provided in  
25 exchange for such charges and shall compare those  
26 charges with the costs of the alternative means for making

1 such acquisitions. The analysis shall include the Under  
2 Secretary's determinations of whether the imposition and  
3 amounts of the service charges were reasonable.

4 (c) REPORT TO CONGRESS.—Not later than April 1,  
5 2006 (for reports for fiscal year 2005 under subsection  
6 (a)), and not later than April 1, 2007 (for reports for fis-  
7 cal year 2006 under subsection (a)), the Under Secretary  
8 of Defense for Acquisition, Technology, and Logistics shall  
9 submit to the congressional defense committees a report  
10 on the reports submitted by the Secretaries of the military  
11 departments under subsection (a), together with the  
12 Under Secretary's determinations under subsection (b)  
13 with regard to the matters set forth in those reports.

14 (d) SIMPLIFIED ACQUISITION THRESHOLD DE-  
15 FINED.—In this section, the term “simplified acquisition  
16 threshold” has the meaning given such term in section  
17 4(11) of the Office of Federal Procurement Policy Act (41  
18 U.S.C. 403(11)).

19 **SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.**

20 (a) REVIEW BY DEFENSE ACQUISITION UNIVER-  
21 SITY.—The Defense Acquisition University, acting under  
22 the direction and authority of the Under Secretary of De-  
23 fense for Acquisition, Technology, and Logistics, shall con-  
24 duct a review of the acquisition structure of the Depart-

1 ment of Defense, including the acquisition structure of the  
2 following:

3 (1) Each military department.

4 (2) Each defense agency.

5 (3) Any other element of the Department of  
6 Defense that has an acquisition function.

7 (b) ELEMENTS.—

8 (1) IN GENERAL.—In reviewing the acquisition  
9 structure of an organization under subsection (a),  
10 the Defense Acquisition University shall—

11 (A) determine the current structure of the  
12 organization;

13 (B) review the evolution of the current  
14 structure of the organization, including the rea-  
15 sons for each reorganization of the structure,  
16 and identify any acquisition structures or capa-  
17 bilities that have been divested from the organi-  
18 zation during the last 15 years;

19 (C) identify the capabilities needed by the  
20 organization to fulfill its function and assess  
21 the capacity of the organization, as currently  
22 structured, to provide such capabilities; and

23 (D) identify any gaps, shortfalls, or inad-  
24 equacies relating to acquisitions in the current  
25 structure of the organization.

1           (2) EMPHASIS IN REVIEW.—In conducting the  
2 review of acquisition structures under subsection (a),  
3 the University shall place special emphasis on con-  
4 sideration of—

5           (A) structures and processes for joint ac-  
6 quisition, including actions that may be needed  
7 to improve such structures and processes; and

8           (B) actions that may be needed to improve  
9 acquisition outcomes.

10       (c) PRIORITY ON COMPLETION OF REVIEW OF AC-  
11 QUISTION STRUCTURE OF DEPARTMENT OF AIR  
12 FORCE.—In conducting the review of acquisition struc-  
13 tures under subsection (a), the Defense Acquisition Uni-  
14 versity shall give a priority to a review of the acquisition  
15 structure of the Department of the Air Force.

16       (d) FUNDING.—The Under Secretary of Defense for  
17 Acquisition, Technology, and Logistics shall provide the  
18 Defense Acquisition University the funds required to con-  
19 duct the review under subsection (a).

20       (e) REPORTS.—

21           (1) INTERIM REPORT ON STRUCTURE OF DE-  
22 PARTMENT OF AIR FORCE.—Not later than one year  
23 after the date of the enactment of this Act, the De-  
24 fense Acquisition University shall submit to the con-  
25 gressional defense committees an interim report ad-

1        dressing the acquisition structure of the Department  
2        of the Air Force.

3            (2) FINAL REPORT ON REVIEW.—Not later  
4        than 180 days after the completion of the review re-  
5        quired by subsection (a), the University shall submit  
6        to the Under Secretary of Defense for Acquisition,  
7        Technology, and Logistics a report on the review.  
8        The report shall include a separate annex on the ac-  
9        quisition structure on each organization covered by  
10       the review, which annex—

11            (A) shall address the matters specified  
12            under subsection (b) with respect to such orga-  
13            nization; and

14            (B) may include such recommendations  
15            with respect to such organization as the Univer-  
16            sity considers appropriate.

17            (3) TRANSMITTAL OF FINAL REPORT.—Not  
18        later than 90 days after the receipt of the report  
19        under paragraph (2), the Under Secretary shall  
20        transmit to the congressional defense committees a  
21        copy of the report, together with the comments of  
22        the Under Secretary on the report.

23            (f) DEFENSE ACQUISITION UNIVERSITY DEFINED.—  
24        In this section, the term “Defense Acquisition University”

1 means the Defense Acquisition University established pur-  
2 suant to section 1746 of title 10, United States Code.

3 **SEC. 807. REPORTS ON SIGNIFICANT INCREASES IN PRO-**  
4 **GRAM ACQUISITION UNIT COSTS OR PRO-**  
5 **CUREMENT UNIT COSTS OF MAJOR DEFENSE**  
6 **ACQUISITION PROGRAMS.**

7 (a) INITIAL REPORT REQUIRED.—Not later than 90  
8 days after the date of the enactment of this Act, the Sec-  
9 retary of Defense shall submit to the congressional defense  
10 committees a report on the acquisition status of each  
11 major defense acquisition program whose program acquisi-  
12 tion unit cost or procurement unit cost, as of the date  
13 of the enactment of this Act, has exceeded by more than  
14 50 percent the original baseline projection for such unit  
15 cost. The report shall include the information specified in  
16 subsection (c).

17 (b) INFORMATION.—The information specified in this  
18 subsection with respect to a major defense acquisition pro-  
19 gram is the following:

20 (1) An assessment of the costs to be incurred  
21 to complete the program if the program is not modi-  
22 fied.

23 (2) An explanation of why the costs of the pro-  
24 gram have increased.

1           (3) A justification for the continuation of the  
2           program notwithstanding the increase in costs.

3           (c) MAJOR DEFENSE ACQUISITION PROGRAM DE-  
4 FINED.—In this section, the term “major defense acqui-  
5 sition program” has the meaning given that term in section  
6 2430 of title 10, United States Code.

7 **SEC. 808. MODIFICATION OF REQUIREMENTS APPLICABLE**  
8                           **TO CONTRACTS AUTHORIZED BY LAW FOR**  
9                           **CERTAIN MILITARY MATERIEL.**

10          (a) INCLUSION OF COMBAT VEHICLES UNDER RE-  
11 QUIREMENTS.—Section 2401 of title 10, United States  
12 Code, is amended—

13           (1) by striking “vessel or aircraft” each place it  
14           appears and inserting “vessel, aircraft, or combat  
15           vehicle”;

16           (2) in subsection (c), by striking “aircraft or  
17           naval vessel” each place it appears and inserting  
18           “aircraft, naval vessel, or combat vehicle”;

19           (3) in subsection (e), by striking “aircraft or  
20           naval vessels” each place it appears and inserting  
21           “aircraft, naval vessels, or combat vehicle”; and

22           (4) in subsection (f)—

23                    (A) by striking “aircraft and naval vessels”  
24                    and inserting “aircraft, naval vessels, and com-  
25                    bat vehicle”; and

1 (B) by striking “such aircraft and vessels”  
2 and inserting “such aircraft, vessels, and com-  
3 bat vehicle”.

4 (b) ADDITIONAL INFORMATION FOR CONGRESS.—

5 Subsection (b) of such section is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (B), by striking  
8 “and” at the end;

9 (B) in subparagraph (C), by striking the  
10 period at the end and inserting “; and”; and

11 (C) by adding at the end the following new  
12 subparagraph:

13 “(D) the Secretary has certified to those  
14 committees—

15 “(i) that entering into the proposed con-  
16 tract as a means of obtaining the vessel, air-  
17 craft, or combat vehicle is the most cost-effec-  
18 tive means of obtaining such vessel, aircraft, or  
19 combat vehicle; and

20 “(ii) that the Secretary has determined  
21 that the lease complies with all applicable laws,  
22 Office of Management and Budget circulars,  
23 and Department of Defense regulations.”; and

24 (2) by adding at the end the following new  
25 paragraphs:

1           “(3) Upon receipt of a notice under paragraph  
2           (1)(C), a committee identified in paragraph (1)(B)  
3           may request the Inspector General of the Depart-  
4           ment of Defense or the Comptroller General of the  
5           United States to conduct a review of the proposed  
6           contract to determine whether or not such contract  
7           meets the requirements of this section.

8           “(4) If a review is requested under paragraph  
9           (3), the Inspector General of the Department of De-  
10          fense or the Comptroller General of the United  
11          States, as the case may be, shall submit to the Sec-  
12          retary and the congressional defense committees a  
13          report on such review before the expiration of the  
14          period specified in paragraph (1)(C).”.

15          (c) APPLICABILITY OF ACQUISITION REGULA-  
16          TIONS.—Such section is further amended—

17                 (1) by redesignating subsection (f) as sub-  
18                 section (g); and

19                 (2) by inserting after subsection (e) the fol-  
20                 lowing new subsection (f):

21                 “(f)(1) If a lease or charter covered by this section  
22                 is a capital lease or a lease-purchase—

23                         “(A) the lease or charter shall be treated as an  
24                         acquisition and shall be subject to all applicable stat-  
25                         utory and regulatory requirements for the acquisi-

1       tion of aircraft, naval vessels, or combat vehicles;  
2       and

3               “(B) funds appropriated to the Department of  
4       Defense for operation and maintenance may not be  
5       obligated or expended for the lease or charter.

6       “(2) In this subsection, the terms ‘capital lease’ and  
7       ‘lease-purchase’ have the meanings given those terms in  
8       Appendix B to Office of Management and Budget Circular  
9       A–11, as in effect on the date of the enactment of the  
10       National Defense Authorization Act for Fiscal Year  
11       2006.”.

12       (d) CONFORMING AND CLERICAL AMENDMENTS.—

13               (1) The heading of such section is amended to  
14       read as follows:

15       **“§ 2401. Requirement for authorization by law of cer-**  
16               **tain contracts relating to vessels, aircraft,**  
17               **and combat vehicles”.**

18               (2) The table of sections at the beginning of  
19       chapter 141 of such title is amended by striking the  
20       item relating to section 2401 and inserting the fol-  
21       lowing new item:

      “Sec. 2401. Requirement for authorization by law of certain contracts relating  
          to vessels, aircraft, and combat vehicles.”.

1 **SEC. 809. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES**  
2 **FOR MAJOR DEFENSE ACQUISITION PRO-**  
3 **GRAMS.**

4 (a) REQUIREMENT.—

5 (1) IN GENERAL.—Chapter 144 of title 10,  
6 United States Code, is amended by inserting after  
7 section 2431 the following new section:

8 **“§ 2431a. Major defense acquisition programs: re-**  
9 **quirement for analysis of alternatives**

10 “(a) No major defense acquisition program may be  
11 commenced before the completion of an analysis of alter-  
12 natives with respect to such program.

13 “(b) For the purposes of this section, a major defense  
14 acquisition program is commenced when the milestone de-  
15 cision authority approves entry of the program into the  
16 first phase of the acquisition process applicable to the pro-  
17 gram.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions at the beginning of chapter 144 of such title  
20 is amended by inserting after the item relating to  
21 section 2431 the following new item:

“2431a. Major defense acquisition programs: requirement for analysis of alter-  
natives.”.

22 (b) EFFECTIVE DATE.—The amendments made by  
23 subsection (a) shall take effect on the date of the enact-  
24 ment of this Act, and shall apply with respect to major

1 defense acquisition programs commenced on or after that  
2 date.

3 **SEC. 809A. REPORT ON USE OF LEAD SYSTEM INTEGRA-**  
4 **TORS IN THE ACQUISITION OF MAJOR SYS-**  
5 **TEMS.**

6 (a) REPORT REQUIRED.—Not later than 90 days  
7 after the date of the enactment of this Act, the Secretary  
8 of Defense shall submit to the congressional defense com-  
9 mittees a report on the use of lead system integrators for  
10 the acquisition by the Department of Defense of major  
11 systems.

12 (b) CONTENTS.—The report required by subsection  
13 (a) shall include a detailed description of the actions taken  
14 (including a specific timetable), or to be taken, and the  
15 current regulations and guidelines regarding—

16 (1) the definition of the respective rights of the  
17 Department of Defense, lead system integrators, and  
18 other contractors that participate in the development  
19 or production of any individual element of the major  
20 weapon system (including subcontractors under lead  
21 system integrators) in intellectual property that is  
22 developed by the other participating contractors in a  
23 manner that ensures that—

24 (A) the Department of Defense obtains ap-  
25 propriate rights in technical data developed by

1 the other participating contractors in accord-  
2 ance with the requirements of section 2320 of  
3 title 10, United States Code; and

4 (B) lead system integrators obtain access  
5 to technical data developed by the other partici-  
6 pating contractors only to the extent necessary  
7 to execute their contractual obligations as lead  
8 systems integrators;

9 (2) the prevention or mitigation of organiza-  
10 tional conflicts of interest on the part of lead system  
11 integrators;

12 (3) the prevention of the performance by lead  
13 system integrators of functions closely associated  
14 with inherently governmental functions;

15 (4) the appropriate use of competitive proce-  
16 dures in the award of subcontracts by lead system  
17 integrators with system responsibility;

18 (5) the prevention of organizational conflicts of  
19 interest arising out of any financial interest of lead  
20 system integrators without system responsibility in  
21 the development or production of individual elements  
22 of a major weapon system; and

23 (6) the prevention of pass-through charges by  
24 lead system integrators with system responsibility on  
25 systems or subsystems developed or produced under

1 subcontracts where such lead system integrators do  
2 not provide significant value added with regard to  
3 such systems or subsystems.

4 (c) DEFINITIONS.—In this section:

5 (1) The term “lead system integrator” includes  
6 lead system integrators with system responsibility  
7 and lead system integrators without system responsi-  
8 bility.

9 (2) The term “lead system integrator with sys-  
10 tem responsibility” means a prime contractor for the  
11 development or production of a major system if the  
12 prime contractor is not expected at the time of  
13 award, as determined by the Secretary of Defense  
14 for purposes of this section, to perform a substantial  
15 portion of the work on the system and the major  
16 subsystems.

17 (3) The term “lead system integrator without  
18 system responsibility” means a contractor under a  
19 contract for the procurement of services whose pri-  
20 mary purpose is to perform acquisition functions  
21 closely associated with inherently governmental func-  
22 tions with regard to the development or production  
23 of a major system.

1           (4) The term “major system” has the meaning  
2           given such term in section 2302d of title 10, United  
3           States Code.

4           (5) The term “pass-through charge” means a  
5           charge for overhead or profit on work performed by  
6           a lower-tier contractor (other than charges for the  
7           direct costs of managing lower-tier contracts and  
8           overhead and profit based on such direct costs) that  
9           does not, as determined by the Secretary for pur-  
10          poses of this section, promote significant value  
11          added with regard to such work.

12          (6) The term “functions closely associated with  
13          inherently governmental functions” has the meaning  
14          given such term in section 2383(b)(3) of title 10,  
15          United States Code.

16 **SEC. 809B. ACQUISITION STRATEGY FOR COMMERCIAL SAT-**  
17 **ELLITE COMMUNICATION SERVICES.**

18          (a) REQUIREMENT FOR SPEND ANALYSIS.—The Sec-  
19          retary of Defense shall, as a part of the effort of the De-  
20          partment of Defense to develop a revised strategy for ac-  
21          quiring commercial satellite communication services, per-  
22          form a complete spend analysis of the past and current  
23          acquisitions by the Department of commercial satellite  
24          communication services.

25          (b) REPORT ON ACQUISITION STRATEGY.—

1           (1) IN GENERAL.—Not later than six months  
2 after the date of the enactment of this Act, the Sec-  
3 retary shall submit to Congress a report on the ac-  
4 quisition strategy of the Department of Defense for  
5 commercial satellite communications services.

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

8           (A) A description of the spend analysis re-  
9 quired by subsection (a), including the results  
10 of the analysis.

11           (B) The proposed strategy of the Depart-  
12 ment for acquiring commercial satellite commu-  
13 nication services, which strategy shall—

14           (i) be based in appropriate part on  
15 the results of the analysis required by sub-  
16 section (a); and

17           (ii) take into account various methods  
18 of aggregating purchases and leveraging  
19 the purchasing power of the Department,  
20 including through the use of multiyear con-  
21 tracting for commercial satellite commu-  
22 nication services.

23           (C) A proposal for such legislative action  
24 as the Secretary considers necessary to acquire  
25 appropriate types and amounts of commercial

1 satellite communications services using methods  
2 of aggregating purchases and leveraging the  
3 purchasing power of the Department (including  
4 the use of multiyear contracting), or if the use  
5 of such methods is determined inadvisable, a  
6 statement of the rationale for such determina-  
7 tion.

8 (D) A proposal for such other legislative  
9 action that the Secretary considers necessary to  
10 implement the strategy of the Department for  
11 acquiring commercial satellite communication  
12 services.

13 **SEC. 809C. GUIDANCE ON USE OF TIERED EVALUATION OF**  
14 **OFFERS FOR CONTRACTS AND TASK ORDERS**  
15 **UNDER CONTRACTS.**

16 (a) **GUIDANCE REQUIRED.**—The Secretary of De-  
17 fense shall prescribe guidance for the military departments  
18 and the Defense Agencies on the use of tiered evaluations  
19 of offers or proposals of offerors for contracts and for task  
20 orders under contracts.

21 (b) **ELEMENTS.**—The guidance prescribed under sub-  
22 section (a) shall include a prohibition on the initiation by  
23 a contracting officer of a tiered evaluation of an offer or  
24 proposal of an offeror for a contract or for a task or deliv-  
25 ery order under a contract unless the contracting officer—

1           (1) has conducted market research in accord-  
2           ance with part 10 of the Federal Acquisition Regula-  
3           tion in order to determine whether or not a suffi-  
4           cient number of qualified small businesses are avail-  
5           able to justify limiting competition for the award of  
6           such contract or task or delivery order under appli-  
7           cable law and regulations;

8           (2) is unable, after conducting market research  
9           under paragraph (1), to make the determination de-  
10          scribed in that paragraph; and

11          (3) includes in the contract file a written expla-  
12          nation why such contracting officer was unable to  
13          make such determination.

14 **SEC. 809D. CONGRESSIONAL NOTIFICATION OF CANCELLA-**  
15 **TION OF MAJOR AUTOMATED INFORMATION**  
16 **SYSTEMS.**

17          (a) **REPORT REQUIRED.**—The Secretary of Defense  
18 shall notify the congressional defense committees not less  
19 than 60 days before cancelling a major automated infor-  
20 mation system program that has been fielded or approved  
21 to be fielded, or making a change that will significantly  
22 reduce the scope of such a program, of the proposed can-  
23 cellation or change.

1 (b) CONTENT.—Each notification submitted under  
2 subsection (a) with respect to the proposed cancellation  
3 or change shall include—

4 (1) the specific justification for the proposed  
5 change;

6 (2) a description of the impact of the proposed  
7 change on the Department’s ability to achieve the  
8 objectives of the program that has been cancelled or  
9 changed;

10 (3) a description of the steps that the Depart-  
11 ment plans to take to achieve such objectives; and

12 (4) other information relevant to the change in  
13 acquisition strategy.

14 (c) DEFINITIONS.—In this section:

15 (1) The term “major automated information  
16 system” has the meaning given that term in Depart-  
17 ment of Defense directive 5000.1.

18 (2) The term “approved to be fielded” means  
19 having received Milestone C approval.

20 **SEC. 809E. TEMPORARY INAPPLICABILITY OF BERRY**  
21 **AMENDMENT TO PROCUREMENTS OF SPE-**  
22 **CIALTY METALS USED TO PRODUCE FORCE**  
23 **PROTECTION EQUIPMENT.**

24 (a) IN GENERAL.—Section 2533a(a) of title 10,  
25 United States Code, shall not apply to the procurement,

1 during the 2-year period beginning on the date of the en-  
2 actment of this Act, of specialty metals if such specialty  
3 metals are used to produce force protection equipment  
4 needed to prevent combat fatalities in Iraq or Afghanistan.

5 (b) TREATMENT OF PROCUREMENTS WITHIN PE-  
6 RIOD.—For the purposes of subsection (a), a procurement  
7 shall be treated as being made during the 2-year period  
8 described in that subsection to the extent that funds are  
9 obligated by the Department of Defense for that procure-  
10 ment during that period.

11 **SEC. 809F. PUBLIC-PRIVATE COMPETITION FOR WORK PER-**  
12 **FORMED BY CIVILIAN EMPLOYEES OF THE**  
13 **DEPARTMENT OF DEFENSE.**

14 (a) LIMITATION.—Section 2461(b) of title 10, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing new paragraph:

17 “(5)(A) Notwithstanding subsection (d), a function  
18 of the Department of Defense performed by 10 or more  
19 civilian employees may not be converted, in whole or in  
20 part, to performance by a contractor unless the conversion  
21 is based on the results of a public-private competition  
22 process that—

23 “(i) formally compares the cost of civilian em-  
24 ployee performance of that function with the costs of  
25 performance by a contractor;

1           “(ii) creates an agency tender, including a most  
2           efficient organization plan, in accordance with Office  
3           of Management and Budget Circular A-76, as im-  
4           plemented on May 29, 2003; and

5           “(iii) requires continued performance of the  
6           function by civilian employees unless the competitive  
7           sourcing official concerned determines that, over all  
8           performance periods stated in the solicitation of of-  
9           fers for performance of the activity or function, the  
10          cost of performance of the activity or function by a  
11          contractor would be less costly to the Department of  
12          Defense by an amount that equals or exceeds the  
13          lesser of \$10,000,000 or 10 percent of the most effi-  
14          cient organization’s personnel-related costs for per-  
15          formance of that activity or function by Federal em-  
16          ployees.

17          “(B) Any function that is performed by civilian em-  
18          ployees of the Department of Defense and is proposed to  
19          be reengineered, reorganized, modernized, upgraded, ex-  
20          panded, or changed in order to become more efficient shall  
21          not be considered a new requirement for the purpose of  
22          the competition requirements in subparagraph (A) or the  
23          requirements for public-private competition in Office of  
24          Management and Budget Circular A-76.

1       “(C) A function performed by more than 10 Federal  
2 Government employees may not be separated into separate  
3 functions for the purposes of avoiding the competition re-  
4 quirement in subparagraph (A) or the requirements for  
5 public-private competition in Office of Management and  
6 Budget Circular A-76.

7       “(D) The Secretary of Defense may waive the re-  
8 quirement for a public-private competition under subpara-  
9 graph (A) in specific instances if—

10           “(i) the written waiver is prepared by the Sec-  
11 retary of Defense or the relevant Assistant Secretary  
12 of Defense, Secretary of a military department, or  
13 head of a Defense Agency;

14           “(ii) the written waiver is accompanied by a de-  
15 tailed determination that national security interests  
16 preclude compliance with the requirement for a pub-  
17 lic-private competition; and

18           “(iii) a copy of the waiver is published in the  
19 Federal Register within 10 working days after the  
20 date on which the waiver is granted, although use of  
21 the waiver need not be delayed until its publica-  
22 tion.”.

23       (b) INAPPLICABILITY TO BEST-VALUE SOURCE SE-  
24 LECTION PILOT PROGRAM.—Paragraph (5) of section  
25 2461(b) of title 10, United States Code, as added by sub-

1 section (a), shall not apply with respect to the pilot pro-  
2 gram for best-value source selection for performance of in-  
3 formation technology services authorized by section 336  
4 of the National Defense Authorization Act for Fiscal Year  
5 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C.  
6 2461 note).

7 (c) REPEAL OF SUPERSEDED LAW.—Section 327 of  
8 the Ronald W. Reagan National Defense Authorization  
9 Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.  
10 2461 note) is repealed.

11 **SEC. 809G. PERFORMANCE OF CERTAIN WORK BY FEDERAL**  
12 **GOVERNMENT EMPLOYEES.**

13 (a) GUIDELINES.—

14 (1) IN GENERAL.—The Secretary of Defense  
15 shall prescribe guidelines and procedures for ensur-  
16 ing that consideration is given to using Federal Gov-  
17 ernment employees on a regular basis for work that  
18 is performed under Department of Defense contracts  
19 and could be performed by Federal Government em-  
20 ployees.

21 (2) CRITERIA.—The guidelines and procedures  
22 prescribed under paragraph (1) shall provide for  
23 special consideration to be given to contracts that—

1 (A) have been performed by Federal Gov-  
2 ernment employees at any time on or after Oc-  
3 tober 1, 1980;

4 (B) are associated with the performance of  
5 inherently governmental functions;

6 (C) were not awarded on a competitive  
7 basis; or

8 (D) have been determined by a contracting  
9 officer to be poorly performed due to excessive  
10 costs or inferior quality.

11 (b) NEW REQUIREMENTS.—

12 (1) LIMITATION ON REQUIRING PUBLIC-PRI-  
13 VATE COMPETITION.—No public-private competition  
14 may be required under Office of Management and  
15 Budget Circular A-76 or any other provision of law  
16 or regulation before the performance of a new re-  
17 quirement by Federal Government employees com-  
18 mences, the performance by Federal Government  
19 employees of work pursuant to subsection (a) com-  
20 mences, or the scope of an existing activity per-  
21 formed by Federal Government employees is ex-  
22 panded. Office of Management and Budget Circular  
23 A-76 shall be revised to ensure that the heads of all  
24 Federal agencies give fair consideration to the per-

1 performance of new requirements by Federal Govern-  
2 ment employees.

3 (2) CONSIDERATION OF FEDERAL GOVERNMENT  
4 EMPLOYEES.—The Secretary of Defense shall, to the  
5 maximum extent practicable, ensure that Federal  
6 Government employees are fairly considered for the  
7 performance of new requirements, with special con-  
8 sideration given to new requirements that include  
9 functions that—

10 (A) are similar to functions that have been  
11 performed by Federal Government employees at  
12 any time on or after October 1, 1980; or

13 (B) are associated with the performance of  
14 inherently governmental functions.

15 (c) USE OF FLEXIBLE HIRING AUTHORITY.—The  
16 Secretary shall include the use of the flexible hiring au-  
17 thority available through the National Security Personnel  
18 System in order to facilitate performance by Federal Gov-  
19 ernment employees of new requirements and work that is  
20 performed under Department of Defense contracts.

21 (d) INSPECTOR GENERAL REPORT.—Not later than  
22 180 days after the enactment of this Act, the Inspector  
23 General of the Department of Defense shall submit to the  
24 Committees on Armed Services of the Senate and the  
25 House of Representatives a report on the compliance of

1 the Secretary of Defense with the requirements of this sec-  
2 tion.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “National Security Personnel Sys-  
5 tem” means the human resources management sys-  
6 tem established under the authority of section 9902  
7 of title 5, United States Code.

8 (2) The term “inherently governmental func-  
9 tion” has the meaning given that term in section 5  
10 of the Federal Activities Inventory Reform Act of  
11 1998 (Public Law 105–270; 112 Stat. 2384; 31  
12 U.S.C. 501 note).

13 **SEC. 809H. CONTRACTING FOR PROCUREMENT OF CER-**  
14 **TAIN SUPPLIES AND SERVICES.**

15 (a) MODIFICATION OF LIMITATION ON CONVERSION  
16 TO CONTRACTOR PERFORMANCE.—Section 8014(a)(3) of  
17 the Department of Defense Appropriations Act, 2005  
18 (Public law 108–287; 118 Stat. 972) is amended—

19 (1) in subparagraph (A), by inserting “, pay-  
20 ment that could be used in lieu of such a plan,  
21 health savings account, or medical savings account”  
22 after “health insurance plan”; and

23 (2) in subparagraph (B), by striking “that re-  
24 quires” and all that follows through the end and in-  
25 serting “that does not comply with the requirements

1 of any Federal law governing the provision of health  
2 care benefits by Government contractors that would  
3 be applicable if the contractor performed the activity  
4 or function under the contract.”.

5 **SEC. 809I. MODIFICATION AND EXTENSION OF PILOT PRO-**  
6 **GRAM ON SHARE-IN-SAVINGS CONTRACTS.**

7 (a) INCLUSION OF INFORMATION TECHNOLOGY IM-  
8 PROVEMENTS IN SHARE-IN-SAVINGS.—Paragraph (1) of  
9 subsection (a) of section 2332 of title 10, United States  
10 Code, is amended by adding at the end the following new  
11 sentence: “Each such contract shall provide that the con-  
12 tractor shall incur the cost of implementing information  
13 technology improvements, including costs incurred in ac-  
14 quiring, installing, maintaining, and upgrading informa-  
15 tion technology equipment and training personnel in the  
16 use of such equipment, in exchange for a share of any  
17 savings directly resulting from the implementation of such  
18 improvements during the term of the contract.”.

19 (b) CONTRACT PERFORMANCE EVALUATION.—Such  
20 subsection is further amended—

21 (1) in paragraph (3), by striking “, to the max-  
22 imum extent practicable,”;

23 (2) by striking paragraph (4);

24 (3) by redesignating paragraph (5) as para-  
25 graph (7); and

1           (4) inserting after paragraph (3) the following  
2           new paragraphs:

3           “(4) The head of an agency that enters into contracts  
4 pursuant to the authority of this section shall establish  
5 a panel of employees of such agency, independent of any  
6 program office or contracting office responsible for award-  
7 ing and administering such contracts, for the purpose of  
8 verifying performance baselines and methodologies for cal-  
9 culating savings resulting from the implementation of in-  
10 formation technology improvements under such contracts.  
11 Employees assigned to any such panel shall have experi-  
12 ence and expertise appropriate for the duties of such  
13 panel.

14           “(5) Each contract awarded pursuant to the author-  
15 ity of this section shall include a provision containing a  
16 quantifiable baseline of current and projected costs, a  
17 methodology for calculating actual costs during the period  
18 of performance, and a savings share ratio governing the  
19 amount of payments the contractor is to receive under  
20 such contract that are certified by a panel established pur-  
21 suant to paragraph (4) to be financially sound and based  
22 on the best available information.

23           “(6) Each contract awarded pursuant to the author-  
24 ity of this section shall—

1           “(A) provide that aggregate payments to the  
2 contractor may not exceed the amount the agency  
3 would have paid, in accordance with the baseline of  
4 current and projected costs incorporated in such  
5 contract, during the period covered by such contract;  
6 and

7           “(B) require an independent annual audit of ac-  
8 tual costs in accordance with the methodology estab-  
9 lished under paragraph (5)(B), which shall serve as  
10 a basis for annual payments based on savings share  
11 ratio established in such contract.”.

12       (c) EXTENSION OF PILOT PROGRAM.—Such section  
13 is further amended—

14           (1) in subsection (b)(3)(B), by striking “fiscal  
15 years 2003, 2004, and 2005” and inserting “fiscal  
16 years 2003 through 2007”; and

17           (2) in subsection (d), by striking “September  
18 30, 2005” and inserting “September 30, 2007”.

19       (d) REPORTS TO CONGRESS.—

20           (1) SECRETARY OF DEFENSE REPORTS.—Not  
21 later than March 31, 2006, and each year thereafter  
22 until the year after the termination of the pilot pro-  
23 gram under section 2332 of title 10, United States  
24 Code (as amended by subsection (a)), the Secretary  
25 of Defense shall submit to Congress a report con-

1 taining a list of each contract entered into by each  
2 Federal agency under such section during the pre-  
3 ceding year that contains terms providing for the  
4 contractor to implement information technology im-  
5 provements in exchange for a share of the savings  
6 derived from the implementation of such improve-  
7 ments. The report shall set forth, for each contract  
8 listed—

9 (A) the information technology perform-  
10 ance acquired by reason of the improvements  
11 concerned;

12 (B) the total amount of payments made to  
13 the contractor during the year covered by the  
14 report; and

15 (C) the total amount of savings or other  
16 measurable benefits realized by the Federal  
17 agency during such year as a result of such im-  
18 provements.

19 (2) COMPTROLLER GENERAL REPORTS.—Not  
20 later than two months after the Secretary submits a  
21 report required by paragraph (1), the Comptroller  
22 General of the United States shall submit to Con-  
23 gress a report on the costs and benefits to the  
24 United States of the implementation of the tech-  
25 nology improvements under the contracts covered by

1 such report, together with such recommendations as  
2 the Comptroller General considers appropriate.

3 **SEC. 809J. SENSE OF SENATE ON APPLICABILITY OF COM-**  
4 **PETITION EXCEPTIONS TO ELIGIBILITY OF**  
5 **NATIONAL GUARD FOR FINANCIAL ASSIST-**  
6 **ANCE FOR PERFORMANCE OF ADDITIONAL**  
7 **DUTIES.**

8 It is the sense of the Senate that the amendment  
9 made by section 806 of the Ronald W. Reagan National  
10 Defense Authorization Act for Fiscal Year 2005 (Public  
11 Law 108–375; 118 Stat. 2010) permits the Secretary of  
12 Defense to provide financial assistance to the Army Na-  
13 tional Guard for the performance of additional duties  
14 specified in section 113(a) of title 32, United States Code,  
15 without the use of competitive procedures under the stand-  
16 ard exceptions to the use of such procedures in accordance  
17 with section 2304(c) of title 10, United States Code.

## 1       **Subtitle B—Defense Industrial** 2                                   **Base Matters**

3   **SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMER-**  
4                                   **ICAN REQUIREMENTS FOR PROCUREMENT**  
5                                   **OF PERISHABLE FOOD FOR ESTABLISH-**  
6                                   **MENTS OUTSIDE THE UNITED STATES.**

7       Section 2533a(d)(3) of title 10, United States Code,  
8 is amended by inserting “, or for,” after “perishable foods  
9 by”.

10 **SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR**  
11                                   **CONTENT REQUIREMENTS FOR CERTAIN**  
12                                   **COUNTRIES WITH RECIPROCAL DEFENSE**  
13                                   **PROCUREMENT AGREEMENTS WITH THE**  
14                                   **UNITED STATES.**

15       (a) **AUTHORITY FOR ANNUAL WAIVER.**—Subchapter  
16 V of chapter 148 of title 10, United States Code, is  
17 amended by adding at the end the following new section:

18 **“§ 2539c. Domestic source or content requirements:**  
19                                   **one-year waiver for certain countries**  
20                                   **with reciprocal defense procurement**  
21                                   **agreements with the United States**

22       “(a) **WAIVER AUTHORITY.**—Subject to subsection  
23 (g), upon making a determination under subsection (b)  
24 that a foreign country described by that subsection has  
25 not qualitatively or quantitatively increased exports of de-

1 fense items, as determined by the Secretary of Defense  
2 for purposes of this section, to the People's Republic of  
3 China during the fiscal year in which such determination  
4 is made, the Secretary of Defense may waive the applica-  
5 tion of any domestic source requirement or domestic con-  
6 tent requirement referred to in subsection (c) and thereby  
7 authorize the procurement of items that are grown, re-  
8 processed, reused, produced, or manufactured in such for-  
9 eign country during the fiscal year following the fiscal year  
10 in which such determination is made.

11       “(b) ANNUAL DETERMINATIONS.—Not later than  
12 September 30 each fiscal year, the Secretary of Defense  
13 may determine whether or not a foreign country with  
14 which the United States had in force during such fiscal  
15 year a reciprocal defense procurement memorandum of  
16 understanding or agreement qualitatively or quantitatively  
17 increased exports of defense items to the People's Republic  
18 of China during such fiscal year. Each such determination  
19 shall be in writing.

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

22               “(1) A domestic source requirement is any re-  
23 quirement under law that the Department of De-  
24 fense satisfy its requirements for an item by pro-  
25 curing an item that is grown, reprocessed, reused,

1 produced, or manufactured in the United States or  
2 by a manufacturer that is a part of the national  
3 technology and industrial base (as defined in section  
4 2500(1) of this title).

5 “(2) A domestic content requirement is any re-  
6 quirement under law that the Department of De-  
7 fense satisfy its requirements for an item by pro-  
8 curing an item produced or manufactured partly or  
9 wholly from components and materials grown, re-  
10 processed, reused, produced, or manufactured in the  
11 United States.

12 “(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver  
13 of the application of any domestic source requirement or  
14 domestic content with respect to a foreign country under  
15 subsection (a) shall be effective only for the fiscal year  
16 following the fiscal year in which is made the determina-  
17 tion on which such waiver is based.

18 “(e) LIMITATION ON DELEGATION.—The authority  
19 of the Secretary of Defense to waive the application of  
20 domestic source or content requirements under subsection  
21 (a) may not be delegated to any officer or employee other  
22 than the Deputy Secretary of Defense or the Under Sec-  
23 retary of Defense for Acquisition, Technology, and Logis-  
24 tics.

1       “(f) CONSULTATIONS.—The Secretary of Defense  
2 may grant a waiver of the application of a domestic source  
3 or content requirement under subsection (a) only after  
4 consultation with the United States Trade Representative,  
5 the Secretary of Commerce, and the Secretary of State.

6       “(g) LAWS NOT WAIVABLE.—The Secretary of De-  
7 fense may not exercise the authority under subsection (a)  
8 to waive any domestic source or content requirement con-  
9 tained in any of the following laws:

10           “(1) The Small Business Act (15 U.S.C. 631 et  
11 seq.).

12           “(2) The Javits-Wagner-O’Day Act (41 U.S.C.  
13 46 et seq.).

14           “(3) Section 2533a of this title.

15           “(4) Sections 7309 and 7310 of this title.

16       “(h) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
17 ITY.—The authority under subsection (a) to waive a do-  
18 mestic source requirement or domestic content require-  
19 ment is in addition to any other authority to waive such  
20 requirement.

21       “(i) CLARIFICATION OF RELATIONSHIP WITH BUY  
22 AMERICAN ACT.—Nothing in this section shall be con-  
23 strued to alter in any way the applicability of the Buy  
24 American Act (41 U.S.C. 10a), or the authority of the  
25 Secretary of Defense to waive the requirements of such

1 Act, with respect to the procurement of any item to which  
 2 such Act would apply without regard to this section.

3 “(j) CONSTRUCTION WITH RESPECT TO LATER EN-  
 4 ACTED LAWS.—This section may not be construed as  
 5 being inapplicable to a domestic source requirement or do-  
 6 mestic content requirement that is set forth in a law en-  
 7 acted after the enactment of this section solely on the  
 8 basis of the later enactment of such law.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of subchapter V of such chapter is  
 11 amended by adding at the end the following new item:

“2539e. Domestic source or content requirements: one-year waiver for certain  
 countries with reciprocal defense procurement agreements with  
 the United States.”.

12 **SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGA-**  
 13 **TIONS UNDER TRADE AGREEMENTS.**

14 No provision of this Act or any amendment made by  
 15 this Act shall apply to a procurement by or for the Depart-  
 16 ment of Defense to the extent that the Secretary of De-  
 17 fense, in consultation with the Secretary of Commerce, the  
 18 United States Trade Representative, and the Secretary of  
 19 State, determines that it is inconsistent with United  
 20 States obligations under a trade agreement.

1 **SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR**  
2 **PURPOSES OF SMALL BUSINESS RESEARCH.**

3 (a) IN GENERAL.—Section 9 of the Small Business  
4 Act (15 U.S.C. 638) is amended by adding at the end the  
5 following:

6 “(x) RESEARCH AND DEVELOPMENT FOCUS.—

7 “(1) REVISION AND UPDATE OF CRITERIA AND  
8 PROCEDURES OF IDENTIFICATION.—In carrying out  
9 subsection (g), the Secretary of Defense shall, not  
10 less often than once every 4 years, revise and update  
11 the criteria and procedures utilized to identify areas  
12 of the research and development efforts of the De-  
13 partment of Defense which are suitable for the pro-  
14 vision of funds under the Small Business Innovation  
15 Research Program and the Small Business Tech-  
16 nology Transfer Program.

17 “(2) UTILIZATION OF PLANS.—The criteria and  
18 procedures described in paragraph (1) shall be devel-  
19 oped through the use of the most current versions  
20 of the following plans:

21 “(A) The joint warfighting science and  
22 technology plan required under section 270 of  
23 the National Defense Authorization Act for Fis-  
24 cal Year 1997 (10 U.S.C. 2501 note).

25 “(B) The Defense Technology Area Plan  
26 of the Department of Defense.

1           “(C) The Basic Research Plan of the De-  
2           partment of Defense.

3           “(3) INPUT IN IDENTIFICATION OF AREAS OF  
4           EFFORT.—The criteria and procedures described in  
5           paragraph (1) shall include input in the identifica-  
6           tion of areas of research and development efforts de-  
7           scribed in that paragraph from Department of De-  
8           fense program managers (PMs) and program execu-  
9           tive officers (PEOs).

10          “(y) COMMERCIALIZATION PILOT PROGRAM.—

11           “(1) IN GENERAL.—The Secretary of Defense  
12           and the Secretary of each military department is au-  
13           thorized to create and administer a ‘Commercializa-  
14           tion Pilot Program’ to accelerate the transition of  
15           technologies, products, and services developed under  
16           the Small Business Innovation Research Program to  
17           Phase III, including the acquisition process.

18           “(2) IDENTIFICATION OF RESEARCH PROGRAMS  
19           FOR ACCELERATED TRANSITION TO ACQUISITION  
20           PROCESS.—In carrying out the Commercialization  
21           Pilot Program, the Secretary of Defense and the  
22           Secretary of each military department shall identify  
23           research programs of the Small Business Innovation  
24           Research Program that have the potential for rapid

1 transitioning to Phase III and into the acquisition  
2 process.

3 “(3) LIMITATION.—No research program may  
4 be identified under paragraph (2), unless the Sec-  
5 retary of the military department concerned certifies  
6 in writing that the successful transition of the pro-  
7 gram to Phase III and into the acquisition process  
8 is expected to meet high priority military require-  
9 ments of such military department.

10 “(4) FUNDING.—For payment of expenses in-  
11 curred to administer the Commercialization Pilot  
12 Program under this subsection, the Secretary of De-  
13 fense and each Secretary of a military department is  
14 authorized to use not more than an amount equal to  
15 1 percent of the funds available to the Department  
16 of Defense or the military department pursuant to  
17 the Small Business Innovation Research Program.  
18 Such funds—

19 “(A) shall not be subject to the limitations  
20 on the use of funds in subsection (f)(2); and

21 “(B) shall not be used to make Phase III  
22 awards.

23 “(5) EVALUATIVE REPORT.—At the end of each  
24 fiscal year, the Secretary of Defense and each Sec-  
25 retary of a military department shall submit to the

1 Committee on Armed Services and the Committee on  
2 Small Business and Entrepreneurship of the Senate  
3 and the Committee on Armed Services and the Com-  
4 mittee on Small Business of the House of Rep-  
5 resentatives an evaluative report regarding activities  
6 under the Commercialization Pilot Program. The re-  
7 port shall include—

8 “(A) an accounting of the funds used in  
9 the Commercialization Pilot Program;

10 “(B) a detailed description of the Commer-  
11 cialization Pilot Program, including incentives  
12 and activities undertaken by acquisition pro-  
13 gram managers, program executive officers, and  
14 by prime contractors; and

15 “(C) a detailed compilation of results  
16 achieved by the Commercialization Pilot Pro-  
17 gram, including the number of small business  
18 concerns assisted and a number of inventions  
19 commercialized.

20 “(6) SUNSET.—The pilot program under this  
21 subsection shall terminate at the end of fiscal year  
22 2009.”.

23 (b) IMPLEMENTATION OF EXECUTIVE ORDER  
24 13329.—Section 9 of the Small Business Act (15 U.S.C.  
25 638) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (6), by striking “and” at  
3 the end;

4 (B) in paragraph (7), by striking the pe-  
5 riod at the end and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(8) to provide for and fully implement the te-  
8 nets of Executive Order 13329 (Encouraging Inno-  
9 vation in Manufacturing).”;

10 (2) in subsection (g)—

11 (A) in paragraph (9), by striking “and” at  
12 the end;

13 (B) in paragraph (10), by striking the pe-  
14 riod at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(11) provide for and fully implement the te-  
17 nets of Executive Order 13329 (Encouraging Inno-  
18 vation in Manufacturing).”;

19 (3) in subsection (o)—

20 (A) in paragraph (14), by striking “and”  
21 at the end;

22 (B) in paragraph (15), by striking the pe-  
23 riod at the end and inserting “; and”; and

24 (C) by adding at the end the following:

1           “(16) provide for and fully implement the te-  
2           nets of Executive Order 13329 (Encouraging Inno-  
3           vation in Manufacturing).”.

4           (c) TESTING AND EVALUATION AUTHORITY.—Sec-  
5           tion 9(e) of the Small Business Act (15 U.S.C. 638(e))  
6           is amended—

7           (1) in paragraph (7), by striking “and” at the  
8           end;

9           (2) in paragraph (8), by striking the period at  
10          the end and inserting “; and”; and

11          (3) by adding at the end the following:

12          “(9) the term ‘commercial applications’ shall  
13          not be construed to exclude testing and evaluation of  
14          products, services, or technologies for use in tech-  
15          nical or weapons systems, and further, awards for  
16          testing and evaluation of products, services, or tech-  
17          nologies for use in technical or weapons systems may  
18          be made in either the second or the third phase of  
19          the Small Business Innovation Research Program  
20          and of the Small Business Technology Transfer Pro-  
21          gram, as defined in this subsection.”.



1           “(A) is a former officer or employee of the  
2 Department of Defense or a former or retired  
3 member of the armed forces; and

4           “(B) during the preceding calendar year  
5 was provided compensation by the contractor, if  
6 such compensation was first provided by the  
7 contractor—

8                 “(i) not more than two years after  
9 such officer, employee, or member left  
10 service in the Department of Defense; and

11                 “(ii) not more than two years before  
12 the date on which the report is required to  
13 be submitted; and

14           “(2) in the case of each person listed under  
15 paragraph (1)—

16                 “(A) identify the agency in which such per-  
17 son was employed or served on active duty dur-  
18 ing the last two years of such person’s service  
19 with the Department of Defense;

20                 “(B) state such person’s job title and iden-  
21 tify each major defense system, if any, on which  
22 such person performed any work with the De-  
23 partment of Defense during the last two years  
24 of such person’s service with the Department;  
25 and

1           “(C) state such person’s current job title  
2           with the contractor and identify each major de-  
3           fense system on which such person has per-  
4           formed any work on behalf of the contractor.”.

5           (2) CLERICAL AMENDMENT.—The table of sec-  
6           tions at the beginning of chapter 141 of such title  
7           is amended by adding at the end the following new  
8           item:

          “2410p. Defense contractors: requirements concerning former Department of  
          Defense officials.”.

9           (b) EFFECTIVE DATE.—The amendments made by  
10          subsection (a) shall take effect on the date of the enact-  
11          ment of this Act, and shall apply with respect to contracts  
12          entered into on or after that date.

13       **SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MAT-**  
14                               **TERS.**

15          (a) IN GENERAL.—The Secretary of Defense shall,  
16          in consultation with the Director of the Office of Govern-  
17          ment Ethics and the Administrator for Federal Procure-  
18          ment Policy, conduct a review of the ethics considerations  
19          raised by the following:

20               (1) The performance by contractor employees of  
21               functions closely associated with inherently govern-  
22               mental functions.

1           (2) The performance by contractor employees of  
2           other functions historically performed by Govern-  
3           ment employees in the Federal workplace.

4           (b) OPTIONS TO BE ADDRESSED.—The review under  
5           subsection (a) shall include the consideration of a broad  
6           range of options for addressing the ethics considerations  
7           described in that subsection, including—

8                   (1) amending the Federal Acquisition Regula-  
9                   tion to address ethics and personal conflict of inter-  
10                   est concerns for contractor employees;

11                   (2) implementing the Federal Acquisition Regu-  
12                   lation, as so amended, through the incorporation of  
13                   appropriate provisions in Federal agency contracts  
14                   and in the solicitations for such contracts;

15                   (3) requiring such contracts and solicitations to  
16                   state that contractor employees will be bound by cer-  
17                   tain ethics standards, whether contractor-imposed or  
18                   Government-imposed;

19                   (4) encouraging Federal agency personnel to  
20                   consider including provisions in contracts and solici-  
21                   tations that address conflict of interest issues and  
22                   require contractor personnel to receive training on  
23                   Government ethics rules; and

1           (5) continuing to identify and mitigate conflicts  
2           and ethics concerns involving contractor personnel  
3           on a case-by-case basis.

4           (c) REPORT.—

5           (1) IN GENERAL.—Not later than 6 months  
6           after the date of the enactment of this Act, the Sec-  
7           retary shall submit to the congressional defense com-  
8           mittees a report setting forth the findings and rec-  
9           ommendations of the Secretary as a result of the re-  
10          view under subsection (a) and the consideration of  
11          options under subsection (b).

12          (2) ADDITIONAL VIEWS.—The report under  
13          paragraph (1) shall set forth the views, if any, of the  
14          Director of the Office of Government Ethics and the  
15          Administrator for Federal Procurement Policy on  
16          the matters covered by the report.

17          (d) FUNCTIONS CLOSELY ASSOCIATED WITH INHER-  
18          ENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this  
19          section, the term “functions closely associated with inher-  
20          ently governmental functions” has the meaning given such  
21          term in section 2383(b)(3) of title 10, United States Code.

22       **SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.**

23          (a) RISK ASSESSMENT TEAM.—(1) Not later than 30  
24          days after the date of the enactment of this Act, the Sec-  
25          retary of Defense shall establish a risk assessment team

1 to assess the vulnerability of Department of Defense con-  
2 tracts to fraud, waste, and abuse.

3 (2) The risk assessment team shall be chaired by the  
4 Inspector General of the Department of Defense and shall  
5 include representatives of the Defense Logistics Agency,  
6 the Defense Contract Management Agency, the Defense  
7 Contract Audit Agency, the Army, the Navy, and the Air  
8 Force.

9 (3) The risk assessment team shall—

10 (A) review the contracting systems and internal  
11 controls of the Department of Defense and the sys-  
12 tems and controls of prime contractors of the De-  
13 partment of Defense to identify areas of vulner-  
14 ability of Department of Defense contracts to fraud,  
15 waste, and abuse; and

16 (B) prepare a report on the results of its re-  
17 view.

18 (4) Not later than six months after the date of the  
19 enactment of this Act, the chairman of the risk assessment  
20 team shall submit the report prepared under paragraph  
21 (3)(B) to the Secretary of Defense and the congressional  
22 defense committees.

23 (b) COMPTROLLER GENERAL REVIEW.—(1) Not  
24 later than 60 days after the date on which the report of  
25 the risk assessment team is submitted under subsection

1 (a)(4), the Comptroller General of the United States  
2 shall—

3 (A) review the methodology used by the risk as-  
4 sessment team and the results of the team’s review;  
5 and

6 (B) submit a report on the Comptroller Gen-  
7 eral’s review to the congressional defense commit-  
8 tees.

9 (2) The report under paragraph (1)(B) shall include  
10 the Comptroller General’s findings and any recommenda-  
11 tions that the Comptroller considers appropriate.

12 (c) ACTION PLAN.—Not later than three months  
13 after receiving the report of the risk assessment team  
14 under subsection (a)(4), the Secretary of Defense shall de-  
15 velop and submit to the congressional defense committees  
16 a plan of actions for addressing the areas of vulnerability  
17 identified in the report. If the Secretary determines that  
18 no action is necessary with regard to an area of vulner-  
19 ability, the report shall include a discussion of the ration-  
20 ale for that determination.

21 **SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN**  
22 **IRAQ AND AFGHANISTAN.**

23 (a) QUARTERLY REPORTS.—

24 (1) IN GENERAL.—Not later than 90 days after  
25 the date of the enactment of this Act, and every 90

1 days thereafter, the Secretary of Defense shall sub-  
2 mit to the appropriate committees of Congress a re-  
3 port that lists and describes each task or delivery  
4 order contract or other contract related to security  
5 and reconstruction activities in Iraq and Afghani-  
6 stan in which an audit conducted by an investigative  
7 or audit component of the Department of Defense  
8 during the 90-day period ending on the date of such  
9 report resulted in a finding described in subsection  
10 (b).

11 (2) COVERAGE OF SUBCONTRACTS.—For pur-  
12 poses of this section, any reference to a contract  
13 shall be treated as a reference to such contract and  
14 to any subcontracts under such contract.

15 (b) COVERED FINDING.—A finding described in this  
16 subsection with respect to a task or delivery order contract  
17 or other contract described in subsection (a) is a finding  
18 by an investigative or audit component of the Department  
19 of Defense that the contract includes costs that are unsup-  
20 ported, questioned, or both.

21 (c) REPORT INFORMATION.—Each report under sub-  
22 section (a) shall include, with respect to each task or deliv-  
23 ery order contract or other contract covered by such  
24 report—

1           (1) a description of the costs determined to be  
2           unsupported, questioned, or both; and

3           (2) a statement of the amount of such unsup-  
4           ported or questioned costs and the percentage of the  
5           total value of such task or delivery order that such  
6           costs represent.

7           (d) WITHHOLDING OF PAYMENTS.—In the event that  
8           any costs under a task or delivery order contract or other  
9           contract described in subsection (a) are determined by an  
10          investigative or audit component of the Department of De-  
11          fense to be unsupported, questioned, or both, the appro-  
12          priate Federal procurement personnel may withhold from  
13          amounts otherwise payable to the contractor under such  
14          contract a sum of up to 100 percent of the total amount  
15          of such costs.

16          (e) RELEASE OF WITHHELD PAYMENTS.—Upon a  
17          subsequent determination by the appropriate Federal pro-  
18          curement personnel, or investigative or audit component  
19          of the Department of Defense, that any unsupported or  
20          questioned costs for which an amount payable was with-  
21          held under subsection (d) has been determined to be allow-  
22          able, or upon a settlement negotiated by the appropriate  
23          Federal procurement personnel, the appropriate Federal  
24          procurement personnel may release such amount for pay-  
25          ment to the contractor concerned.

1 (f) INCLUSION OF INFORMATION ON WITHHOLDING  
2 AND RELEASE IN QUARTERLY REPORTS.—Each report  
3 under subsection (a) after the initial report under that  
4 subsection shall include the following:

5 (1) A description of each action taken under  
6 subsection (d) or (e) during the period covered by  
7 such report.

8 (2) A justification of each determination or ne-  
9 gotiated settlement under subsection (d) or (e) that  
10 appropriately explains the determination of the ap-  
11 plicable Federal procurement personnel in terms of  
12 reasonableness, allocability, or other factors affecting  
13 the acceptability of the costs concerned.

14 (g) DEFINITIONS.—In this section:

15 (1) The term “appropriate committees of Con-  
16 gress” means—

17 (A) the Committees on Appropriations,  
18 Armed Services, and Homeland Security and  
19 Governmental Affairs of the Senate; and

20 (B) the Committees on Appropriations,  
21 Armed Services, and Government Reform of the  
22 House of Representatives.

23 (2) The term “investigative or audit component  
24 of the Department of Defense” means any of the fol-  
25 lowing:

1 (A) The Office of the Inspector General of  
2 the Department of Defense.

3 (B) The Defense Contract Audit Agency.

4 (C) The Defense Contract Management  
5 Agency.

6 (D) The Army Audit Agency.

7 (E) The Naval Audit Service.

8 (F) The Air Force Audit Agency.

9 (3) The term “questioned”, with respect to a  
10 cost, means an unreasonable, unallocable, or unal-  
11 lowable cost.

## 12 **Subtitle D—Defense Acquisition** 13 **Workforce Matters**

### 14 **SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORK-** 15 **FORCE TRAINING FUND FOR DEFENSE AC-** 16 **QUISITION WORKFORCE IMPROVEMENTS.**

17 (a) AVAILABILITY OF DEPARTMENT OF DEFENSE  
18 CONTRACT FEES FOR DEFENSE ACQUISITION UNIVER-  
19 SITY.—Section 37 of the Office of Federal Procurement  
20 Policy Act (41 U.S.C. 433) is amended—

21 (1) in subsection (a), by striking “This section”  
22 and inserting “Except as otherwise provided, this  
23 section”; and

24 (2) in subsection (h)(3)—

1 (A) in subparagraph (B), by striking  
2 “(other than the Department of Defense)” in  
3 the first sentence;

4 (B) by redesignating subparagraphs (D),  
5 (E), (F), and (G) as subparagraphs (E), (F),  
6 (G), and (H), respectively;

7 (C) by inserting after subparagraph (C)  
8 the following new subparagraph (D):

9 “(D) The Administrator of General Serv-  
10 ices shall credit to the Defense Acquisition Uni-  
11 versity fees collected in accordance with sub-  
12 paragraph (B) from the Department of De-  
13 fense. Amounts so credited shall be used to de-  
14 velop and expand training for the defense ac-  
15 quisition workforce.”; and

16 (D) in subparagraph (E), as so redesi-  
17 gnated, by striking “the purpose specified in sub-  
18 paragraph (A)” and inserting “the purposes  
19 specified in subparagraphs (A) and (D)”.

20 (b) CONFORMING AMENDMENT.—Section 1412 of the  
21 National Defense Authorization Act for Fiscal year 2004  
22 (Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433  
23 note) is amended by striking subsection (c).

1 **SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RE-**  
2 **LATING TO REDUCTION OF THE DEFENSE AC-**  
3 **QUISITION AND SUPPORT WORKFORCE.**

4 (a) **LIMITATION.**—Notwithstanding any other provi-  
5 sion of law, the defense acquisition and support workforce  
6 may not be reduced, during fiscal years 2006, 2007, and  
7 2008, below the level of that workforce as of September  
8 30, 2004, determined on the basis of full-time employee  
9 equivalence, except as may be necessary to strengthen the  
10 defense acquisition and support workforce in higher pri-  
11 ority positions in accordance with this section.

12 (b) **INCREASE AND REALIGNMENT OF WORK-**  
13 **FORCE.**—(1)(A) During fiscal years 2006, 2007, and  
14 2008, the Secretary of Defense shall increase the number  
15 of persons employed in the defense acquisition and support  
16 workforce as follows:

17 (i) During fiscal year 2006, to 105 percent of  
18 the baseline number (as defined in subparagraph  
19 (B)).

20 (ii) During fiscal year 2007, to 110 percent of  
21 the baseline number.

22 (iii) During fiscal year 2008, to 115 percent of  
23 the baseline number.

24 (B) In this paragraph, the term “baseline number”,  
25 with respect to persons employed in the defense acquisi-  
26 tion and support workforce, means the number of persons

1 employed in such workforce as of September 30, 2004 (de-  
2 termined on the basis of full-time employee equivalence).

3 (C) The Secretary of Defense may waive a require-  
4 ment in subparagraph (A) and, subject to subsection (a),  
5 employ in the defense acquisition and support workforce  
6 a lesser number of employees if the Secretary determines  
7 and certifies to the congressional defense committees that  
8 the cost of increasing such workforce to the larger size  
9 as required under that subparagraph would exceed the  
10 savings to be derived from the additional oversight that  
11 would be achieved by having a defense acquisition and  
12 support workforce of such larger size.

13 (2) During fiscal years 2006, 2007, and 2008, the  
14 Secretary of Defense may realign any part of the defense  
15 acquisition and support workforce to support reinvestment  
16 in other, higher priority positions in such workforce.

17 (c) HIGHER PRIORITY POSITIONS.—For the purposes  
18 of this section, higher priority positions in the defense ac-  
19 quisition and support workforce include the following posi-  
20 tions:

21 (1) Positions the responsibilities of which in-  
22 clude system engineering.

23 (2) Positions the responsibilities of which in-  
24 clude drafting performance-based work statements  
25 for services contracts and overseeing the perform-

1       ance of contracts awarded pursuant to such work  
2       statements.

3           (3) Positions the responsibilities of which in-  
4       clude conducting spending analyses, negotiating  
5       company-wide pricing agreements, and taking other  
6       measures to reduce contract costs.

7           (4) Positions the responsibilities of which in-  
8       clude reviewing contractor quality control systems,  
9       assessing and analyzing quality deficiency reports,  
10      and taking other measures to improve product qual-  
11      ity.

12          (5) Positions the responsibilities of which in-  
13      clude effectively conducting public-private competi-  
14      tions in accordance with Office of Management and  
15      Budget Circular A-76.

16          (6) Any other positions in the defense acquisi-  
17      tion and support workforce that the Secretary of De-  
18      fense identifies as being higher priority positions  
19      that are staffed at levels not likely to ensure efficient  
20      and effective performance of all of the responsibil-  
21      ities of those positions.

22      (d) STRATEGIC ASSESSMENT AND PLAN.—(1) The  
23      Secretary of Defense shall—

24           (A) assess the extent to which the Department  
25      of Defense can recruit, retain, train, and provide

1 professional development opportunities for acquisi-  
2 tion professionals over the 10-fiscal year period be-  
3 ginning with fiscal year 2006; and

4 (B) develop a human resources strategic plan  
5 for the defense acquisition and support workforce  
6 that includes objectives and planned actions for im-  
7 proving the management of such workforce.

8 (2) The Secretary shall submit to Congress, not later  
9 than April 1, 2006, a report on the progress made in—

10 (A) completing the assessment required under  
11 paragraph (1); and

12 (B) completing and implementing the strategic  
13 plan required under such paragraph.

14 (e) **DEFENSE ACQUISITION AND SUPPORT WORK-**  
15 **FORCE DEFINED.**—In this section, the term “defense ac-  
16 quisition and support workforce” means members of the  
17 Armed Forces and civilian personnel who are assigned to,  
18 or are employed in, an organization of the Department  
19 of Defense that has acquisition as its predominant mis-  
20 sion, as determined by the Secretary of Defense.

21 **SEC. 833. TECHNICAL AMENDMENTS RELATING TO DE-**  
22 **FENSE ACQUISITION WORKFORCE IMPROVE-**  
23 **MENTS.**

24 Section 1732 of title 10, United States Code, is  
25 amended—

1 (1) in subsection (c)—

2 (A) by striking “(b)(2)(A) and (b)(2)(B)”  
3 each place it appears in paragraphs (1) and (2)  
4 and inserting “(b)(1)(A) and (b)(1)(B)”;

5 (B) by striking paragraph (3); and

6 (2) in subsection (d)(2), by striking  
7 “(b)(2)A(ii)” and inserting “(b)(1)(A)(ii)”.

8 **SEC. 834. TRAINING FOR DEFENSE ACQUISITION WORK-**  
9 **FORCE ON THE REQUIREMENTS OF THE**  
10 **BERRY AMENDMENT.**

11 (a) TRAINING DURING FISCAL YEAR 2006.—The  
12 Secretary of Defense shall ensure that each member of  
13 the defense acquisition workforce who participates person-  
14 ally and substantially in the acquisition of textiles on a  
15 regular basis receives training during fiscal year 2006 on  
16 the requirements of section 2533a of title 10, United  
17 States Code (commonly referred to as the “Berry Amend-  
18 ment”), and the regulations implementing that section.

19 (b) INCLUSION OF INFORMATION IN NEW TRAINING  
20 PROGRAMS.—The Secretary shall ensure that any training  
21 program for the defense acquisition workforce develop-  
22 ment or implemented after the date of the enactment of  
23 this Act includes comprehensive information on the re-  
24 quirements described in subsection (a).

1                   **Subtitle E—Other Matters**

2   **SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-**  
 3                   **ADVANTAGED BUSINESS AND CERTAIN INSTI-**  
 4                   **TUTIONS OF HIGHER EDUCATION.**

5           Section 2323(k) of title 10, United States Code, is  
 6 amended by striking “2006” both places it appears and  
 7 inserting “2009”.

8   **SEC. 842. CODIFICATION AND MODIFICATION OF LIMITA-**  
 9                   **TION ON MODIFICATION OF MILITARY EQUIP-**  
 10                  **MENT WITHIN FIVE YEARS OF RETIREMENT**  
 11                  **OR DISPOSAL.**

12           (a) CODIFICATION AND MODIFICATION OF LIMITA-  
 13 TION.—

14           (1) IN GENERAL.—Chapter 141 of title 10,  
 15 United States Code, as amended by section  
 16 821(a)(1) of this Act, is further amended by adding  
 17 at the end the following new section:

18   **“§ 2410q. Modification of equipment within five years**  
 19                  **of retirement or disposal**

20           “(a) IN GENERAL.—Except as provided in subsection  
 21 (b), a military department may not modify an aircraft,  
 22 vessel, weapon, or other item of equipment if the military  
 23 department plans to retire or otherwise dispose of such  
 24 equipment within 5 years of the date of the completion  
 25 of such modification.

1       “(b) EXCEPTIONS.—The prohibition in subsection (a)  
2 shall not apply to any modification as follows:

3               “(1) A modification for safety purposes.

4               “(2) Any other modification but only if the ag-  
5 gregate cost of all such modifications for the air-  
6 craft, vessel, weapon, or other item of equipment  
7 concerned during any fiscal year, including any pro-  
8 curement, installation, or removal costs, is less than  
9 \$100,000.

10       “(c) WAIVER.—The Secretary of a military depart-  
11 ment may waive the prohibition in subsection (a) with re-  
12 spect to a modification referred to in that subsection if  
13 such Secretary—

14               “(1) determines that the waiver is in the na-  
15 tional security interests of the United States; and

16               “(2) notifies the congressional defense commit-  
17 tees of such determination in writing.”.

18       (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions at the beginning of such chapter, as amended  
20 by section 821(a)(2) of this Act, is further amended  
21 by adding at the end the following new item:

“2410q. Modification of equipment within five years of retirement or disposal.”.

22       (b) REPEAL OF SUPERSEDED LIMITATION.—Section  
23 8053 of the Department of Defense Appropriations Act,  
24 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C.  
25 2241 note) is repealed.

1 **SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**  
2 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

3 (a) SCOPE OF AUTHORITY.—Subsection (c) of section  
4 806 of the Bob Stump National Defense Authorization  
5 Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is  
6 amended—

7 (1) by striking “combat capability” each place  
8 it appears; and

9 (2) by striking “fatalities” each place it appears  
10 and inserting “casualties”.

11 (b) DELEGATION OF AUTHORITY.—Such subsection  
12 is further amended in paragraph (1) by inserting “below  
13 the Deputy Secretary of Defense” after “delegation”.

14 (c) WAIVER AUTHORITY.—Subsection (d)(1) of such  
15 section is further amended—

16 (1) in subparagraph (B), by striking “or”;

17 (2) in subparagraph (C), by striking the period  
18 and inserting “; or”; and

19 (3) by adding at the end the following new sub-  
20 paragraph:

21 “(D) domestic source or content restrictions  
22 that would inhibit or impede the rapid acquisition of  
23 the equipment.”.

1 **SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN PROTOTYPE PROJECTS.**

3 Section 845 of the National Defense Authorization  
4 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is  
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “The Director” and insert-  
8 ing “(1) Subject to paragraph (2), the Direc-  
9 tor”; and

10 (B) by adding at the end the following new  
11 paragraph:

12 “(2) The authority of this section—

13 “(A) does not extend to any prototype project  
14 that is expected to cost in excess of \$100,000,000;  
15 and

16 “(B) may be exercised for a prototype project  
17 that is expected to cost in excess of \$20,000,000  
18 only upon a written determination by the senior pro-  
19 curement executive for the agency (as designated for  
20 the purpose of section 16(c) of the Office of Federal  
21 Procurement Policy Act (41 U.S.C. 414(c)) that—

22 “(i) the requirements of subsection (d) will  
23 be met; and

24 “(ii) the use of a standard contract, grant,  
25 or cooperative agreement for such project is not  
26 feasible or appropriate.”;

1           (2) by redesignating subsection (h) as sub-  
2           section (i); and

3           (3) by inserting after subsection (g) the fol-  
4           lowing new subsection (h):

5           “(h) **APPLICABILITY OF PROCUREMENT ETHICS RE-**  
6 **QUIREMENTS.**—An agreement entered into under the au-  
7 thority of this section shall be treated as a Federal agency  
8 procurement for the purposes of section 27 of the Office  
9 of Federal Procurement Policy Act (41 U.S.C. 423).”.

10 **SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CON-**  
11 **TRACTING WITH EMPLOYERS OF PERSONS**  
12 **WITH DISABILITIES.**

13           Section 853 of the Ronald W. Reagan National De-  
14 fense Authorization Act for Fiscal Year 2005 (Public Law  
15 108–375; 118 Stat. 2021) is amended by striking “Sep-  
16 tember 30, 2005” in subsections (a)(2)(A) and (b)(2)(A)  
17 and inserting “September 30, 2006”.

18 **SEC. 846. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE**  
19 **PARTNERSHIPS FOR RESEARCH AND DEVEL-**  
20 **OPMENT.**

21           (a) **PILOT PROGRAM AUTHORIZED.**—The Secretary  
22 of Defense may carry out a pilot program to authorize  
23 the organizations referred to in subsection (b) to enter  
24 into cooperative research and development agreements  
25 under section 12 of the Stevenson-Wydler Technology In-

1 novation Act of 1980 (15 U.S.C. 3710a) in order to assess  
2 the benefits of such agreements for such organizations and  
3 for the Department of Defense as a whole.

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

6 (1) The National Defense University.

7 (2) The Defense Acquisition University.

8 (3) The Joint Forces Command.

9 (4) The United States Transportation Com-  
10 mand.

11 (c) LIMITATION.—No agreement may be entered into,  
12 or continue in force, under the pilot program under sub-  
13 section (a) after September 30, 2009.

14 (d) REPORT.—Not later than February 1, 2009, the  
15 Secretary shall submit to the congressional defense com-  
16 mittees a report on the pilot program under subsection  
17 (a). The report shall include—

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

20 (2) the assessment of the Secretary of the bene-  
21 fits of the agreements entered into under the pilot  
22 program for the organizations referred to in sub-  
23 section (b) and for the Department of Defense as a  
24 whole.

1 **SEC. 847. INCREASED LIMIT APPLICABLE TO ASSISTANCE**  
2 **PROVIDED UNDER CERTAIN PROCUREMENT**  
3 **TECHNICAL ASSISTANCE PROGRAMS.**

4 Section 2414(a)(2) of title 10, United States Code,  
5 is amended by striking “\$150,000” and inserting  
6 “\$300,000”.

7 **SEC. 848. REPORTS OF ADVISORY PANEL ON LAWS AND**  
8 **REGULATIONS ON ACQUISITION PRACTICES.**

9 (a) **EXTENSION OF FINAL REPORT.**—Section  
10 1423(d) of the Services Acquisition Reform Act of 2003  
11 (title XIV of Public Law 108–136; 117 Stat. 1669; 41  
12 U.S.C. 405 note) is amended by striking “one year” and  
13 inserting “two years”.

14 (b) **REQUIREMENT FOR INTERIM REPORT.**—That  
15 section is further amended—

16 (1) by inserting “(1)” before “Not later than”;  
17 and

18 (2) by adding at the end the following new  
19 paragraph:

20 “(2) Not later than one year after the date of the  
21 establishment of the panel, the panel shall submit to the  
22 official and committees referred to in paragraph (1) an  
23 interim report on the matters set forth in that para-  
24 graph.”.

1 **SEC. 849. EXCLUSION OF CERTAIN SECURITY EXPENSES**  
2 **FROM CONSIDERATION FOR PURPOSE OF**  
3 **SMALL BUSINESS SIZE STANDARDS.**

4 Section 3(a) of the Small Business Act (15 U.S.C.  
5 632(a)), is amended by adding at the end the following:

6 “(4) EXCLUSION OF CERTAIN SECURITY EXPENSES  
7 FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS  
8 SIZE STANDARDS.—

9 “(A) DETERMINATION REQUIRED.—Not later  
10 than 30 days after the date of enactment of this  
11 paragraph, the Administrator shall review the appli-  
12 cation of size standards established pursuant to  
13 paragraph (2) to small business concerns that are  
14 performing contracts in qualified areas and deter-  
15 mine whether it would be fair and appropriate to ex-  
16 clude from consideration in the average annual gross  
17 receipts of such small business concerns any pay-  
18 ments made to such small business concerns by Fed-  
19 eral agencies to reimburse such small business con-  
20 cerns for the cost of subcontracts entered for the  
21 sole purpose of providing security services in a quali-  
22 fied area.

23 “(B) ACTION REQUIRED.—Not later than 60  
24 days after the date of enactment of this paragraph,  
25 the Administrator shall either—

1           “(i) initiate an adjustment to the size  
2 standards, as described in subparagraph (A), if  
3 the Administrator determines that such an ad-  
4 justment would be fair and appropriate; or

5           “(ii) provide a report to the Committee on  
6 Small Business and Entrepreneurship of the  
7 Senate and the Committee on Small Business  
8 of the House of Representatives explaining in  
9 detail the basis for the determination by the  
10 Administrator that such an adjustment would  
11 not be fair and appropriate.

12           “(C) QUALIFIED AREAS.—In this paragraph,  
13 the term ‘qualified area’ means—

14           “(i) Iraq,

15           “(ii) Afghanistan, and

16           “(iii) any foreign country which included a  
17 combat zone, as that term is defined in section  
18 112(c)(2) of the Internal Revenue Code of  
19 1986, at the time of performance of the rel-  
20 evant Federal contract or subcontract.”.

21 **SEC. 850. SMALL BUSINESS CONTRACTING IN OVERSEAS**  
22 **PROCUREMENTS.**

23           Section 15(g) of the Small Business Act (15 U.S.C.  
24 644(g)) is amended by adding at the end the following:

1       “(3) SMALL BUSINESS CONTRACTING IN OVERSEAS  
2 PROCUREMENTS.—

3           “(A) STATEMENT OF CONGRESSIONAL POL-  
4 ICY.—It is the policy of the Congress that Federal  
5 agencies shall endeavor to meet the contracting goals  
6 established under this subsection, regardless of the  
7 geographic area in which the contracts will be per-  
8 formed.

9           “(B) AUTHORIZATION TO USE CONTRACTING  
10 MECHANISMS.—Federal agencies are authorized to  
11 use any of the contracting mechanisms authorized in  
12 this Act for the purpose of complying with the Con-  
13 gressional policy set forth in subparagraph (A).

14           “(C) REPORT TO CONGRESSIONAL COMMIT-  
15 TEES.—Not later than 1 year after the date of en-  
16 actment of this paragraph, the Administrator and  
17 the Chief Counsel for Advocacy shall submit to the  
18 Committee on Small Business and Entrepreneurship  
19 of the Senate and Committee on Small Business of  
20 the House of Representatives a report on the activi-  
21 ties undertaken by Federal agencies, offices, and de-  
22 partments to carry out this paragraph.”.

23 **SEC. 851. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.**

24       Section 15(g) of the Small Business Act (15 U.S.C.  
25 644(g)) is amended by adding at the end the following:

1       “(3) FAIR ACCESS TO MULTIPLE-AWARD CON-  
2 TRACTS.—

3           “(A) STATEMENT OF CONGRESSIONAL POL-  
4 ICY.—It is the policy of the Congress that Federal  
5 agencies shall endeavor to meet the contracting goals  
6 established under this subsection with regard to or-  
7 ders under multiple-award contracts, including Fed-  
8 eral Supply Schedule contracts and multi-agency  
9 contracts.

10          “(B) AUTHORIZATION FOR LIMITED COMPETI-  
11 TION.—The head of a contracting agency may in-  
12 clude in any contract entered under section  
13 2304a(d)(1)(B) or 2304b(e) of title 10, United  
14 States Code, a clause setting aside a specific share  
15 of awards under such contract pursuant to a com-  
16 petition that is limited to small business concerns, if  
17 the head of the contracting agency determines that  
18 such limitation is necessary to comply with the con-  
19 gressional policy stated in subparagraph (A).

20          “(C) REPORT REQUIREMENT.—

21           “(i) IN GENERAL.—Not later than 180  
22 days after the date of enactment of this para-  
23 graph, the Administrator shall submit a report  
24 on the level of participation of small business  
25 concerns in multiple-award contracts, including

1 Federal Supply Schedule contracts, to the Com-  
2 mittee on Small Business and Entrepreneurship  
3 of the Senate and the Committee on Small  
4 Business of the House of Representatives.

5 “(ii) CONTENTS.—The report required by  
6 clause (i) shall include, for the most recent 2-  
7 year period for which data are available—

8 “(I) the total number of multiple-  
9 award contracts;

10 “(II) the total number of small busi-  
11 ness concerns that received multiple-award  
12 contracts;

13 “(III) the total number of orders  
14 under multiple-award contracts;

15 “(IV) the total value of orders under  
16 multiple-award contracts;

17 “(V) the number of orders received by  
18 small business concerns under multiple-  
19 award contracts;

20 “(VI) the value of orders received by  
21 small business concerns under multiple-  
22 award contracts;

23 “(VII) the number of small business  
24 concerns that received orders under mul-  
25 tiple-award contracts; and

1                   “(VIII) such other information as  
2                   may be relevant.”.

3 **SEC. 852. DISASTER RELIEF FOR SMALL BUSINESS CON-**  
4 **CERNS DAMAGED BY DROUGHT.**

5       (a) DROUGHT DISASTER AUTHORITY.—

6           (1) DEFINITION OF DISASTER.—Section 3(k) of  
7       the Small Business Act (15 U.S.C. 632(k)) is  
8       amended—

9           (A) by inserting “(1)” after “(k)”; and

10          (B) by adding at the end the following:

11       “(2) For purposes of section 7(b)(2), the term ‘dis-  
12 aster’ includes—

13           “(A) drought; and

14           “(B) below average water levels in the Great  
15       Lakes, or on any body of water in the United States  
16       that supports commerce by small business con-  
17       cerns.”.

18       (2) DROUGHT DISASTER RELIEF AUTHORITY.—

19       Section 7(b)(2) of the Small Business Act (15  
20       U.S.C. 636(b)(2)) is amended—

21           (A) by inserting “(including drought), with  
22       respect to both farm-related and nonfarm-re-  
23       lated small business concerns,” before “if the  
24       Administration”; and

1 (B) in subparagraph (B), by striking “the  
2 Consolidated Farmers Home Administration  
3 Act of 1961 (7 U.S.C. 1961)” and inserting the  
4 following: “section 321 of the Consolidated  
5 Farm and Rural Development Act (7 U.S.C.  
6 1961), in which case, assistance under this  
7 paragraph may be provided to farm-related and  
8 nonfarm-related small business concerns, sub-  
9 ject to the other applicable requirements of this  
10 paragraph”.

11 (b) LIMITATION ON LOANS.—From funds otherwise  
12 appropriated for loans under section 7(b) of the Small  
13 Business Act (15 U.S.C. 636(b)), not more than  
14 \$9,000,000 may be used during each of fiscal years 2005  
15 through 2008, to provide drought disaster loans to non-  
16 farm-related small business concerns in accordance with  
17 this section and the amendments made by this section.

18 (c) PROMPT RESPONSE TO DISASTER REQUESTS.—  
19 Section 7(b)(2)(D) of the Small Business Act (15 U.S.C.  
20 636(b)(2)(D)) is amended by striking “Upon receipt of  
21 such certification, the Administration may” and inserting  
22 “Not later than 30 days after the date of receipt of such  
23 certification by a Governor of a State, the Administration  
24 shall respond in writing to that Governor on its determina-  
25 tion and the reasons therefore, and may”.

1 (d) RULEMAKING.—Not later than 45 days after the  
2 date of enactment of this Act, the Administrator of the  
3 Small Business Administration shall promulgate final  
4 rules to carry out this section and the amendments made  
5 by this section.

6 **SEC. 853. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.**

7 (a) SMALL BUSINESS STRATEGY.—As part of imple-  
8 menting its requirement that contractors use radio fre-  
9 quency identifier technology, the Secretary of Defense  
10 shall develop and implement a strategy to educate the  
11 small business community regarding radio frequency iden-  
12 tifier technology requirements, compliance, standards, and  
13 opportunities.

14 (b) REPORTING.—Not later than 180 days after the  
15 date of enactment of this Act, the Secretary of Defense  
16 shall submit a report to the Committee on Small Business  
17 and Entrepreneurship and the Committee on Armed Serv-  
18 ices of the Senate and the Committee on Small Business  
19 and the Committee on Armed Services of the House of  
20 Representatives detailing the status of the efforts by the  
21 Secretary of Defense to establish requirements for radio  
22 frequency identifier technology used in Department of De-  
23 fense contracting, including—

24 (1) standardization of the data required to be  
25 reported by such technology;

1           (2) standardization of the manufacturing qual-  
2           ity required for such technology; and

3           (3) the status of the efforts of the Secretary of  
4           Defense to develop and implement a strategy to edu-  
5           cate the small business community, as required by  
6           section (a).

7 **SEC. 854. ENSURING TRANSPARENCY IN FEDERAL CON-**  
8 **TRACTING.**

9           (a) PUBLICATION OF INFORMATION ON FEDERAL  
10 CONTRACTOR PENALTIES AND VIOLATIONS.—

11           (1) The Secretary of Defense shall maintain a  
12           publicly-available website that provides information  
13           on instances in which major contractors have been  
14           fined, paid penalties or restitution, settled, plead  
15           guilty to, or had judgments entered against them in  
16           connection with allegations of improper conduct. The  
17           website shall be updated not less than once a year.

18           (2) For the purpose of this subsection, a major  
19           contractor is a contractor that receive at least  
20           \$100,000,000 in Federal contracts in the most re-  
21           cent fiscal year for which data are available.

22           (b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS  
23 RELATED TO IRAQ RECONSTRUCTION.—

24           (1) REPORT REQUIRED.—Not later than 120  
25           days after the date of the enactment of this Act, the

1 Administrator for Federal Procurement Policy shall  
2 submit to Congress a report on all sole source con-  
3 tracts in excess of \$2,000,000 entered into by execu-  
4 tive agencies in connection with Iraq reconstruction  
5 from January 1, 2003, through the date of the en-  
6 actment of this Act.

7 (2) CONTENT.—The report submitted under  
8 paragraph (1) shall include the following information  
9 with respect to each such contract:

10 (A) The date the contract was awarded.

11 (B) The contract number.

12 (C) The name of the contractor.

13 (D) The amount awarded.

14 (E) A brief description of the work to be  
15 performed under the contract.

16 (3) EXECUTIVE AGENCY DEFINED.—In this  
17 subsection, the term “executive agency” has the  
18 meaning given such term in section 4 of the Office  
19 of Federal Procurement Policy Act (41 U.S.C. 403).

20 **SEC. 855. TERMINATION OF PROGRAM.**

21 Section 711(c) of the Small Business Competitive  
22 Demonstration Program Act of 1988 (15 U.S.C. 644 note)  
23 is amended by inserting after “January 1, 1989” the fol-  
24 lowing: “, and shall terminate on the date of enactment

1 of the National Defense Authorization Act for Fiscal Year  
2 2006”.

3 **SEC. 856. MODIFICATION OF LIMITED ACQUISITION AU-**  
4 **THORITY FOR THE COMMANDER OF THE**  
5 **UNITED STATES JOINT FORCES COMMAND.**

6 (a) SCOPE OF AUTHORITY.—Subsection (a) of section  
7 167a of title 10, United States Code, is amended by strik-  
8 ing and “and acquire” and inserting “, acquire, and sus-  
9 tain”.

10 (b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED  
11 WITH OPERATION AND MAINTENANCE FUNDS.—Sub-  
12 section (d) of such section is amended—

13 (1) in paragraph (1), by striking “or” at the  
14 end;

15 (2) in paragraph (2), by striking the period at  
16 the end and inserting “; or”; and

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

19 “(3) the total expenditure for operation and  
20 maintenance is estimated to be \$2,000,000 or  
21 more.”.

22 (c) EXTENSION OF AUTHORITY.—Subsection (f) of  
23 such section is amended—

24 (1) by striking “through 2006” and inserting  
25 “through 2009”; and

1           (2) by striking “September 30, 2006” and in-  
2           serting “September 30, 2009”.

3 **SEC. 857. CONTRACTING INCENTIVE FOR SMALL POWER**  
4 **PLANTS ON FORMER MILITARY BASES.**

5           (a) AUTHORIZATION.—Notwithstanding the lim-  
6           itation in section 501(b)(1)(B) of title 40, United  
7           States Code, the Administrator of the General Serv-  
8           ices Administration is authorized to contract for  
9           public utility services for a period of not more than  
10          20 years, provided that such services are electricity  
11          services procured from a small power plant located  
12          on a qualified HUBZone base closure area.

13          (b) DEFINITION OF SMALL POWER PLANT.—In  
14          this section, the term small power plant includes any  
15          power facility or project with electrical output of not  
16          more than 60 megawatts.

17          (c) DEFINITION OF PUBLIC UTILITY ELECTRIC  
18          SERVICES.—In this section, the term “public utility  
19          services”, with respect to electricity services, in-  
20          cludes electricity supplies and services, including  
21          transmission, generation, distribution, and other  
22          services directly used in providing electricity.

23          (d) DEFINITION OF HUBZONE BASE CLOSURE  
24          AREA.—In this section, the term “HUBZone base  
25          closure area” has the same meaning as such term is

1 defined in section 3(p)(4)(D) the Small Business  
2 Act, 15 U.S.C. 632(p)(4)(D).

3 (e) APPLICABILITY OF OTHER PROVISIONS OF  
4 LAW.—Contracting pursuant to this section shall be  
5 subject to all other laws and regulations applicable  
6 to contracting for public utility services.

7 **SEC. 858. EXTENSION OF ANNUAL REPORTS ON MATURITY**  
8 **OF TECHNOLOGY AT INITIATION OF MAJOR**  
9 **DEFENSE ACQUISITION PROGRAMS.**

10 Section 804(a) of the National Defense Authorization  
11 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.  
12 1180) is amended by striking “through 2006” and insert-  
13 ing “through 2010”.

14 **TITLE IX—DEPARTMENT OF DE-**  
15 **FENSE ORGANIZATION AND**  
16 **MANAGEMENT**

17 **Subtitle A—Duties and Functions**  
18 **of Department of Defense Offi-**  
19 **cers and Organizations**

20 **SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

21 (a) REDESIGNATION OF EXISTING POSITIONS AND  
22 OFFICES.—(1) Each of the following positions within the  
23 Department of Defense is redesignated as the Director of  
24 Small Business Programs:

1 (A) The Director of Small and Disadvantaged  
2 Business Utilization of the Department of Defense.

3 (B) The Director of Small and Disadvantaged  
4 Business Utilization of the Department of the Army.

5 (C) The Director of Small and Disadvantaged  
6 Business Utilization of the Department of the Navy.

7 (D) The Director of Small and Disadvantaged  
8 Business Utilization of the Department of the Air  
9 Force.

10 (2) Each of the following offices within the Depart-  
11 ment of Defense is redesignated as the Office of Small  
12 Business Programs:

13 (A) The Office of Small and Disadvantaged  
14 Business Utilization of the Department of Defense.

15 (B) The Office of Small and Disadvantaged  
16 Business Utilization of the Department of the Army.

17 (C) The Office of Small and Disadvantaged  
18 Business Utilization of the Department of the Navy.

19 (D) The Office of Small and Disadvantaged  
20 Business Utilization of the Department of the Air  
21 Force.

22 (3) Any reference in any law, regulation, document,  
23 paper, or other record of the United States to a position  
24 or office redesignated by paragraph (1) or (2) shall be

1 deemed to be a reference to the position or office as so  
2 redesignated.

3 (b) DEPARTMENT OF DEFENSE POSITION AND OF-  
4 FICE.—(1) Chapter 4 of title 10, United States Code, is  
5 amended by inserting after section 133b the following new  
6 section:

7 **“§ 133c. Director of Small Business Programs**

8 “(a) DIRECTOR.—There is a Director of Small Busi-  
9 ness Programs in the Department of Defense. The Direc-  
10 tor is appointed by the Secretary of Defense.

11 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
12 Office of Small Business Programs of the Department of  
13 Defense is the office that is established within the Office  
14 of the Secretary of Defense under section 15(k) of the  
15 Small Business Act (15 U.S.C. 644(k)). The Director of  
16 Small Business Programs is the head of such office.

17 “(c) DUTIES AND POWERS.—(1) The Director of  
18 Small Business Programs shall, subject to paragraph (2),  
19 perform such duties regarding small business programs of  
20 the Department of Defense, and shall exercise such powers  
21 regarding those programs, as the Secretary of Defense  
22 may prescribe.

23 “(2) Section 15(k) of the Small Business Act (15  
24 U.S.C. 644(k)), except for the designations of the Director

1 and the Office, applies to the Director of Small Business  
2 Programs.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by inserting after the item relating  
5 to section 133b the following new item:

“133c. Director of Small Business Programs.”.

6 (c) DEPARTMENT OF THE ARMY POSITION AND OF-  
7 FICE.—(1) Chapter 303 of title 10, United States Code,  
8 is amended by adding at the end the following new section:

9 **“§ 3024. Director of Small Business Programs**

10 “(a) DIRECTOR.—There is a Director of Small Busi-  
11 ness Programs in the Department of the Army. The Direc-  
12 tor is appointed by the Secretary of the Army.

13 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
14 Office of Small Business Programs of the Department of  
15 the Army is the office that is established within the De-  
16 partment of the Army under section 15(k) of the Small  
17 Business Act (15 U.S.C. 644(k)). The Director of Small  
18 Business Programs is the head of such office.

19 “(c) DUTIES AND POWERS.—(1) The Director of  
20 Small Business Programs shall, subject to paragraph (2),  
21 perform such duties regarding small business programs of  
22 the Department of the Army, and shall exercise such pow-  
23 ers regarding those programs, as the Secretary of the  
24 Army may prescribe.

1 “(2) Section 15(k) of the Small Business Act (15  
2 U.S.C. 644(k)), except for the designations of the Director  
3 and the Office, applies to the Director of Small Business  
4 Programs.”.

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

“3024. Director of Small Business Programs.”.

8 (d) DEPARTMENT OF THE NAVY POSITION AND OF-  
9 FICE.—(1) Chapter 503 of title 10, United States Code,  
10 is amended by adding at the end the following new section:

11 **“§ 5028. Director of Small Business Programs**

12 “(a) DIRECTOR.—There is a Director of Small Busi-  
13 ness Programs in the Department of the Navy. The Direc-  
14 tor is appointed by the Secretary of the Navy.

15 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
16 Office of Small Business Programs of the Department of  
17 the Navy is the office that is established within the De-  
18 partment of the Navy under section 15(k) of the Small  
19 Business Act (15 U.S.C. 644(k)). The Director of Small  
20 Business Programs is the head of such office.

21 “(c) DUTIES AND POWERS.—(1) The Director of  
22 Small Business Programs shall, subject to paragraph (2),  
23 perform such duties regarding small business programs of  
24 the Department of the Navy, and shall exercise such pow-

1 ers regarding those programs, as the Secretary of the  
2 Navy may prescribe.

3 “(2) Section 15(k) of the Small Business Act (15  
4 U.S.C. 644(k)), except for the designations of the Director  
5 and the Office, applies to the Director of Small Business  
6 Programs.”.

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

“5028. Director of Small Business Programs.”.

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

14 **“§ 8024. Director of Small Business Programs**

15 “(a) DIRECTOR.—There is a Director of Small Busi-  
16 ness Programs in the Department of the Air Force. The  
17 Director is appointed by the Secretary of the Air Force.

18 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
19 Office of Small Business Programs of the Department of  
20 the Air Force is the office that is established within the  
21 Department of the Air Force under section 15(k) of the  
22 Small Business Act (15 U.S.C. 644(k)). The Director of  
23 Small Business Programs is the head of such office.

24 “(c) DUTIES AND POWERS.—(1) The Director of  
25 Small Business Programs shall, subject to paragraph (2),

1 perform such duties regarding small business programs of  
 2 the Department of the Air Force, and shall exercise such  
 3 powers regarding those programs, as the Secretary of the  
 4 Air Force may prescribe.

5 “(2) Section 15(k) of the Small Business Act (15  
 6 U.S.C. 644(k)), except for the designations of the Director  
 7 and the Office, applies to the Director of Small Business  
 8 Programs.”.

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

“8024. Director of Small Business Programs.”.

12 **SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPA-**  
 13 **BILITIES TO DEFEND THE HOMELAND**  
 14 **AGAINST CRUISE MISSILES AND OTHER LOW-**  
 15 **ALTITUDE AIRCRAFT.**

16 (a) DESIGNATION OF EXECUTIVE AGENT.—The Sec-  
 17 retary of Defense shall designate an official within the De-  
 18 partment of Defense to act as executive agent to manage  
 19 the acquisition of capabilities necessary to defend the  
 20 homeland against cruise missiles, unmanned aerial vehi-  
 21 cles, and other low-altitude aircraft that may be launched  
 22 against the United States.

23 (b) COORDINATION OF ACTIVITIES.—The official des-  
 24 igned as executive agent under subsection (a) shall, in  
 25 order to promote commonality and limit duplication of ef-

1 fort, coordinate in the acquisition of capabilities described  
2 in that subsection with appropriate officials of the fol-  
3 lowing:

4 (1) The Missile Defense Agency.

5 (2) The Joint Theater Air and Missile Defense  
6 Organization.

7 (3) The United States Northern Command.

8 (4) The United States Strategic Command.

9 (5) Such other elements of the Department of  
10 Defense, and of other departments and agencies of  
11 the United States Government, as the Secretary con-  
12 siderers appropriate for purposes of this section.

13 (c) PLAN FOR DEFENSE AGAINST ATTACK.—

14 (1) PLAN REQUIRED.—Not later than 180 days  
15 after the date of the enactment of this Act, the Sec-  
16 retary of Defense shall submit to the congressional  
17 defense committees a plan for the defense of the  
18 United States against cruise missiles, unmanned  
19 aerial vehicles, and other low altitude aircraft that  
20 may be launched against the United States.

21 (2) FOCUS OF PLAN.—In developing the plan,  
22 the Secretary shall focus on the role of Department  
23 of Defense components in the defense of the United  
24 States against an attack described in paragraph (1),  
25 but shall also address the role, if any, of other de-

1        departments and agencies of the United States Gov-  
2        ernment in that defense.

3            (3) ELEMENTS.—The plan shall include the fol-  
4        lowing:

5            (A) An identification of the capabilities re-  
6        quired by the Department of Defense in order  
7        to fulfill its mission to defend the homeland  
8        against cruise missiles, unmanned aerial vehi-  
9        cles, and other low altitude aircraft, and an  
10       identification of any current shortfalls in such  
11       capabilities.

12           (B) A schedule for implementing the plan.

13           (C) A statement of the funding required to  
14       implement the Department of Defense portion  
15       of the plan.

16           (D) An identification of the roles and mis-  
17       sions, if any, of other departments and agencies  
18       of the United States Government in contrib-  
19       uting to the defense of the United States  
20       against attack described in subparagraph (A).

21           (4) SCOPE OF PLAN.—The plan shall be coordi-  
22       nated with Department of Defense plans for defend-  
23       ing the United States against attack by short-range  
24       to medium-range ballistic missiles.

1 **SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES**  
2 **BY THE WHITE HOUSE COMMUNICATIONS**  
3 **AGENCY.**

4 (a) PROVISION ON NONREIMBURSABLE BASIS.—Sec-  
5 tion 912 of the National Defense Authorization Act for  
6 Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2623;  
7 10 U.S.C. 111 note) is amended—

8 (1) in subsection (a)—

9 (A) in the subsection caption, by inserting  
10 “AND AUDIOVISUAL SUPPORT SERVICES” after  
11 “TELECOMMUNICATIONS SUPPORT”; and

12 (B) by inserting “and audiovisual support  
13 services” after “provision of telecommunications  
14 support”; and

15 (2) in subsection (b), by inserting “and audio-  
16 visual” after “other than telecommunications”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 subsection (a) shall take effect on October 1, 2005, and  
19 shall apply with respect to the provision of audiovisual  
20 support services by the White House Communications  
21 Agency in fiscal years beginning on or after that date.

22 **SEC. 904. AMERICAN FORCES NETWORK.**

23 (a) FINDINGS.—The Senate makes the following  
24 findings:

25 (1) The mission of the American Forces Radio  
26 and Television Service (AFRTS) and its American

1 Forces Network (AFN), a worldwide radio and tele-  
2 vision broadcast network, is to deliver command in-  
3 formation by providing United States military com-  
4 manders overseas and at sea with a broadcast media  
5 that effectively communicates information to per-  
6 sonnel under their commands, including information  
7 from the Department of Defense, information from  
8 the Armed Forces, and information unique to the  
9 theater and localities in which such personnel are  
10 stationed or deployed.

11 (2) The American Forces Radio and Television  
12 Service and the American Forces Network provide a  
13 “touch of home” to members of the Armed Forces,  
14 civilian employees of the Department of Defense,  
15 and their families stationed at bases and at embas-  
16 sies and consulates in more than 179 countries, as  
17 well as Navy, Coast Guard, and Military Sealift  
18 Command ships at sea, by providing the same type  
19 and quality of radio and television programming (in-  
20 cluding news, information, sports, and entertain-  
21 ment) that would be available in the continental  
22 United States. Additionally, the American Forces  
23 Network plays an important role in enabling military  
24 commanders to disseminate official information to  
25 members of the Armed Forces and their families,

1       thus making popularity and acceptance key factors  
2       in ensuring effective communication.

3               (3) It is American Forces Radio and Television  
4       Service and American Forces Network policy that,  
5       except for the Pentagon Channel service, program-  
6       ming is acquired from distributors of the most pop-  
7       ular television program airing in the continental  
8       United States. Much of the programming is provided  
9       at no cost to the United States Government. The re-  
10      mainder of the programming is provided at less-  
11      than-market rates to cover distributors' costs and  
12      obligations. Depending on the audience segment or  
13      demographic targeted, programs that perform well  
14      are acquired and scheduled to maximize audiences  
15      for internal and command information exposure.

16              (4) American Forces Radio and Television  
17      Service and American Forces Network select pro-  
18      gramming that represents a cross-section of popular  
19      American radio and television, tailored toward the  
20      worldwide audience of the American Forces Radio  
21      and Television Service and the American Forces  
22      Network. Schedules emulate programming practices  
23      in the United States, and programs are aired in ac-  
24      cordance with network broadcast standards. Specifi-  
25      cally, policy on programming seeks—

- 1 (A) to provide balance and diversity;  
2 (B) to deliver a cross-section of popular  
3 programming;  
4 (C) to target appropriate demographics;  
5 and  
6 (D) to maintain network broadcast stand-  
7 ards.

8 (5) The “Voice Channel”, or radio program-  
9 ming, of the American Forces Radio and Television  
10 Service and American Forces Network is chosen to  
11 address requirements specified by the military  
12 broadcasting services and the detachment com-  
13 manders of their affiliate radio stations. American  
14 Forces Network Radio makes a best faith effort to  
15 obtain the top-rated program of its sort at the time  
16 of selection, at no cost to the United States Govern-  
17 ment. American Forces Network Radio usually re-  
18 tains a scheduled program until it is no longer pro-  
19 duced, too few American Forces Network affiliates  
20 choose to schedule the program locally, or a similar  
21 program so thoroughly dominates its audience in the  
22 United States that the American Forces Radio and  
23 Television Service switches to this program to offer  
24 the higher rated show to the overseas audience.

1           (6) American Forces Network Radio personnel  
2 review the major trade publications to monitor an-  
3 nouncements of new programs, follow the ratings of  
4 established programs, and keep aware of program-  
5 ming trends. When a program addressing a need  
6 identified by a Military Broadcasting Service or an  
7 American Forces Network affiliate becomes available  
8 to the American Forces Network, or a program  
9 seems especially worthy of consideration, American  
10 Forces Network Radio informs the affiliates and  
11 supplies samples to gauge affiliate interest. If affili-  
12 ates commit to broadcasting the new show, Amer-  
13 ican Forces Network Radio seeks to schedule it.

14           (7) The managers of the American Forces  
15 Radio and Television Service continually update  
16 their programming options and, in November 2005,  
17 decided to include additional programs that meet the  
18 criteria that American Forces Radio and Television  
19 Service managers apply to such decisions, and that,  
20 consistent with American Forces Radio and Tele-  
21 vision Service and American Forces Network proce-  
22 dures, local programmers at 33 locations around the  
23 globe decide which programs actually are broadcast.  
24 American Forces Radio and Television Service have

1 consistently sought to provide a broad, high quality  
2 range of choices for local station managers.

3 (b) SENSE OF SENATE.—It is the sense of the Senate  
4 that—

5 (1) the men and women of the American Forces  
6 Radio and Television Service and the Armed Forces  
7 Network should be commended for providing a vital  
8 service to the military community worldwide; and

9 (2) the programming mission, themes, and  
10 practices of the Department of Defense with respect  
11 to its television and radio programming have fairly  
12 and responsively fulfilled their mission of providing  
13 a “touch of home” to members of the Armed Forces  
14 and their families around the world and have con-  
15 tributed immeasurably to high morale and quality of  
16 life in the Armed Forces.

17 (c) AUTHORITY TO APPOINT OMBUDSMAN AS INTER-  
18 MEDIARY.—The Secretary of Defense may appoint an in-  
19 dividual to serve as ombudsman of the American Forces  
20 Network. Any ombudsman so appointed shall act as an  
21 intermediary between the staff of the American Forces  
22 Network and the Department of Defense, military com-  
23 manders, and listeners to the programming of the Amer-  
24 ican Forces Network.

1 **SEC. 905. REPORT ON ESTABLISHMENT OF A DEPUTY SEC-**  
2 **RETARY OF DEFENSE FOR MANAGEMENT.**

3 (a) Not later than 15 days after the enactment of  
4 this Act, the Secretary of Defense shall select two Feder-  
5 ally Funded Research and Development Centers to con-  
6 duct independent studies of the feasibility and advisability  
7 of establishing a Deputy Secretary of Defense for Manage-  
8 ment. Each study under this section shall be delivered to  
9 the Secretary and the congressional defense committees  
10 not later than March 15, 2006.

11 (b) **CONTENT OF STUDIES.**—Each study required by  
12 this section shall address—

13 (1) the extent to which the establishment of a  
14 Deputy Secretary of Defense for Management  
15 would:

16 (A) improve the management of the De-  
17 partment of Defense;

18 (B) expedite the process of management  
19 reform in the Department; and

20 (C) enhance the implementation of busi-  
21 ness systems modernization in the Department;

22 (2) the appropriate relationship of the Deputy  
23 Secretary of Defense for Management to other De-  
24 partment of Defense officials;

25 (3) the appropriate term of service for a Deputy  
26 Secretary of Defense for Management; and

1           (4) the experience of any other Federal agencies  
2           that have instituted similar management positions.

3           (c) For the purposes of this section, a Deputy Sec-  
4           retary of Defense for Management is an official who—

5           (1) serves as the Chief Management Officer of  
6           the Department of Defense;

7           (2) is the principal advisor to the Secretary of  
8           Defense on matters relating to the management of  
9           the Department of Defense, including defense busi-  
10          ness activities, to ensure Department-wide capability  
11          to carry out the strategic plan of the Department of  
12          Defense in support of national security objectives;  
13          and

14          (3) takes precedence in the Department of De-  
15          fense immediately after the Deputy Secretary of De-  
16          fense.

17 **SEC. 906. REDESIGNATION OF THE NAVAL RESERVE AS THE**  
18 **NAVY RESERVE.**

19          (a) REDESIGNATION OF RESERVE COMPONENT.—  
20          The reserve component of the Armed Forces known as the  
21          Naval Reserve is redesignated as the Navy Reserve.

22          (b) CONFORMING AMENDMENTS TO TITLE 10,  
23          UNITED STATES CODE.—

24                  (1) TEXT AMENDMENTS.—Title 10, United  
25          States Code, is amended by striking “Naval Re-

1       serve” each place it appears in a provision as follows  
2       and inserting “Navy Reserve”:

3               (A) Section 513(a).

4               (B) Section 516.

5               (C) Section 526(b)(2)(C)(i).

6               (D) Section 971(a).

7               (E) Section 5001(a)(1).

8               (F) Section 5143.

9               (G) Section 5596(c).

10              (H) Section 6323(f).

11              (I) Section 6327.

12              (J) Section 6330(b).

13              (K) Section 6331(a)(2).

14              (L) Section 6336.

15              (M) Section 6389.

16              (N) Section 6911(c)(1).

17              (O) Section 6913(a).

18              (P) Section 6915.

19              (Q) Section 6954(b)(3).

20              (R) Section 6956(a)(2).

21              (S) Section 6959.

22              (T) Section 7225.

23              (U) Section 7226.

24              (V) Section 7605(1).

25              (W) Section 7852.

- 1 (X) Section 7853.  
2 (Y) Section 7854.  
3 (Z) Section 10101(3).  
4 (AA) Section 10108.  
5 (BB) Section 10172.  
6 (CC) Section 10301(a)(7).  
7 (DD) Section 10303.  
8 (EE) Section 12004(e)(2).  
9 (FF) Section 12005.  
10 (GG) Section 12010.  
11 (HH) Section 12011(a)(2).  
12 (II) Section 12012(a).  
13 (JJ) Section 12103.  
14 (KK) Section 12205.  
15 (LL) Section 12207(b)(2).  
16 (MM) Section 12732.  
17 (NN) Section 12774(b) (other than the  
18 first place it appears).  
19 (OO) Section 14002(b).  
20 (PP) Section 14101(a)(1).  
21 (QQ) Section 14107(d).  
22 (RR) Section 14302(a)(1)(A).  
23 (SS) Section 14313(b).  
24 (TT) Section 14501(a).  
25 (UU) Section 14512(b).

1 (VV) Section 14705(a).

2 (WW) Section 16201(d)(1)(B)(ii).

3 (2) CAPTION AMENDMENTS.—Such title is fur-  
4 ther amended by striking “NAVAL RESERVE” each  
5 place it appears in a provision as follows and insert-  
6 ing “NAVY RESERVE”:

7 (A) Section 971(a).

8 (B) Section 5143(a).

9 (3) SECTION HEADING AMENDMENTS.—(A) The  
10 heading of section 5143 of such title is amended to  
11 read as follows:

12 **“§ 5143. Office of Navy Reserve: appointment of**  
13 **Chief”.**

14 (B) The heading of section 6327 of such title  
15 is amended to read as follows:

16 **“§ 6327. Officers and enlisted members of the Navy**  
17 **Reserve and Marine Corps Reserve: 30**  
18 **years; 20 years; retired pay”.**

19 (C) The heading of section 6389 of such title  
20 is amended to read as follows:

1 **“§ 6389. Navy Reserve and Marine Corps Reserve; of-**  
2 **ficers: elimination from active status;**  
3 **computation of total commissioned serv-**  
4 **ice”.**

5 (D) The heading of section 7225 of such title  
6 is amended to read as follows:

7 **“§ 7225. Navy Reserve flag”.**

8 (E) The heading of section 7226 of such title  
9 is amended to read as follows:

10 **“§ 7226. Navy Reserve yacht pennant”.**

11 (F) The heading of section 10108 of such title  
12 is amended to read as follows:

13 **“§ 10108. Navy Reserve: administration”.**

14 (G) The heading of section 10172 of such title  
15 is amended to read as follows:

16 **“§ 10172. Navy Reserve Force”.**

17 (H) The heading of section 10303 of such title  
18 is amended to read as follows:

19 **“§ 10303. Navy Reserve Policy Board”.**

20 (I) The heading of section 12010 of such title  
21 is amended to read as follows:

22 **“§ 12010. Computations for Navy Reserve and Marine**  
23 **Corps Reserve: rule when fraction occurs**  
24 **in final result”.**

25 (J) The heading of section 14306 of such title  
26 is amended to read as follows:

1 **“§ 14306. Establishment of promotion zones: Navy Re-**  
 2 **serve and Marine Corps Reserve running**  
 3 **mate system”.**

4 (4) TABLES OF CONTENTS AMENDMENTS.—(A)  
 5 The table of sections at the beginning of chapter  
 6 513 of such title is amended by striking the item re-  
 7 lating to section 5143 and inserting the following  
 8 new item:

“5143. Office of Navy Reserve: appointment of Chief.”.

9 (B) The table of sections at the beginning of  
 10 chapter 571 of such title is amended by striking the  
 11 item relating to section 6327 and inserting the fol-  
 12 lowing new item:

“6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.”.

13 (C) The table of sections at the beginning of  
 14 chapter 573 of such title is amended by striking the  
 15 item relating to section 6389 and inserting the fol-  
 16 lowing new item:

“6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.”.

17 (D) The table of sections at the beginning of  
 18 chapter 631 of such title is amended by striking the  
 19 items relating to sections 7225 and 7226 and insert-  
 20 ing the following new items:

“7225. Navy Reserve flag.

“7226. Navy Reserve yacht pennant.”.

1           (E) The table of sections at the beginning of  
2           chapter 1003 of such title is amended by striking  
3           the item relating to section 10108 and inserting the  
4           following new item:

“10108. Navy Reserve: administration.”.

5           (F) The table of sections at the beginning of  
6           chapter 1006 of such title is amended by striking  
7           the item relating to section 10172 and inserting the  
8           following new item:

“10172. Navy Reserve Force.”.

9           (G) The table of sections at the beginning of  
10          chapter 1009 of such title is amended by striking  
11          the item relating to section 10303 and inserting the  
12          following new item:

“10303. Navy Reserve Policy Board.”.

13          (H) The table of sections at the beginning of  
14          chapter 1201 of such title is amended by striking  
15          the item relating to section 12010 and inserting the  
16          following new item:

“12010. Computations for Navy Reserve and Marine Corps Reserve: rule when  
fraction occurs in final result.”.

17          (I) The table of sections at the beginning of  
18          chapter 1405 of such title is amended by striking  
19          the item relating to section 14306 and inserting the  
20          following new item:

“14306. Establishment of promotion zones: Navy Reserve and Marine Corps Re-  
serve running mate system.”.

1 (c) CONFORMING AMENDMENT TO TITLE 14,  
2 UNITED STATES CODE.—Section 705 of title 14, United  
3 States Code, is amended by striking “Naval Reserve” each  
4 place it appears and inserting “Navy Reserve”.

5 (d) CONFORMING AMENDMENTS TO TITLE 37,  
6 UNITED STATES CODE.—

7 (1) TEXT AMENDMENTS.—Title 37, United  
8 States Code, is amended by striking “Naval Re-  
9 serve” each place it appears in a provision as follows  
10 and inserting “Navy Reserve”:

11 (A) Section 101(24)(C).

12 (B) Section 201(d).

13 (C) Section 205(a)(2)(I).

14 (D) Section 301c(d).

15 (E) Section 319(a).

16 (F) Section 905.

17 (2) CAPTION AMENDMENT.—Section 301c(d) of  
18 such title is further amended by striking “NAVAL  
19 RESERVE” and inserting “NAVY RESERVE”.

20 (e) CONFORMING AMENDMENTS TO TITLE 38,  
21 UNITED STATES CODE.—Title 38, United States Code, is  
22 amended by striking “Naval Reserve” each place it ap-  
23 pears in a provision as follows and inserting “Navy Re-  
24 serve”:

25 (1) Section 101(27)(B).

1 (2) Section 3002(6)(C).

2 (3) Section 3202(1)(C)(iii).

3 (4) Section 3452(a)(3)(C).

4 (f) CONFORMING AMENDMENTS TO OTHER CODI-  
5 FIED TITLES.—

6 (1) TITLE 5, UNITED STATES CODE.—Section  
7 2108(1)(B) of title 5, United States Code, is amend-  
8 ed by striking “Naval Reserve” and inserting “Navy  
9 Reserve”.

10 (2) TITLE 18, UNITED STATES CODE.—Section  
11 2387(b) of title 18, United States Code, is amended  
12 by striking “Naval Reserve” and inserting “Navy  
13 Reserve”.

14 (3) TITLE 46, UNITED STATES CODE.—(A)  
15 Title 46, United States Code, is amended by striking  
16 “Naval Reserve” each place it appears in a provision  
17 as follows and inserting “Navy Reserve”:

18 (i) Section 8103(g).

19 (ii) Section 8302(g).

20 (B) The heading of section 8103 of such title  
21 is amended to read as follows:

22 **“§ 8103. Citizenship and Navy Reserve requirements”.**

23 (C) The table of sections at the beginning of  
24 chapter 81 of such title is amended by striking the

1 item relating to section 8103 and inserting the fol-  
 2 lowing new item:

“8103. Citizenship and Navy Reserve requirements.”.

3 (g) CONFORMING AMENDMENTS TO OTHER LAWS.—

4 (1) Section 2301(4)(C) of the Elementary and  
 5 Secondary Education Act of 1965 (20 U.S.C.  
 6 6671(4)(C)) is amended by striking “Naval Re-  
 7 serve” and inserting “Navy Reserve”.

8 (2)(A) The Merchant Marine Act, 1936 is  
 9 amended by striking “Naval Reserve” each place it  
 10 appears in a provision as follows and inserting  
 11 “Navy Reserve”:

12 (i) Section 301(b) (46 U.S.C. App.  
 13 1131(b)).

14 (ii) Section 1303 (46 U.S.C. App. 1295b).

15 (iii) Section 1304 (46 U.S.C. App. 1295c).

16 (B) Such Act is further amended by striking  
 17 “NAVAL RESERVE” each place it appears in a provi-  
 18 sion as follows and inserting “NAVY RESERVE”:

19 (i) Section 1303(c).

20 (ii) 1304(h).

21 (3)(A) Section 6(a)(1) of the Military Selective  
 22 Service Act (50 U.S.C. App. 456(a)(1)) is amended  
 23 by striking “United States Naval Reserves” and in-  
 24 serting “members of the United States Navy Re-  
 25 serve”.

1 (B) Section 16(i) of such Act (50 U.S.C. App.  
2 466(i)) is amended by striking “Naval Reserve” and  
3 inserting “Navy Reserve”.

4 (h) OTHER REFERENCES.—Any reference in any law,  
5 regulation, document, record, or other paper of the United  
6 States to the Naval Reserve, other than a reference to the  
7 Naval Reserve regarding the United States Naval Reserve  
8 Retired List, shall be considered to be a reference to the  
9 Navy Reserve.

10 **SEC. 907. RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF**  
11 **AS MILITARY ADVISERS TO THE HOMELAND**  
12 **SECURITY COUNCIL.**

13 (a) RESPONSIBILITY AS MILITARY ADVISERS.—

14 (1) IN GENERAL.—Subsection (b) of section  
15 151 of title 10, United States Code, is amended—

16 (A) in paragraph (1), by inserting “the  
17 Homeland Security Council,” after “the Na-  
18 tional Security Council,”; and

19 (B) in paragraph (2), by inserting “the  
20 Homeland Security Council,” after “the Na-  
21 tional Security Council,”.

22 (2) CONSULTATION BY CHAIRMAN.—Subsection  
23 (c)(2) of such section is amended by inserting “the  
24 Homeland Security Council,” after “the National  
25 Security Council,” both places it appears.

1           (3) ADVICE AND OPINIONS OF MEMBERS OTHER  
2           THAN CHAIRMAN.—Subsection (d) of such section is  
3           amended—

4                   (A) in paragraph (1), by inserting “the  
5           Homeland Security Council,” after “the Na-  
6           tional Security Council,” both places it appears;  
7           and

8                   (B) in paragraph (2), by inserting “the  
9           Homeland Security Council,” after “the Na-  
10          tional Security Council,”.

11          (4) ADVICE ON REQUEST.—Subsection (e) of  
12          such section is amended by inserting “the Homeland  
13          Security Council,” after “the National Security  
14          Council,” both places it appears.

15          (b) ATTENDANCE AT MEETING OF HOMELAND SECU-  
16          RITY COUNCIL.—Section 903 of the Homeland Security  
17          Act of 2002 (6 U.S.C. 493) is amended—

18                   (1) by inserting “(a) MEMBERS.—” before  
19           “‘The members’”; and

20                   (2) by adding at the end the following new sub-  
21           section:

22           “(b) ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS  
23          OF STAFF AT MEETINGS.—The Chairman of the Joint  
24          Chiefs of Staff (or, in the absence of the Chairman, the  
25          Vice Chairman of the Joint Chiefs of Staff) may, in the

1 role of the Chairman of the Joint Chiefs of Staff as prin-  
2 cipal military adviser to the Homeland Security Council  
3 and subject to the direction of the President, attend and  
4 participate in meetings of the Homeland Security Coun-  
5 cil.”.

## 6 **Subtitle B—Space Activities**

### 7 **SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DE-** 8 **FENSE REQUIREMENTS FOR SPACE CON-** 9 **TROL.**

10 (a) ADVISORY COMMITTEE REQUIRED.—

11 (1) IN GENERAL.—The Secretary of Defense  
12 shall provide for an advisory committee to review  
13 and assess Department of Defense requirements for  
14 space control.

15 (2) NEW OR EXISTING ADVISORY COM-  
16 MITTEE.—The Secretary may carry out paragraph  
17 (1) through the establishment of a new advisory  
18 committee, or the utilization of a current advisory  
19 committee, meeting the requirements of subsection  
20 (b)(1).

21 (b) MEMBERSHIP AND ADMINISTRATION OF ADVI-  
22 SORY COMMITTEE.—

23 (1) MEMBERSHIP.—The advisory committee  
24 under subsection (a) shall consist of individuals from  
25 among officers and employees of the Federal Gov-

1       ernment, and private citizens of the United States,  
2       with knowledge and expertise in national security  
3       space policy.

4           (2) ADMINISTRATION.—The Secretary shall es-  
5       tablish appropriate procedures for the administra-  
6       tion of the advisory committee for purposes of this  
7       section, including designation of the chairman of the  
8       advisory committee from among its members.

9           (3) SECURITY CLEARANCES.—All members of  
10       the advisory committee shall hold security clearances  
11       appropriate for the work of the advisory committee.

12          (4) FIRST MEETING.—The advisory committee  
13       shall convene its first meeting for purposes of this  
14       section not later than 30 days after the date on  
15       which all members of the advisory committee have  
16       been selected for such purposes.

17       (c) DUTIES.—The advisory committee shall conduct  
18       a review and assessment of the following:

19           (1) The requirements of the Department of De-  
20       fense for its space control mission and the efforts of  
21       the Department to fulfill such requirements.

22           (2) Whether or not the Department of Defense  
23       is allocating appropriate resources to fulfill the cur-  
24       rent space control mission of the Department when

1 compared with the allocation by the Department of  
2 resources to other military space missions.

3 (3) The plans of the Department of Defense to  
4 meet its future space control mission.

5 (d) INFORMATION FROM FEDERAL AND STATE  
6 AGENCIES.—

7 (1) IN GENERAL.—The advisory committee may  
8 secure directly from the Department of Defense,  
9 from any other department or agency of the Federal  
10 Government, and any State government any infor-  
11 mation that the advisory committee considers nec-  
12 essary to carry out its duties under this section.

13 (2) LIAISON.—The Secretary of Defense shall  
14 designate at least one senior civilian employee of the  
15 Department of Defense and at least one general or  
16 flag officer of an Armed Force to serve as liaison be-  
17 tween the Department, the Armed Forces, and the  
18 advisory committee for purposes of this section.

19 (e) REPORT.—

20 (1) IN GENERAL.—Not later than 6 months  
21 after the date of the first meeting of the advisory  
22 committee under subsection (b)(4), the advisory  
23 committees shall submit to the Secretary of Defense  
24 and the congressional defense committees a report

1 on the results of the review and assessment under  
2 subsection (c).

3 (2) ELEMENTS.—The report shall include—

4 (A) the findings and conclusions of the ad-  
5 visory committee on the requirements of the  
6 Department of Defense for its space control  
7 mission and the efforts of the Department to  
8 fulfill such requirements; and

9 (B) any recommendations that the advi-  
10 sory committee considers appropriate regarding  
11 the best means by which the Department may  
12 fulfill such requirements.

13 (f) TERMINATION.—The advisory committee shall  
14 terminate for purposes of this section 10 months after the  
15 date of the first meeting of the advisory committee under  
16 subsection (b)(4).

17 (g) SPACE CONTROL MISSION.—In this section, the  
18 term “space control mission” means the mission of the  
19 Department of Defense involving the following:

20 (1) Space situational awareness.

21 (2) Defensive counterspace operations.

22 (3) Offensive counterspace operations.

23 (h) FUNDING.—Amounts authorized to be appro-  
24 priated to the Department of Defense shall be available

1 to the Secretary of Defense for purposes of the activities  
 2 of the advisory committee under this section.

### 3 **Subtitle C—Other Matters**

#### 4 **SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DE-** 5 **PARTMENT OF DEFENSE REGIONAL CENTERS** 6 **FOR SECURITY STUDIES.**

7 (a) AUTHORITY TO ACCEPT.—

8 (1) IN GENERAL.—Section 2611 of title 10,  
 9 United States Code, is amended to read as follows:

#### 10 **“§ 2611. Regional centers for security studies: accept-** 11 **ance of gifts and donations**

12 “(a) AUTHORITY TO ACCEPT GIFTS AND DONA-  
 13 TIONS.—Subject to subsection (c), the Secretary of De-  
 14 fense may, on behalf of any Department of Defense re-  
 15 gional center for security studies, any combination of such  
 16 centers, or such centers generally, accept from any source  
 17 specified in subsection (b) any gift or donation for pur-  
 18 poses of defraying the costs, or enhancing the operation,  
 19 of such center, combination of centers, or centers gen-  
 20 erally, as the case may be.

21 “(b) SOURCES.—The sources from which gifts and  
 22 donations may be accepted under subsection (a) are the  
 23 following:

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

1           “(2) The government of a foreign country.

2           “(3) A foundation or other charitable organiza-  
3           tion, including a foundation or charitable organiza-  
4           tion this is organized or operates under the laws of  
5           a foreign country.

6           “(4) Any source in the private sector of the  
7           United States or a foreign country.

8           “(c) LIMITATION.—The Secretary may not accept a  
9           gift or donation under subsection (a) if acceptance of the  
10          gift or donation would compromise or appear to  
11          compromise—

12           “(1) the ability of the Department of Defense,  
13           any employee of the Department, or any member of  
14           the armed forces to carry out the responsibility or  
15           duty of the Department in a fair and objective man-  
16           ner; or

17           “(2) the integrity of any program of the De-  
18           partment, or of any person involved in such a pro-  
19           gram.

20           “(d) CRITERIA FOR ACCEPTANCE.—The Secretary  
21           shall prescribe written guidance setting forth the criteria  
22           to be used in determining whether the acceptance of a gift  
23           or donation would have a result described in subsection  
24           (c).

1       “(e) CREDITING OF FUNDS.—(1) There is estab-  
2 lished on the books of the Treasury of the United States  
3 an account to be known as the ‘Regional Centers for Secu-  
4 rity Studies Account’.

5       “(2) Gifts and donations of money accepted under  
6 subsection (a) shall be credited to the Account, and shall  
7 be available until expended, without further appropriation,  
8 to defray the costs, or enhance the operation, of the re-  
9 gional center, combination of centers, or centers generally  
10 for which donated under that subsection.

11       “(f) GIFT OR DONATION DEFINED.—In this section,  
12 the term ‘gift or donation’ means any gift or donation of  
13 funds, materials (including research materials), real or  
14 personal property, or services (including lecture services  
15 and faculty services).”.

16       (2) CLERICAL AMENDMENT.—The table of sec-  
17 tions at the beginning of chapter 155 of such title  
18 is amended by striking the item relating to section  
19 2611 and inserting the following new item:

“2611. Regional centers for security studies: acceptance of gifts and dona-  
tions.”.

20       (b) CONFORMING AMENDMENTS.—

21       (1) Section 1306 of the National Defense Au-  
22 thorization Act for Fiscal Year 1995 (Public Law  
23 103–337; 108 Stat. 2892) is amended by striking  
24 subsection (a).



1           “(A) files of the Directorate of Human Intel-  
2           ligence of the Defense Intelligence Agency (and any  
3           successor organization of that directorate) that doc-  
4           ument the conduct of foreign intelligence or counter-  
5           intelligence operations or intelligence or security liai-  
6           son arrangements or information exchanges with for-  
7           eign governments or their intelligence or security  
8           services; and

9           “(B) files of the Directorate of Technology of  
10          the Defense Intelligence Agency (and any successor  
11          organization of that directorate) that document the  
12          means by which foreign intelligence or counterintel-  
13          ligence is collected through technical systems.

14          “(2) Files that are the sole repository of disseminated  
15          intelligence are not operational files.

16          “(c) SEARCH AND REVIEW FOR INFORMATION.—  
17          Notwithstanding subsection (a), exempted operational files  
18          shall continue to be subject to search and review for infor-  
19          mation concerning:

20                 “(1) United States citizens or aliens lawfully  
21                 admitted for permanent residence who have re-  
22                 quested information on themselves pursuant to the  
23                 provisions of section 552 or 552a of title 5, United  
24                 States Code.

1           “(2) Any special activity the existence of which  
2 is not exempt from disclosure under the provisions  
3 of section 552 of title 5, United States Code.

4           “(3) The specific subject matter of an investiga-  
5 tion by any of the following for any impropriety, or  
6 violation of law, Executive Order, or Presidential di-  
7 rective, in the conduct of an intelligence activity:

8           “(A) The Committee on Armed Services  
9 and the Permanent Select Committee on Intel-  
10 ligence of the House of Representatives.

11           “(B) The Committee on Armed Services  
12 and the Select Committee on Intelligence of the  
13 Senate.

14           “(C) The Intelligence Oversight Board.

15           “(D) The Department of Justice.

16           “(E) The Office of General Counsel of the  
17 Department of Defense or of the Defense Intel-  
18 ligence Agency.

19           “(F) The Office of Inspector General of  
20 the Department of Defense or of the Defense  
21 Intelligence Agency.

22           “(G) The Office of the Director of the De-  
23 fense Intelligence Agency.

24           “(d) INFORMATION DERIVED OR DISSEMINATED  
25 FROM EXEMPTED OPERATIONAL FILES.—(1) Files that

1 are not exempted under subsection (a) and contain infor-  
2 mation derived or disseminated from exempted operational  
3 files shall be subject to search and review.

4 “(2) The inclusion of information from exempted  
5 operational files in files that are not exempted under sub-  
6 section (a) shall not affect the exemption under subsection  
7 (a) of the originating operational files from search, review,  
8 publication, or disclosure.

9 “(3) The declassification of some of the information  
10 contained in exempted operational files shall not affect the  
11 status of the operational file as being exempt from search,  
12 review, publication, or disclosure.

13 “(4) Records from exempted operational files that  
14 have been disseminated to and referenced in files that are  
15 not exempted under subsection (a) and that have been re-  
16 turned to exempted operational files for sole retention  
17 shall be subject to search and review.

18 “(e) ALLEGATION; IMPROPER WITHHOLDING OF  
19 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in  
20 paragraph (2), whenever any person who has requested  
21 agency records under section 552 of title 5, alleges that  
22 the Defense Intelligence Agency has withheld records im-  
23 properly because of failure to comply with any provision  
24 of this section, judicial review shall be available under the

1 terms set forth in section 552(a)(4)(B) of title 5, United  
2 States Code.

3 “(2) Judicial review shall not be available in the man-  
4 ner provided under paragraph (1) as follows:

5 “(A) In any case in which information specifi-  
6 cally authorized under criteria established by an Ex-  
7 ecutive order to be kept secret in the interest of na-  
8 tional defense or foreign relations which is filed  
9 with, or produced for, the court by the Defense In-  
10 telligence Agency, such information shall be exam-  
11 ined ex parte, in camera by the court.

12 “(B) The court shall determine, to the fullest  
13 extent practicable, issues of fact based on sworn  
14 written submissions of the parties.

15 “(C) When a complainant alleges that re-  
16 quested records were improperly withheld because of  
17 improper placement solely in exempted operational  
18 files, the complainant shall support such allegation  
19 with a sworn written submission based upon per-  
20 sonal knowledge or otherwise admissible evidence.

21 “(D)(i) When a complainant alleges that re-  
22 quested records were improperly withheld because of  
23 improper exemption of operational files, the Defense  
24 Intelligence Agency shall meet its burden under sec-  
25 tion 552(a)(4)(B) of title 5, United States Code, by

1 demonstrating to the court by sworn written submis-  
2 sion that exempted operational files likely to contain  
3 responsible records currently perform the functions  
4 set forth in subsection (b).

5 “(ii) The court may not order the Defense In-  
6 telligence Agency to review the content of any ex-  
7 empted operational file or files in order to make the  
8 demonstration required under clause (i), unless the  
9 complainant disputes the Defense Intelligence Agen-  
10 cy’s showing with a sworn written submission based  
11 on personal knowledge or otherwise admissible evi-  
12 dence.

13 “(E) In proceedings under subparagraphs (C)  
14 and (D), the parties shall not obtain discovery pur-  
15 suant to rules 26 through 36 of the Federal Rules  
16 of Civil Procedure, except that requests for admis-  
17 sion may be made pursuant to rules 26 and 36.

18 “(F) If the court finds under this subsection  
19 that the Defense Intelligence Agency has improperly  
20 withheld requested records because of failure to com-  
21 ply with any provision of this subsection, the court  
22 shall order the Defense Intelligence Agency to search  
23 and review the appropriate exempted operational file  
24 or files for the requested records and make such  
25 records, or portions thereof, available in accordance

1 with the provisions of section 552 of title 5, United  
2 States Code, and such order shall be the exclusive  
3 remedy for failure to comply with this section (other  
4 than subsection (f)).

5 “(G) If at any time following the filing of a  
6 complaint pursuant to this paragraph the Defense  
7 Intelligence Agency agrees to search the appropriate  
8 exempted operational file or files for the requested  
9 records, the court shall dismiss the claim based upon  
10 such complaint; and

11 “(H) Any information filed with, or produced  
12 for the court pursuant to subparagraphs (A) and  
13 (D) shall be coordinated with the Director of Na-  
14 tional Intelligence before submission to the court.

15 “(f) DECENNIAL REVIEW OF EXEMPTED OPER-  
16 ATIONAL FILES.—(1) Not less than once every 10 years,  
17 the Director of the Defense Intelligence Agency and the  
18 Director of National Intelligence shall review the exemp-  
19 tions in force under subsection (a) to determine whether  
20 such exemptions may be removed from a category of ex-  
21 empted files or any portion thereof. The Director of Na-  
22 tional Intelligence must approve any determinations to re-  
23 move such exemptions.

24 “(2) The review required by paragraph (1) shall in-  
25 clude consideration of the historical value or other public

1 interest in the subject matter of the particular category  
2 of files or portions thereof and the potential for declas-  
3 sifying a significant part of the information contained  
4 therein.

5       “(3) A complainant that alleges that the Defense In-  
6 telligence Agency has improperly withheld records because  
7 of failure to comply with this subsection may seek judicial  
8 review in the district court of the United States of the  
9 district in which any of the parties reside, or in the Dis-  
10 trict of Columbia. In such a proceeding, the court’s review  
11 shall be limited to determining the following:

12           “(A) Whether the Defense Intelligence Agency  
13 has conducted the review required by paragraph (1)  
14 before the expiration of the 10-year period beginning  
15 on the date of the enactment of this section or be-  
16 fore the expiration of the 10-year period beginning  
17 on the date of the most recent review.

18           “(B) Whether the Defense Intelligence Agency,  
19 in fact, considered the criteria set forth in paragraph  
20 (2) in conducting the required review.”.

21       (2) The table of contents for that Act is amended  
22 by inserting after the item relating to section 704 the fol-  
23 lowing new item:

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

1 (b) SEARCH AND REVIEW OF CERTAIN OTHER OPER-  
 2 ATIONAL FILES.—The National Security Act of 1947 is  
 3 further amended—

4 (1) in section 702(a)(3)(C) (50 U.S.C.  
 5 432(a)(3)(C)), by adding the following new clause:

6 “(vi) The Office of the Inspector General  
 7 of the National Geospatial-Intelligence Agen-  
 8 cy.”;

9 (2) in section 703(a)(3)(C) (50 U.S.C.  
 10 432a(a)(3)(C)), by adding at the end the following  
 11 new clause:

12 “(vii) The Office of the Inspector General  
 13 of the NRO.”; and

14 (3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)),  
 15 by adding at the end the following subparagraph:

16 “(H) The Office of the Inspector General  
 17 of the National Security Agency.”.

18 **SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN**  
 19 **ORDERS AND GUIDANCE ON FUNCTIONS AND**  
 20 **DUTIES OF THE GENERAL COUNSEL AND THE**  
 21 **JUDGE ADVOCATE GENERAL OF THE AIR**  
 22 **FORCE.**

23 No funds authorized to be appropriated by this Act  
 24 may be obligated or expended to implement or enforce ei-  
 25 ther of the following:

1           (1) The order of the Secretary of the Air Force  
2           dated May 15, 2003, and entitled “Functions and  
3           Duties of the General Counsel and the Judge Advo-  
4           cate General”.

5           (2) Any internal operating instruction or memo-  
6           randum issued by the General Counsel of the De-  
7           partment of the Air Force in reliance upon the order  
8           referred to in paragraph (1).

9   **SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.**

10          (a) ESTABLISHMENT.—Chapter 104 of title 10,  
11          United States Code, is amended by adding at the end the  
12          following new section:

13   **“§ 2117. United States Military Cancer Institute**

14          “(a) ESTABLISHMENT.—(1) There is a United States  
15          Military Cancer Institute in the University. The Director  
16          of the United States Military Cancer Institute is the head  
17          of the Institute.

18          “(2) The Institute is composed of clinical and basic  
19          scientists in the Department of Defense who have an ex-  
20          pertise in research, patient care, and education relating  
21          to oncology and who meet applicable criteria for participa-  
22          tion in the Institute.

23          “(3) The components of the Institute include military  
24          treatment and research facilities that meet applicable cri-  
25          teria and are designated as affiliates of the Institute.

1       “(b) RESEARCH.—(1) The Director of the United  
2 States Military Cancer Institute shall carry out research  
3 studies on the following:

4           “(A) The epidemiological features of cancer, in-  
5 cluding assessments of the carcinogenic effect of ge-  
6 netic and environmental factors, and of disparities in  
7 health, inherent or common among populations of  
8 various ethnic origins.

9           “(B) The prevention and early detection of can-  
10 cer.

11          “(C) Basic, translational, and clinical investiga-  
12 tion matters relating to the matters described in  
13 subparagraphs (A) and (B).

14       “(2) The research studies under paragraph (1) shall  
15 include complementary research on oncologic nursing.

16       “(c) COLLABORATIVE RESEARCH.—The Director of  
17 the United States Military Cancer Institute shall carry out  
18 the research studies under subsection (b) in collaboration  
19 with other cancer research organizations and entities se-  
20 lected by the Institute for purposes of the research studies.

21       “(d) ANNUAL REPORT.—(1) Promptly after the end  
22 of each fiscal year, the Director of the United States Mi-  
23 litary Cancer Institute shall submit to the President of the  
24 University a report on the results of the research studies  
25 carried out under subsection (b).

1       “(2) Not later than 60 days after receiving the an-  
 2 nual report under paragraph (1), the President of the Uni-  
 3 versity shall transmit such report to the Secretary of De-  
 4 fense and to Congress.”.

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:

“2117. United States Military Cancer Institute.”.

8 **SEC. 925. AUTHORITY FOR UNITED STATES AIR FORCE IN-**  
 9 **STITUTE OF TECHNOLOGY TO RECEIVE FAC-**  
 10 **ULTY RESEARCH GRANTS FOR CERTAIN PUR-**  
 11 **POSES.**

12       Section 9314 of title 10, United States Code, is  
 13 amended by adding at the end the following new sub-  
 14 section:

15       “(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The  
 16 Secretary of the Air Force may authorize the Com-  
 17 mandant of the United States Air Force Institute of Tech-  
 18 nology to accept qualifying research grants. Any such  
 19 grant may only be accepted if the work under the grant  
 20 is to be carried out by a professor or instructor of the  
 21 Institute for a scientific, literary, or educational purpose.

22       “(2) For purposes of this subsection, a qualifying re-  
 23 search grant is a grant that is awarded on a competitive  
 24 basis by an entity referred to in paragraph (3) for a re-

1 search project with a scientific, literary, or educational  
2 purpose.

3 “(3) An entity referred to in this paragraph is a cor-  
4 poration, fund, foundation, educational institution, or  
5 similar entity that is organized and operated primarily for  
6 scientific, literary, or educational purposes.

7 “(4) The Secretary shall establish an account for the  
8 administration of funds received as qualifying research  
9 grants under this subsection. Funds in the account with  
10 respect to a grant shall be used in accordance with the  
11 terms and condition of the grant and subject to applicable  
12 provisions of the regulations prescribed under paragraph  
13 (6).

14 “(5) Subject to such limitations as may be provided  
15 in appropriations Acts, appropriations available for the  
16 United States Air Force Institute of Technology may be  
17 used to pay expenses incurred by the Institute in applying  
18 for, and otherwise pursuing, the award of qualifying re-  
19 search grants.

20 “(6) The Secretary of the Air Force shall prescribe  
21 regulations for purposes of the administration of this sub-  
22 section.”.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

5 (1) **AUTHORITY.**—Upon determination by the  
6 Secretary of Defense that such action is necessary in  
7 the national interest, the Secretary may transfer  
8 amounts of authorizations made available to the De-  
9 partment of Defense in this division for fiscal year  
10 2006 between any such authorizations for that fiscal  
11 year (or any subdivisions thereof). Amounts of au-  
12 thorizations so transferred shall be merged with and  
13 be available for the same purposes as the authoriza-  
14 tion to which transferred.

15 (2) **AGGREGATE LIMITATION.**—The total  
16 amount of authorizations that the Secretary may  
17 transfer under the authority of this section may not  
18 exceed \$3,500,000,000.

19 (b) **LIMITATIONS.**—The authority provided by this  
20 section to transfer authorizations—

21 (1) may only be used to provide authority for  
22 items that have a higher priority than the items  
23 from which authority is transferred; and

1           (2) may not be used to provide authority for an  
2           item that has been denied authorization by Con-  
3           gress.

4           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
5           transfer made from one account to another under the au-  
6           thority of this section shall be deemed to increase the  
7           amount authorized for the account to which the amount  
8           is transferred by an amount equal to the amount trans-  
9           ferred.

10          (d) NOTICE TO CONGRESS.—The Secretary shall  
11          promptly notify Congress of each transfer made under  
12          subsection (a).

13          **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

14          (a) STATUS OF CLASSIFIED ANNEX.—The Classified  
15          Annex prepared by the Committee on Armed Services of  
16          the Senate to accompany its report on the bill S. 1042  
17          of the One Hundred Ninth Congress and transmitted to  
18          the President is hereby incorporated into this Act.

19          (b) CONSTRUCTION WITH OTHER PROVISIONS OF  
20          ACT.—The amounts specified in the Classified Annex are  
21          not in addition to amounts authorized to be appropriated  
22          by other provisions of this Act.

23          (c) LIMITATION ON USE OF FUNDS.—Funds appro-  
24          priated pursuant to an authorization contained in this Act  
25          that are made available for a program, project, or activity

1 referred to in the Classified Annex may only be expended  
2 for such program, project, or activity in accordance with  
3 such terms, conditions, limitations, restrictions, and re-  
4 quirements as are set out for that program, project, or  
5 activity in the Classified Annex.

6 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The  
7 President shall provide for appropriate distribution of the  
8 Classified Annex, or of appropriate portions of the annex,  
9 within the executive branch of the Government.

10 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**  
11 **MON-FUNDED BUDGETS IN FISCAL YEAR 2006.**

12 (a) FISCAL YEAR 2006 LIMITATION.—The total  
13 amount contributed by the Secretary of Defense in fiscal  
14 year 2006 for the common-funded budgets of NATO may  
15 be any amount up to, but not in excess of, the amount  
16 specified in subsection (b) (rather than the maximum  
17 amount that would otherwise be applicable to those con-  
18 tributions under the fiscal year 1998 baseline limitation).

19 (b) TOTAL AMOUNT.—The amount of the limitation  
20 applicable under subsection (a) is the sum of the following:

21 (1) The amounts of unexpended balances, as of  
22 the end of fiscal year 2005, of funds appropriated  
23 for fiscal years before fiscal year 2006 for payments  
24 for those budgets.

25 (2) The amount specified in subsection (c)(1).

1           (3) The amount specified in subsection (c)(2).

2           (4) The total amount of the contributions au-  
3           thorized to be made under section 2501.

4           (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
5           be appropriated by titles II and III of this Act are avail-  
6           able for contributions for the common-funded budgets of  
7           NATO as follows:

8           (1) Of the amount provided in section 201(1),  
9           \$763,000 for the Civil Budget.

10          (2) Of the amount provided in section 301(1),  
11          \$238,364,000 for the Military Budget.

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

13          (1) COMMON-FUNDED BUDGETS OF NATO.—  
14          The term “common-funded budgets of NATO”  
15          means the Military Budget, the Security Investment  
16          Program, and the Civil Budget of the North Atlantic  
17          Treaty Organization (and any successor or addi-  
18          tional account or program of NATO).

19          (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
20          The term “fiscal year 1998 baseline limitation”  
21          means the maximum annual amount of Department  
22          of Defense contributions for common-funded budgets  
23          of NATO that is set forth as the annual limitation  
24          in section 3(2)(C)(ii) of the resolution of the Senate  
25          giving the advice and consent of the Senate to the

1 ratification of the Protocols to the North Atlantic  
2 Treaty of 1949 on the Accession of Poland, Hun-  
3 gary, and the Czech Republic (as defined in section  
4 4(7) of that resolution), approved by the Senate on  
5 April 30, 1998.

6 **SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**  
7 **TO SAVINGS RELATING TO LOWER INFLA-**  
8 **TION.**

9 (a) REDUCTION.—The aggregate amount authorized  
10 to be appropriated by titles I, II, and III is the amount  
11 equal to the sum of all the amounts authorized to be ap-  
12 propriated by such titles reduced by \$1,300,000,000.

13 (b) SOURCE OF SAVINGS.—Reductions required in  
14 order to comply with subsection (a) shall be derived from  
15 savings resulting from lower-than-expected inflation as a  
16 result of the annual review of the budget conducted by  
17 the Congressional Budget Office.

18 (c) ALLOCATION OF REDUCTION.—The Secretary of  
19 Defense shall allocate the reduction required by subsection  
20 (a) among the amounts authorized to be appropriated for  
21 accounts in titles I, II, and III to reflect the extent to  
22 which net savings from lower-than-expected inflation are  
23 allocable to amounts authorized to be appropriated to such  
24 accounts.

1 **SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPRO-**  
2 **PRIATIONS FOR FISCAL YEAR 2005.**

3       Amounts authorized to be appropriated to the De-  
4 partment of Defense and the Department of Energy for  
5 fiscal year 2005 in the Ronald W. Reagan National De-  
6 fense Authorization Act for Fiscal Year 2005 (Public Law  
7 108–375) are hereby adjusted, with respect to any such  
8 authorized amount, by the amount by which appropria-  
9 tions pursuant to such authorization are increased (by a  
10 supplemental appropriation) or decreased (by a rescis-  
11 sion), or both, or are increased by a transfer of funds,  
12 pursuant to title I or chapter 2 of title IV of the Emer-  
13 gency Supplemental Appropriations Act for Defense, the  
14 Global War on Terror, and Tsunami Relief, 2005 (Public  
15 Law 109–13).

16 **SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AU-**  
17 **THORITY.**

18       Section 1001(a)(2) of the Ronald W. Reagan Na-  
19 tional Defense Authorization Act for Fiscal Year 2005  
20 (Public Law 108–375; 118 Stat. 2034) is amended by  
21 striking “\$3,500,000,000” and inserting  
22 “\$6,185,000,000”.

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

4 Section 1045(a) of title 10, United States Code, is  
5 amended—

6 (1) by striking “quarter” the first place it ap-  
7 pears and inserting “month”; and

8 (2) by striking “during the month following  
9 that calendar quarter” and inserting “during the fol-  
10 lowing calendar month”.

11 **SEC. 1008. AUTHORIZATION OF EMERGENCY SUPPLE-**  
12 **MENTAL APPROPRIATIONS FOR THE DEPART-**  
13 **MENT OF DEFENSE.**

14 (a) **FIRST EMERGENCY SUPPLEMENTAL TO MEET**  
15 **NEEDS ARISING FROM HURRICANE KATRINA.**—Amounts  
16 authorized to be appropriated to the Department of De-  
17 fense for fiscal year 2005 in the Ronald W. Reagan Na-  
18 tional Defense Authorization Act for Fiscal Year 2005  
19 (Public Law 108–375) are hereby adjusted, with respect  
20 to any such authorized amount, by the amount by which  
21 appropriations pursuant to such authorized amount are  
22 increased by a supplemental appropriation, or by a trans-  
23 fer of funds, pursuant to the Emergency Supplemental  
24 Appropriations Act to Meet Immediate Needs Arising  
25 From the Consequences of Hurricane Katrina, 2005 (Pub-  
26 lic Law 109–61).

1           (b) SECOND EMERGENCY SUPPLEMENTAL TO MEET  
2 NEEDS ARISING FROM HURRICANE KATRINA.—Amounts  
3 authorized to be appropriated to the Department of De-  
4 fense for fiscal year 2005 in the Ronald W. Reagan Na-  
5 tional Defense Authorization Act for Fiscal Year 2005 are  
6 hereby adjusted, with respect to any such authorized  
7 amount, by the amount by which appropriations pursuant  
8 to such authorized amount are increased by a supple-  
9 mental appropriation, or by a transfer of funds, pursuant  
10 to the Second Emergency Supplemental Appropriations  
11 Act to Meet Immediate Needs Arising From the Con-  
12 sequences of Hurricane Katrina, 2005 (Public Law 109–  
13 62).

14           (c) SUPPLEMENTAL APPROPRIATIONS FOR AVIAN  
15 FLU PREPAREDNESS.—Amounts authorized to be appro-  
16 priated to the Department of Defense for fiscal year 2006  
17 in this Act are hereby adjusted, with respect to any such  
18 authorized amount, by the amount by which appropria-  
19 tions pursuant to such authorized amount are increased  
20 by a supplemental appropriation, or by a transfer of funds,  
21 arising from the proposal of the Administration relating  
22 to avian flu preparedness that was submitted to Congress  
23 on November 1, 2006.

24           (d) AMOUNTS REALLOCATED FOR HURRICANE-RE-  
25 LATED DISASTER RELIEF.—Amounts authorized to be ap-

1 appropriated to the Department of Defense for fiscal year  
2 2006 in this Act are hereby adjusted, with respect to any  
3 such authorized amount, by the amount by which appro-  
4 priations pursuant to such authorized amount are in-  
5 creased by a reallocation of funds from the Disaster Relief  
6 Fund (DRF) of the Federal Emergency Management  
7 Agency arising from the proposal of the Director of the  
8 Office of Management and Budget on the reallocation of  
9 amounts for hurricane-related disaster relief that was sub-  
10 mitted to the President on October 28, 2005, and trans-  
11 mitted to the Speaker of the House of Representatives on  
12 that date.

13 (e) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR  
14 EARTHQUAKE VICTIMS IN PAKISTAN.—There is author-  
15 ized to be appropriated as emergency supplemental appro-  
16 priations for the Department of Defense for fiscal year  
17 2006, \$40,000,000 for the use of the Department of De-  
18 fense for overseas, humanitarian, disaster, and civic aid  
19 for the purpose of providing humanitarian assistance to  
20 the victims of the earthquake that devastated northern  
21 Pakistan on October 8, 2005.

22 (f) REPORTS ON USE OF CERTAIN FUNDS.—

23 (1) REPORT ON USE OF EMERGENCY SUPPLE-  
24 MENTAL FUNDS.—Not later than six months after  
25 the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense  
2 committees a report on the obligation and expendi-  
3 ture, as of that date, of any funds appropriated to  
4 the Department of Defense for fiscal year 2005 pur-  
5 suant to the Acts referred to in subsections (a) and  
6 (b) as authorized by such subsections. The report  
7 shall set forth—

8 (A) the amounts so obligated and ex-  
9 pended; and

10 (B) the purposes for which such amounts  
11 were so obligated and expended.

12 (2) REPORT ON EXPENDITURE OF REIMBURS-  
13 ABLE FUNDS.—The Secretary shall include in the  
14 report required by paragraph (1) a statement of any  
15 expenditure by the Department of Defense of funds  
16 that were reimbursable by the Federal Emergency  
17 Management Agency, or any other department or  
18 agency of the Federal Government, from funds ap-  
19 propriated in an Act referred to in subsection (a) or  
20 (b) to such department or agency.

21 (3) REPORT ON USE OF CERTAIN OTHER  
22 FUNDS.—Not later than May 15, 2006, and quar-  
23 terly thereafter through November 15, 2006, the  
24 Secretary shall submit to the congressional defense  
25 committees a report on the obligation and expendi-

1        ture, during the previous fiscal year quarter, of any  
2        funds appropriated to the Department of Defense as  
3        specified in subsection (c) and any funds reallocated  
4        to the Department as specified in subsection (d).  
5        Each report shall, for the fiscal year quarter covered  
6        by such report, set forth—

7                (A) the amounts so obligated and ex-  
8                pended; and

9                (B) the purposes for which such amounts  
10              were so obligated and expended.

11        (g) REPORT ON ASSISTANCE FOR EARTHQUAKE VIC-  
12        TIMS IN PAKISTAN.—Not later than 30 days after the date  
13        of the enactment of this Act, the Secretary of Defense  
14        shall submit to the congressional defense committees a re-  
15        port describing Department of Defense efforts to provide  
16        relief to victims of the earthquake that devastated north-  
17        ern Pakistan on October 8, 2005, and assessing the need  
18        for further reconstruction and relief assistance.

## 19                **Subtitle B—Naval Vessels and** 20                **Shipyards**

### 21        **SEC. 1021. TRANSFER OF BATTLESHIPS.**

22        (a) TRANSFER OF BATTLESHIP WISCONSIN.—The  
23        Secretary of the Navy is authorized—

1           (1) to strike the Battleship U.S.S. WIS-  
2           CONSIN (BB-64) from the Naval Vessel Register;  
3           and

4           (2) subject to section 7306 of title 10, United  
5           States Code, to transfer the vessel by gift or other-  
6           wise provided that the Secretary requires, as a con-  
7           dition of transfer, that the transferee locate the ves-  
8           sel in the Commonwealth of Virginia.

9           (b) TRANSFER OF BATTLESHIP IOWA.—The Sec-  
10          retary of the Navy is authorized—

11          (1) to strike the Battleship U.S.S. IOWA (BB-  
12          61) from the Naval Vessel Register; and

13          (2) subject to section 7306 of title 10, United  
14          States Code, to transfer the vessel by gift or other-  
15          wise provided that the Secretary requires, as a con-  
16          dition of transfer, that the transferee locate the ves-  
17          sel in the State of California.

18          (c) INAPPLICABILITY OF NOTICE AND WAIT RE-  
19          QUIREMENT.—Notwithstanding any provision of sub-  
20          section (a) or (b), section 7306(d) of title 10, United  
21          States Code, shall not apply to the transfer authorized by  
22          subsection (a) or the transfer authorized by subsection (b).

23          (d) REPEAL OF SUPERSEDED REQUIREMENTS AND  
24          AUTHORITIES.—

1           (1) Section 1011 of the National Defense Au-  
2           thorization Act for Fiscal Year 1996 (Public Law  
3           104–106; 110 Stat. 421) is repealed.

4           (2) Section 1011 of the Strom Thurmond Na-  
5           tional Defense Authorization Act for Fiscal Year  
6           1999 (Public Law 105–261; 112 Stat. 2118) is re-  
7           pealed.

8 **SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSON-**  
9 **VILLE, FLORIDA.**

10          (a) CONVEYANCE AUTHORIZED.—The Secretary of  
11 the Navy may convey to Atlantic Marine Property Holding  
12 Company (in this section referred to as the “Company”)  
13 all right, title, and interest of the United States in and  
14 to Navy Drydock No. AFDM 7 (the SUSTAIN), located  
15 in Duval County, Florida. The Company is the current  
16 user of the drydock.

17          (b) CONDITION OF CONVEYANCE.—The conveyance  
18 under subsection (a) shall be subject to the condition that  
19 the drydock remain at the facilities of the Company until  
20 September 30, 2010.

21          (c) CONSIDERATION.—As consideration for the con-  
22 veyance under subsection (a), the Company shall pay the  
23 Secretary an amount equal to the fair market value of the  
24 drydock as determined by the Secretary.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
 2 Secretary may require such additional terms and condi-  
 3 tions in connection with the conveyance under subsection  
 4 (a) as the Secretary considers appropriate to protect the  
 5 interests of the United States.

## 6 **Subtitle C—Counterdrug Matters**

### 7 **SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR** 8 **UNITED STATES BORDER RECONNAISSANCE.**

9 (a) IN GENERAL.—Chapter 18 of title 10, United  
 10 States Code, is amended by adding at the end the fol-  
 11 lowing new section:

#### 12 **“§ 383. Use of unmanned aerial vehicles for United** 13 **States border reconnaissance**

14 “(a) IN GENERAL.—The Secretary of Defense is au-  
 15 thorized to use Department of Defense personnel and  
 16 equipment to conduct aerial reconnaissance within the  
 17 area of responsibility of the United States Northern Com-  
 18 mand with unmanned aerial vehicles in order to conduct,  
 19 for the purposes specified in subsection (b), the following:

20 “(1) The detection and monitoring of, and com-  
 21 munication on, the movement of air and sea traffic  
 22 along the United States border.

23 “(2) The detection and monitoring of, and com-  
 24 munication on, the movement of surface traffic that  
 25 is—

1           “(A) outside of the geographic boundary of  
2           the United States; or

3           “(B) inside the United States, but within  
4           not more than 25 miles of the geographic  
5           boundary of the United States, with respect to  
6           surface traffic first detected outside the geo-  
7           graphic boundary of the United States.

8           “(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The  
9           purposes of activities authorized by subsection (a) are as  
10          follows:

11           “(1) To detect and monitor suspicious air, sea,  
12          and surface traffic.

13           “(2) To communicate information on such traf-  
14          fic to appropriate Federal law enforcement officials,  
15          State law enforcement officials, and local law en-  
16          forcement officials.

17           “(c) FUNDS.—Amounts available to the Department  
18          of Defense for counterdrug activities shall be available for  
19          activities authorized by subsection (a).

20           “(d) LIMITATIONS.—Any limitations and restrictions  
21          under this chapter with respect to the use of personnel,  
22          equipment, and facilities under this chapter shall apply to  
23          the exercise of the authority in subsection (a).

24           “(e) ANNUAL REPORTS ON USE OF UNMANNED AER-  
25          IAL VEHICLES.—(1) The Secretary of Defense shall sub-

1 mit to the congressional defense committees each year a  
2 report on the operation of unmanned aerial vehicles along  
3 the United States border under this section during the  
4 preceding year. Each report shall include, for the year cov-  
5 ered by such report, the following:

6           “(A) A description of the aerial reconnaissance  
7           missions carried out along the United States border  
8           by unmanned aerial vehicles under this section, in-  
9           cluding the total number of sorties and flight hours.

10           “(B) A statement of the costs of such missions.

11           “(C) A statement of the number of times data  
12           collected by the Department of Defense from such  
13           missions was communicated to other authorities of  
14           the Federal Government or to State or local authori-  
15           ties.

16           “(2) A report is not required under this subsection  
17           for a year if no operations of unmanned aerial vehicles  
18           along the United States border occurred under this section  
19           during such year.

20           “(3) Each report under this subsection shall be sub-  
21           mitted in unclassified form, but may include a classified  
22           annex.

23           “(f) DEFINITIONS.—In this section:

24           “(1) The term ‘suspicious air, sea, and surface  
25           traffic’ means any air, sea, or surface traffic that is

1       suspected of illegal activities, including involvement  
2       in activities that would constitute a violation of any  
3       provision of law set forth in or described under sec-  
4       tion 374(b)(4)(A) of this title.

5               “(2) The term ‘State law enforcement officials’  
6       includes authorized members of the National Guard  
7       operating under authority of title 32.”.

8       (b) CLERICAL AMENDMENT.—The table of sections  
9       at the beginning of chapter 18 of such title is amended  
10      by adding at the end the following new item:

      “383. Use of unmanned aerial vehicles for United States border reconnais-  
          sance.”.

11   **SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN**  
12                           **COUNTERTERRORISM OPERATIONS.**

13       (a) AUTHORITY TO USE FUNDS.—In conjunction  
14       with counterdrug activities authorized by law, the Sec-  
15       retary of Defense may use funds authorized to be appro-  
16       priated to the Department of Defense for drug interdiction  
17       and counterdrug activities in fiscal years 2006 and 2007  
18       for the detection, monitoring, and interdiction of terror-  
19       ists, terrorism-related activities, and other related  
20       transnational threats along the borders and within the ter-  
21       ritorial waters of the United States.

22       (b) CONSTRUCTION WITH OTHER AUTHORITY.—The  
23       authority provided by subsection (a) is in addition to the

1 authority provided in section 124 of title 10, United States  
2 Code.

3 **SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES**  
4 **THROUGH BASES OF OPERATION AND TRAIN-**  
5 **ING FACILITIES IN AFGHANISTAN.**

6 In providing support for counterdrug activities under  
7 section 1004 of the National Defense Authorization Act  
8 for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary  
9 of Defense may, in accordance with a request under sub-  
10 section (a) of such section, provide through or utilizing  
11 bases of operation or training facilities in Afghanistan—

- 12 (1) any type of support specified in subsection  
13 (b) of such section for counter-drug activities; and  
14 (2) any type of support for counter-drug related  
15 Afghan criminal justice activities.

16 **Subtitle D—Reports and Studies**

17 **SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL**  
18 **OF JOINT WARFIGHTING SCIENCE AND TECH-**  
19 **NOLOGY PLAN.**

20 (a) SUBMITTAL OF JOINT WARFIGHTING SCIENCE  
21 AND TECHNOLOGY PLAN.—Section 270 of the National  
22 Defense Authorization Act for Fiscal Year 1997 (10  
23 U.S.C. 2501 note) is amended by striking “(a) ANNUAL  
24 PLAN REQUIRED.—On March 1 of each year,” and insert-

1 ing “Not later than March 1 of each year through 2006,  
2 and March 1 every two years thereafter,”.

3 (b) CONFORMING AMENDMENT.—The heading of  
4 such section is amended by striking “**ANNUAL**”.

5 **SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE**  
6 **ACT INSURANCE.**

7 (a) IN GENERAL.—The Secretary of Defense shall,  
8 in coordination with the Director of the Office of Manage-  
9 ment and Budget and appropriate officials of the Depart-  
10 ment of Labor, the Department of State and the United  
11 States Agency for International Development, review cur-  
12 rent and future needs, options, and risks associated with  
13 Defense Base Act insurance.

14 (b) MATTERS TO BE ADDRESSED.—The review  
15 under subsection (a) shall address the following matters:

16 (1) Cost-effective options for acquiring Defense  
17 Base Act insurance.

18 (2) Methods for coordinating data collection ef-  
19 forts among agencies and contractors on numbers of  
20 employees, costs of insurance, and other information  
21 relevant to decisions on Defense Base Act insurance.

22 (3) Improved communication and coordination  
23 within and among agencies on the implementation of  
24 Defense Base Act insurance.



1 on the effectiveness of the corrosion prevention and miti-  
2 gation programs of the Department of Defense.

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

5 (1) An assessment of the document of the De-  
6 partment of Defense entitled “Long-Term Strategy  
7 to Reduce Corrosion and the Effects of Corrosion on  
8 the Military Equipment and Infrastructure of the  
9 Department of Defense”, dated November 2004.

10 (2) An assessment of the adequacy for purposes  
11 of the strategy set forth in that document of the  
12 funding requested in the budget of the President for  
13 fiscal year 2006, as submitted to Congress pursuant  
14 to section 1105(a) of title 31, United States Code,  
15 and the associated Future-Years Defense Program  
16 under section 221 of title 10, United States Code.

17 (3) An assessment of the adequacy and effec-  
18 tiveness of the organizational structure of the De-  
19 partment of Defense in implementing that strategy.

20 (4) An assessment of the progress made as of  
21 the date of the report in establishing throughout the  
22 Department common metrics, definitions, and proce-  
23 dures on corrosion prevention and mitigation.

24 (5) An assessment of the progress made as of  
25 the date of the report in establishing a baseline esti-

1       mate of the scope of the corrosion problems of the  
2       Department.

3           (6) An assessment of the extent to which the  
4       strategy of the Department on corrosion prevention  
5       and mitigation has been revised to incorporate the  
6       recommendations of the October 2004 Defense  
7       Science Board report on corrosion control.

8           (7) An assessment of the implementation of the  
9       corrosion prevention and mitigation programs of the  
10      Department during fiscal year 2006.

11          (8) Recommendations by the Comptroller Gen-  
12      eral for addressing any shortfalls or areas of poten-  
13      tial improvement identified in the review for pur-  
14      poses of the report.

15 **SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RE-**  
16 **SPONSE TO FINDINGS AND RECOMMENDA-**  
17 **TIONS OF DEFENSE SCIENCE BOARD TASK**  
18 **FORCE ON HIGH PERFORMANCE MICROCHIP**  
19 **SUPPLY.**

20      (a) REPORT REQUIRED.—Not later than March 15,  
21 2006, the Secretary of Defense shall submit to the con-  
22 gressional defense committees a report on the implementa-  
23 tion of the recommendations of the Defense Science Board  
24 Task Force on High Performance Microchip Supply.

1 (b) CONTENTS.—The report required by subsection  
2 (a) shall include the following:

3 (1) An analysis of each finding of the Task  
4 Force.

5 (2) A detailed description of the response of the  
6 Department of Defense to each recommendation of  
7 the Task Force, including—

8 (A) for each recommendation that is being  
9 implemented or that the Secretary plans to  
10 implement—

11 (i) a summary of actions that have  
12 been taken to implement the recommenda-  
13 tion; and

14 (ii) a schedule, with specific mile-  
15 stones, for completing the implementation  
16 of the recommendation; and

17 (B) For each recommendation that the  
18 Secretary does not plan to implement—

19 (i) the reasons for the decision not to  
20 implement the recommendation; and

21 (ii) a summary of alternative actions  
22 the Secretary plans to take to address the  
23 purposes underlying the recommendation.

1           (3) A summary of any additional actions the  
2           Secretary plan to take to address concerns raised by  
3           the Task Force.

4           (c) CONSULTATION.—To the extent practicable, the  
5           Secretary may consult with other departments and agen-  
6           cies of the Federal Government, institutions of higher edu-  
7           cation and other academic organizations, and industry in  
8           the development of the report required by subsection (a).

9           **SEC. 1045. REPORT ON USE OF SPACE RADAR FOR TOPO-**  
10                           **GRAPHICAL MAPPING FOR SCIENTIFIC AND**  
11                           **CIVIL PURPOSES.**

12           (a) IN GENERAL.—Not later than January 15, 2006,  
13           the Secretary of Defense shall submit to the congressional  
14           defense committees on report on the feasibility and advis-  
15           ability of utilizing the Space Radar for purposes of pro-  
16           viding coastal zone and other topographical mapping in-  
17           formation, and related information, to the scientific com-  
18           munity and other elements of the private sector for sci-  
19           entific and civil purposes.

20           (b) REPORT ELEMENTS.—The report required by  
21           subsection (a) shall include the following:

22                   (1) A description and evaluation of any uses of  
23                   the Space Radar for scientific or civil purposes that  
24                   are identified by the Secretary for purposes of the  
25                   report.

1           (2) A description and evaluation of any addi-  
2           tions or modifications to the Space Radar identified  
3           by the Secretary for purposes of the report that  
4           would increase the utility of the Space Radar to the  
5           scientific community or other elements of the private  
6           sector for scientific or civil purposes, including the  
7           utilization of additional frequencies, the development  
8           or enhancement of ground systems, and the en-  
9           hancement of operations.

10           (3) A description of the costs of any additions  
11           or modifications identified pursuant to paragraph  
12           (2).

13           (4) A description and evaluation of processes to  
14           be utilized to determine the means of modifying the  
15           Space Radar in order to meet the needs of the sci-  
16           entific community or other elements of the private  
17           sector with respect to the use of the Space Radar for  
18           scientific or civil purposes, and a proposal for meet-  
19           ing the costs of such modifications.

20           (5) A description and evaluation of the impacts,  
21           if any, on the primary missions of the Space Radar,  
22           and on the development of the Space Radar, of the  
23           use of the Space Radar for scientific or civil pur-  
24           poses.

1           (6) A description of the process for developing  
2           requirements for the Space Radar, including the in-  
3           volvement of the Civil Applications Committee.

4 **SEC. 1046. PILOT PROJECT FOR CIVILIAN LINGUIST RE-**  
5 **SERVE CORPS.**

6           (a) ESTABLISHMENT.—The Secretary of Defense (re-  
7           ferred to in this section as the “Secretary”), through the  
8           National Security Education Program, shall conduct a 3-  
9           year pilot project to establish the Civilian Linguist Reserve  
10          Corps, which shall be composed of United States citizens  
11          with advanced levels of proficiency in foreign languages  
12          who would be available, upon request from the President,  
13          to perform any services or duties with respect to such for-  
14          eign languages in the Federal Government as the Presi-  
15          dent may require.

16          (b) IMPLEMENTATION.—In establishing the Civilian  
17          Linguist Reserve Corps, the Secretary, after reviewing the  
18          findings and recommendations contained in the report re-  
19          quired under section 325 of the Intelligence Authorization  
20          Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.  
21          2393), shall—

22                  (1) identify several foreign languages that are  
23                  critical for the national security of the United States  
24                  and the relative priority of each such language;

1           (2) identify United States citizens with ad-  
2           vanced levels of proficiency in those foreign lan-  
3           guages who would be available to perform the serv-  
4           ices and duties referred to in subsection (a);

5           (3) cooperate with other Federal agencies with  
6           national security responsibilities to implement a pro-  
7           cedure for calling for the performance of the services  
8           and duties referred to in subsection (a); and

9           (4) implement a call for the performance of  
10          such services and duties.

11          (c) CONTRACT AUTHORITY.—In establishing the Ci-  
12          vilian Linguist Reserve Corps, the Secretary may enter  
13          into contracts with appropriate agencies or entities.

14          (d) FEASIBILITY STUDY.—During the course of the  
15          pilot project, the Secretary shall conduct a study of the  
16          best practices in implementing the Civilian Linguist Re-  
17          serve Corps, including—

18                 (1) administrative structure;

19                 (2) languages to be offered;

20                 (3) number of language specialists needed for  
21          each language;

22                 (4) Federal agencies who may need language  
23          services;

24                 (5) compensation and other operating costs;

25                 (6) certification standards and procedures;

- 1 (7) security clearances;
- 2 (8) skill maintenance and training; and
- 3 (9) the use of private contractors to supply lan-
- 4 guage specialists.

5 (e) REPORTS.—

6 (1) EVALUATION REPORTS.—

7 (A) IN GENERAL.—Not later than 1 year  
8 after the date of enactment of this Act, and an-  
9 nually thereafter until the expiration of the 3-  
10 year period beginning on such date of enact-  
11 ment, the Secretary shall submit to Congress  
12 an evaluation report on the pilot project con-  
13 ducted under this section.

14 (B) CONTENTS.—Each report required  
15 under subparagraph (A) shall contain informa-  
16 tion on the operation of the pilot project, the  
17 success of the pilot project in carrying out the  
18 objectives of the establishment of a Civilian  
19 Linguist Reserve Corps, and recommendations  
20 for the continuation or expansion of the pilot  
21 project.

22 (2) FINAL REPORT.—Not later than 6 months  
23 after the completion of the pilot project, the Sec-  
24 retary shall submit to Congress a final report sum-  
25 marizing the lessons learned, best practices, and rec-

1       ommendations for full implementation of the Civilian  
2       Linguist Reserve Corps.

3       (f) AUTHORIZATION OF APPROPRIATIONS.—There  
4       are authorized to be appropriated \$3,100,000 for fiscal  
5       year 2006 to carry out the pilot project under this section.

6       (g) OFFSET.—The amounts authorized to be appro-  
7       priated by section 301(4) are hereby reduced by  
8       \$3,100,000 from operation and maintenance, Air Force.

9       **SEC. 1047. REPORT ON ALLEGED CLANDESTINE DETEN-**  
10                   **TION FACILITIES FOR INDIVIDUALS CAP-**  
11                   **TURED IN THE GLOBAL WAR ON TERRORISM.**

12       (a) IN GENERAL.—The President shall ensure that  
13       the United States Government continues to comply with  
14       the authorization, reporting, and notification requirements  
15       of title V of the National Security Act of 1947 (50 U.S.C.  
16       413 et seq.).

17       (b) DIRECTOR OF NATIONAL INTELLIGENCE RE-  
18       PORT.—

19               (1) REPORT REQUIRED.—Not later than 60  
20       days after the date of the enactment of this Act, the  
21       Director of National Intelligence shall provide to the  
22       members of the Select Committee on Intelligence of  
23       the Senate and the Permanent Select Committee on  
24       Intelligence of the House of Representatives a de-  
25       tailed report setting forth the nature and cost of,

1 and otherwise providing a full accounting on, any  
2 clandestine prison or detention facility currently or  
3 formerly operated by the United States Government,  
4 regardless of location, where detainees in the global  
5 war on terrorism are or were being held.

6 (2) ELEMENTS.—The report required by para-  
7 graph (1) shall set forth, for each prison or facility,  
8 if any, covered by such report, the following:

9 (A) The location and size of such prison or  
10 facility.

11 (B) If such prison or facility is no longer  
12 being operated by the United States Govern-  
13 ment, the disposition of such prison or facility.

14 (C) The number of detainees currently  
15 held or formerly held, as the case may be, at  
16 such prison or facility.

17 (D) Any plans for the ultimate disposition  
18 of any detainees currently held at such prison  
19 or facility.

20 (E) A description of the interrogation pro-  
21 cedures used or formerly used on detainees at  
22 such prison or facility, and a determination, in  
23 coordination with other appropriate officials, on  
24 whether such procedures are or were in compli-  
25 ance with United States obligations under the

1 Geneva Conventions and the Convention  
2 Against Torture.

3 (3) FORM OF REPORT.—The report required by  
4 paragraph (1) shall be submitted in classified form.

5 **SEC. 1048. RECORDS OF CIVILIAN CASUALTIES IN AFGHANI-**  
6 **STAN AND IRAQ.**

7 Not later than 90 days after enactment of this Act,  
8 the Secretary of Defense shall submit a report to the Com-  
9 mittee on Armed Services and the Committee on Appro-  
10 priations with the following information—

11 (a) Whether records of civilian casualties in Afghani-  
12 stan and Iraq are kept by United States Armed Forces,  
13 and if so, how and from what sources this information  
14 is collected, where it is kept, and who is responsible for  
15 maintaining such records.

16 (b) Whether such records contain—

17 (1) any information relating to the cir-  
18 cumstances under which the casualties occurred and  
19 whether they were fatalities or injuries;

20 (2) if any condolence payment, compensation or  
21 assistance was provided to the victim or to the vic-  
22 tim's family; and

23 (3) any other information relating to the cas-  
24 ualties.

1 **SEC. 1049. ANNUAL REPORTS ON BUDGETING RELATING TO**  
2 **KEY MILITARY EQUIPMENT.**

3 (a) IN GENERAL.—Chapter 9 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 234. Budgeting for key military equipment: annual**  
7 **reports**

8 “(a) ANNUAL REPORT REQUIRED.—The Secretary of  
9 Defense shall submit to Congress each year, at or about  
10 the time that the budget of the President is submitted to  
11 Congress that year under section 1105(a) of title 31, a  
12 report on the budgeting of the Department of Defense for  
13 key military equipment.

14 “(b) REPORT ELEMENTS.—The report required by  
15 subsection (a) for a year shall set forth the following:

16 “(1) A description of the current strategies of  
17 the Department of Defense for sustaining key mili-  
18 tary equipment, and for any modernization that will  
19 be required of such equipment.

20 “(2) A description of the amounts required for  
21 the Department for the fiscal year beginning in such  
22 year in order to fully fund the strategies described  
23 in paragraph (1).

24 “(3) A description of the amounts requested for  
25 the Department for such fiscal year in order to fully  
26 fund such strategies.

1           “(4) A description of the risks, if any, of failing  
2           to fund such strategies in the amounts required to  
3           fully fund such strategies (as specified in paragraph  
4           (2)).

5           “(5) A description of the actions being taken by  
6           the Department of Defense to mitigate the risks de-  
7           scribed in paragraph (4).

8           “(c) KEY MILITARY EQUIPMENT DEFINED.—In this  
9           section, the term ‘key military equipment’—

10           “(1) means—

11                   “(A) major weapons systems that are es-  
12                   sential to accomplishing the national defense  
13                   strategy; and

14                   “(B) other military equipment, such as  
15                   major command, communications, computer in-  
16                   telligence, surveillance, and reconnaissance  
17                   (C4ISR) equipment and systems designed to  
18                   prevent fratricide, that is critical to the readi-  
19                   ness of military units; and

20           “(2) includes equipment reviewed in the report  
21           of the Comptroller General of the United States  
22           numbered GAO–06–141.”.

23           (b) CLERICAL AMENDMENT.—The table of sections  
24           at the beginning of such chapter is amended by adding  
25           at the end the following new item:

“234. Budgeting for key military equipment: annual reports.”.

1 **SEC. 1049A. QUARTERLY REPORTS ON WAR STRATEGY IN**  
2 **IRAQ.**

3 (a) QUARTERLY REPORTS.—At the same time the  
4 Secretary of Defense submits to Congress each report on  
5 stability and security in Iraq that is submitted to Congress  
6 after the date of the enactment of this Act under the Joint  
7 Explanatory Statement of the Committee on Conference  
8 to accompany the conference report on the bill H.R. 1268  
9 of the 109th Congress, the Secretary of Defense and ap-  
10 propriate personnel of the Central Intelligence Agency  
11 shall provide the appropriate committees of Congress a  
12 briefing on the strategy for the war in Iraq, including the  
13 measures of evaluation utilized in determining the  
14 progress made in the execution of that strategy.

15 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-  
16 FINED.—In this section, the term “appropriate commit-  
17 tees of Congress” means—

18 (1) the Committees on Armed Services and Ap-  
19 propriations of the Senate; and

20 (2) the Committees on Armed Services and Ap-  
21 propriations of the House of Representatives.

## 1 **Subtitle E—Technical Amendments**

### 2 **SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CER-** 3 **TAIN PROVISIONS OF ENVIRONMENTAL DE-** 4 **FENSE LAWS.**

5 (a) DEFINITION OF “MILITARY MUNITIONS”.—Sec-  
 6 tion 101(e)(4)(B)(ii) of title 10, United States Code, is  
 7 amended by striking “explosives, and” and inserting “ex-  
 8 plosives and”.

9 (b) DEFENSE ENVIRONMENTAL RESTORATION PRO-  
 10 GRAM.—Section 2703(b) of such title is amended by strik-  
 11 ing “‘unexploded ordnance’, ‘discarded military muni-  
 12 tions’, and” and inserting “‘discarded military munitions’  
 13 and”.

## 14 **Subtitle F—Military Mail Matters**

### 15 **SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL** 16 **SYSTEM.**

17 (a) PLAN REQUIRED.—

18 (1) IN GENERAL.—The Secretary of Defense  
 19 shall promptly develop and implement a plan to en-  
 20 sure that the mail within the military mail system  
 21 is safe for delivery.

22 (2) SCREENING.—The plan under this sub-  
 23 section shall provide for the screening of all mail  
 24 within the military mail system in order to detect  
 25 the presence in such mail of biological, chemical, or

1 radiological weapons, agents, or pathogens, or explo-  
2 sive devices, before such mail is delivered to its in-  
3 tended recipients.

4 (b) FUNDING FOR PLAN.—The budget justification  
5 materials that are submitted to Congress with the budget  
6 of the President for any fiscal year after fiscal year 2006,  
7 as submitted under section 1105(a) of title 31, United  
8 States Code, shall include a description of the amounts  
9 required in such fiscal year to carry out the plan under  
10 subsection (a).

11 (c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

12 (1) REPORT REQUIRED.—Not later than 120  
13 days after the date of the enactment of this Act, the  
14 Secretary shall submit to the congressional defense  
15 committees a report on the safety of mail within the  
16 military mail system for delivery.

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

19 (A) An assessment of any existing defi-  
20 ciencies in the military mail system in ensuring  
21 that mail within such system is safe for deliv-  
22 ery.

23 (B) The plan developed under subsection  
24 (a).

1 (C) An estimate of the time and resources  
2 required to implement the plan.

3 (D) A description of the delegation within  
4 the Department of Defense of responsibility for  
5 ensuring that mail within the military mail sys-  
6 tem is safe for delivery, including responsibility  
7 for the development, implementation, and over-  
8 sight of improvements to that system in order  
9 to ensure the safety of such mail for delivery.

10 (3) FORM.—The report shall be submitted in  
11 unclassified form, but may include a classified  
12 annex.

13 (d) MAIL WITHIN THE MILITARY MAIL SYSTEM DE-  
14 FINED.—

15 (1) IN GENERAL.—Except as provided in para-  
16 graph (2), in this section, the term “mail within the  
17 military mail system”—

18 (A) means—

19 (i) any mail that is posted through  
20 the Military Post Offices (including Army  
21 Post Offices (APOs) and Fleet Post Of-  
22 fices (FPOs)), Department of Defense mail  
23 centers, military Air Mail Terminals, and  
24 military Fleet Mail Centers; and

1 (ii) any mail or package posted in the  
2 United States that is addressed to an un-  
3 specified member of the Armed Forces;  
4 and

5 (B) includes any official mail posted by the  
6 Department of Defense.

7 (2) EXCEPTION.—The term does not include  
8 any mail posted as otherwise described in paragraph  
9 (1) that has been screened for safety for delivery by  
10 the United States Postal Service before its posting  
11 as so described.

12 **SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERV-**  
13 **ICE MEMBER.**

14 (a) PROGRAM OF DELIVERY OF MAIL.—The Sec-  
15 retary of Defense shall carry out a program under which  
16 mail and packages addressed to Any Service Member that  
17 are posted in the United States shall be delivered to de-  
18 ployed members of the Armed Forces overseas at or  
19 through such Army Post Offices (APOs) and Fleet Post  
20 Offices (FPOs) as the Secretary shall designate for pur-  
21 poses of the program.

22 (b) SCREENING OF MAIL.—In carrying out the pro-  
23 gram required by subsection (a), the Secretary shall take  
24 appropriate actions to ensure that the mail and packages  
25 covered by the program are screened in order to detect

1 the presence in such mail and packages of biological,  
2 chemical, or radiological weapons, agents, or pathogens,  
3 or explosive devices, before such mail and packages are  
4 delivered to members of the Armed Forces.

5 (c) DISTRIBUTION.—The Secretary shall ensure that  
6 mail and packages delivered under the program required  
7 by subsection (a) are widely distributed on an equitable  
8 basis among all the Armed Forces in their overseas areas.

9 (d) OUTREACH.—

10 (1) IN GENERAL.—The Secretary shall, in col-  
11 laboration with the Postmaster General, take appro-  
12 priate actions to provide information to the public on  
13 the program required by subsection (a).

14 (2) OUTLETS.—Information shall be provided  
15 to the public under this subsection through Depart-  
16 ment of Defense facilities and communications out-  
17 lets, Postal Service facilities, and such other means  
18 as the Secretary and the Postmaster General con-  
19 sider appropriate.

20 (e) ANY SERVICE MEMBER DEFINED.—In this sec-  
21 tion, the term “Any Service Member” means an undesig-  
22 nated or unspecified member of the Armed Forces (often  
23 addressed on mail or packages as “Any American Service  
24 Member or Soldier”), rather than any particular or speci-  
25 fied member of the Armed Forces.

1                   **Subtitle G—Other Matters**

2   **SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND**  
3                   **BEHAVIORAL SCIENCE PERSONNEL IN INTER-**  
4                   **ROGATION OF DETAINEES.**

5           (a) **POLICY REQUIRED.**—The Secretary of Defense  
6 shall establish the policy of the Department of Defense  
7 on the role of military medical and behavioral science per-  
8 sonnel in the interrogation of persons detained by the  
9 Armed Forces. The policy shall apply uniformly through-  
10 out the Armed Forces.

11          (b) **REPORT.**—Not later than March 1, 2006, the  
12 Secretary shall submit to the congressional defense com-  
13 mittees a report on the policy established under subsection  
14 (a). The report shall set forth the policy, and shall include  
15 such additional matters on the policy as the Secretary con-  
16 siderers appropriate.

17   **SEC. 1072. IMPROVEMENTS OF INTERNAL SECURITY ACT**  
18                   **OF 1950.**

19          (a) **PROHIBITION ON HOLDING OF SECURITY CLEAR-**  
20 **ANCE AFTER CERTAIN VIOLATIONS ON HANDLING OF**  
21 **CLASSIFIED INFORMATION.**—

22           (1) **PROHIBITION.**—Section 4 of the Internal  
23 Security Act of 1950 (50 U.S.C. 783) is amended by  
24 adding at the end the following new subsection:

1       “(b) No person, including individuals in the executive  
2 branch and Members of Congress and their staffs, who  
3 knowingly violates a law or regulation regarding the han-  
4 dling of classified information in a manner that could have  
5 a significant adverse impact on the national security of  
6 the United States, including the knowing disclosure of the  
7 identity of a covert agent of the Central Intelligence Agen-  
8 cy or the existence of classified programs or operations,  
9 the disclosure of which could have such an impact, to a  
10 person not authorized to receive such information, shall  
11 be permitted to hold a security clearance for or obtain ac-  
12 cess to, classified information.”.

13           (2) APPLICABILITY.—Subsection (f) of section  
14 4 of the Internal Security Act of 1950, as added by  
15 paragraph (1), shall apply to any individual holding  
16 a security clearance on or after the date of the en-  
17 actment of this Act with respect to any knowing vio-  
18 lation of law or regulation described in such sub-  
19 section, regardless of whether such violation occurs  
20 before, on, or after that date.

21           (b) CLARIFICATION OF AUTHORITY TO ISSUE SECU-  
22 RITY REGULATIONS AND ORDERS.—Section 21(a) of the  
23 Internal Security Act of 1950 (Public Law 81–831; 64  
24 Stat. 1005) is amended by inserting “or military or civil-  
25 ian director” after “military commander”.

1 **SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Support Our Scouts Act of 2005”.

4 (b) **SUPPORT FOR YOUTH ORGANIZATIONS.**—

5 (1) **DEFINITIONS.**—In this subsection—

6 (A) the term “Federal agency” means each  
7 department, agency, instrumentality, or other  
8 entity of the United States Government; and

9 (B) the term “youth organization”—

10 (i) means any organization that is  
11 designated by the President as an organi-  
12 zation that is primarily intended to—

13 (I) serve individuals under the  
14 age of 21 years;

15 (II) provide training in citizen-  
16 ship, leadership, physical fitness, serv-  
17 ice to community, and teamwork; and

18 (III) promote the development of  
19 character and ethical and moral val-  
20 ues; and

21 (ii) shall include—

22 (I) the Boy Scouts of America;

23 (II) the Girl Scouts of the United  
24 States of America;

25 (III) the Boys Clubs of America;

26 (IV) the Girls Clubs of America;

- 1 (V) the Young Men’s Christian  
2 Association;
- 3 (VI) the Young Women’s Chris-  
4 tian Association;
- 5 (VII) the Civil Air Patrol;
- 6 (VIII) the United States Olympic  
7 Committee;
- 8 (IX) the Special Olympics;
- 9 (X) Campfire USA;
- 10 (XI) the Young Marines;
- 11 (XII) the Naval Sea Cadets  
12 Corps;
- 13 (XIII) 4–H Clubs;
- 14 (XIV) the Police Athletic League;
- 15 (XV) Big Brothers—Big Sisters  
16 of America; and
- 17 (XVI) National Guard Youth  
18 Challenge.

19 (2) IN GENERAL.—

20 (A) SUPPORT FOR YOUTH ORGANIZA-  
21 TIONS.—

22 (i) SUPPORT.—No Federal law (including any rule,  
23 regulation, directive, instruction, or order) shall be con-  
24 strued to limit any Federal agency from providing any  
25 form of support for a youth organization (including the

1 Boy Scouts of America or any group officially affiliated  
2 with the Boy Scouts of America) that would result in that  
3 Federal agency providing less support to that youth orga-  
4 nization (or any similar organization chartered under the  
5 chapter of title 36, United States Code, relating to that  
6 youth organization) than was provided during the pre-  
7 ceding fiscal year. This clause shall be subject to the avail-  
8 ability of appropriations.

9 (ii) YOUTH ORGANIZATIONS THAT  
10 CEASE TO EXIST.—Clause (i) shall not  
11 apply to any youth organization that  
12 ceases to exist.

13 (iii) WAIVERS.—The head of a Fed-  
14 eral agency may waive the application of  
15 clause (i) to any youth organization with  
16 respect to each conviction or investigation  
17 described under subclause (I) or (II) for a  
18 period of not more than 2 fiscal years if—

19 (I) any senior officer (including  
20 any member of the board of directors)  
21 of the youth organization is convicted  
22 of a criminal offense relating to the  
23 official duties of that officer or the  
24 youth organization is convicted of a  
25 criminal offense; or

1 (II) the youth organization is the  
2 subject of a criminal investigation re-  
3 lating to fraudulent use or waste of  
4 Federal funds.

5 (B) TYPES OF SUPPORT.—Support de-  
6 scribed under this paragraph shall include—

7 (i) holding meetings, camping events,  
8 or other activities on Federal property;

9 (ii) hosting any official event of such  
10 organization;

11 (iii) loaning equipment; and

12 (iv) providing personnel services and  
13 logistical support.

14 (c) SUPPORT FOR SCOUT JAMBOREES.—

15 (1) FINDINGS.—Congress makes the following  
16 findings:

17 (A) Section 8 of article I of the Constitu-  
18 tion of the United States commits exclusively to  
19 Congress the powers to raise and support ar-  
20 mies, provide and maintain a Navy, and make  
21 rules for the government and regulation of the  
22 land and naval forces.

23 (B) Under those powers conferred by sec-  
24 tion 8 of article I of the Constitution of the  
25 United States to provide, support, and maintain

1 the Armed Forces, it lies within the discretion  
2 of Congress to provide opportunities to train  
3 the Armed Forces.

4 (C) The primary purpose of the Armed  
5 Forces is to defend our national security and  
6 prepare for combat should the need arise.

7 (D) One of the most critical elements in  
8 defending the Nation and preparing for combat  
9 is training in conditions that simulate the prep-  
10 aration, logistics, and leadership required for  
11 defense and combat.

12 (E) Support for youth organization events  
13 simulates the preparation, logistics, and leader-  
14 ship required for defending our national secu-  
15 rity and preparing for combat.

16 (F) For example, Boy Scouts of America's  
17 National Scout Jamboree is a unique training  
18 event for the Armed Forces, as it requires the  
19 construction, maintenance, and disassembly of a  
20 "tent city" capable of supporting tens of thou-  
21 sands of people for a week or longer. Camp-  
22 orees at the United States Military Academy  
23 for Girl Scouts and Boy Scouts provide similar  
24 training opportunities on a smaller scale.

1           (2) SUPPORT.—Section 2554 of title 10, United  
2 States Code, is amended by adding at the end the  
3 following:

4           “(i)(1) The Secretary of Defense shall provide at  
5 least the same level of support under this section for a  
6 national or world Boy Scout Jamboree as was provided  
7 under this section for the preceding national or world Boy  
8 Scout Jamboree.

9           “(2) The Secretary of Defense may waive paragraph  
10 (1), if the Secretary—

11           “(A) determines that providing the support sub-  
12 ject to paragraph (1) would be detrimental to the  
13 national security of the United States; and

14           “(B) reports such a determination to the Con-  
15 gress in a timely manner, and before such support  
16 is not provided.”.

17           (d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—  
18 Section 109 of the Housing and Community Development  
19 Act of 1974 (42 U.S.C. 5309) is amended—

20           (1) in the first sentence of subsection (b) by in-  
21 serting “or (e)” after “subsection (a)”; and

22           (2) by adding at the end the following:

23           “(e) EQUAL ACCESS.—

24           “(1) DEFINITION.—In this subsection, the term  
25 ‘youth organization’ means any organization de-

1 scribed under part B of subtitle II of title 36,  
2 United States Code, that is intended to serve indi-  
3 viduals under the age of 21 years.

4 “(2) IN GENERAL.—No State or unit of general  
5 local government that has a designated open forum,  
6 limited public forum, or nonpublic forum and that is  
7 a recipient of assistance under this chapter shall  
8 deny equal access or a fair opportunity to meet to,  
9 or discriminate against, any youth organization, in-  
10 cluding the Boy Scouts of America or any group of-  
11 ficially affiliated with the Boy Scouts of America,  
12 that wishes to conduct a meeting or otherwise par-  
13 ticipate in that designated open forum, limited pub-  
14 lic forum, or nonpublic forum.”.

15 **SEC. 1074. UNIFORM STANDARDS FOR THE INTERROGA-**  
16 **TION OF PERSONS UNDER THE DETENTION**  
17 **OF THE DEPARTMENT OF DEFENSE.**

18 (a) IN GENERAL.—No person in the custody or under  
19 the effective control of the Department of Defense or  
20 under detention in a Department of Defense facility shall  
21 be subject to any treatment or technique of interrogation  
22 not authorized by and listed in the United States Army  
23 Field Manual on Intelligence Interrogation.

24 (b) APPLICABILITY.—Subsection (a) shall not apply  
25 to with respect to any person in the custody or under the

1 effective control of the Department of Defense pursuant  
2 to a criminal law or immigration law of the United States.

3 (c) CONSTRUCTION.—Nothing in this section shall be  
4 construed to affect the rights under the United States  
5 Constitution of any person in the custody or under the  
6 physical jurisdiction of the United States.

7 **SEC. 1075. PROHIBITION ON CRUEL, INHUMAN, OR DE-**  
8 **GRADING TREATMENT OR PUNISHMENT OF**  
9 **PERSONS UNDER CUSTODY OR CONTROL OF**  
10 **THE UNITED STATES GOVERNMENT.**

11 (a) IN GENERAL.—No individual in the custody or  
12 under the physical control of the United States Govern-  
13 ment, regardless of nationality or physical location, shall  
14 be subject to cruel, inhuman, or degrading treatment or  
15 punishment.

16 (b) CONSTRUCTION.—Nothing in this section shall be  
17 construed to impose any geographical limitation on the ap-  
18 plicability of the prohibition against cruel, inhuman, or de-  
19 grading treatment or punishment under this section.

20 (c) LIMITATION ON SUPERSEDURE.—The provisions  
21 of this section shall not be superseded, except by a provi-  
22 sion of law enacted after the date of the enactment of this  
23 Act which specifically repeals, modifies, or supersedes the  
24 provisions of this section.

1 (d) CRUEL, INHUMAN, OR DEGRADING TREATMENT  
2 OR PUNISHMENT DEFINED.—In this section, the term  
3 “cruel, inhuman, or degrading treatment or punishment”  
4 means the cruel, unusual, and inhumane treatment or  
5 punishment prohibited by the Fifth, Eighth, and Four-  
6 teenth Amendments to the Constitution of the United  
7 States, as defined in the United States Reservations, Dec-  
8 larations and Understandings to the United Nations Con-  
9 vention Against Torture and Other Forms of Cruel, Inhu-  
10 man or Degrading Treatment or Punishment done at New  
11 York, December 10, 1984.

12 **SEC. 1076. POLICY OF THE UNITED STATES ON THE INTER-**  
13 **CONTINENTAL BALLISTIC MISSILE FORCE.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) Consistent with warhead levels agreed to in  
17 the Moscow Treaty, the United States is modifying  
18 the capacity of the Minuteman III intercontinental  
19 ballistic missile (ICBM) from its prior capability to  
20 carry up to 3 independent reentry vehicles (RVs) to  
21 carry as few as a single reentry vehicle, a process  
22 known as downloading.

23 (2) A series of Department of Defense studies  
24 of United States strategic forces, including the 2001

1 Nuclear Posture Review, has confirmed the contin-  
2 ued need for 500 intercontinental ballistic missiles.

3 (3) In a potential nuclear crisis it is important  
4 that the nuclear weapons systems of the United  
5 States be configured so as to discourage other na-  
6 tions from making a first strike.

7 (4) The intercontinental ballistic missile force is  
8 currently being considered as part of the delibera-  
9 tions of the Department of Defense for the Quadren-  
10 nial Defense Review.

11 (b) STATEMENT OF UNITED STATES POLICY.—It is  
12 the policy of the United States to continue to deploy a  
13 force of 500 intercontinental ballistic missiles, provided  
14 that unanticipated strategic developments may compel the  
15 United States to make changes to this force structure in  
16 the future.

17 (c) MOSCOW TREATY DEFINED.—In this section, the  
18 term “Moscow Treaty” means the Treaty Between the  
19 United States of America and the Russian Federation on  
20 Strategic Offensive Reductions, done at Moscow on May  
21 24, 2002.

22 **SEC. 1077. GRANT OF FEDERAL CHARTER TO KOREAN WAR**  
23 **VETERANS ASSOCIATION, INCORPORATED.**

24 (a) GRANT OF CHARTER.—Part B of subtitle II of  
25 title 36, United States Code, is amended—

1 (1) by striking the following:

2 **“CHAPTER 1201—[RESERVED]”;**

3 and

4 (2) by inserting after chapter 1103 the fol-  
5 lowing new chapter:

6 **“CHAPTER 1201—KOREAN WAR VETERANS**  
7 **ASSOCIATION, INCORPORATED**

“Sec.

“120101. Organization.

“120102. Purposes.

“120103. Membership.

“120104. Governing body.

“120105. Powers.

“120106. Restrictions.

“120107. Tax-exempt status required as condition of charter.

“120108. Records and inspection.

“120109. Service of process.

“120110. Liability for acts of officers and agents.

“120111. Annual report.

“120112. Definition.

8 **“§ 120101. Organization**

9 “(a) FEDERAL CHARTER.—Korean War Veterans  
10 Association, Incorporated (in this chapter, the ‘corpora-  
11 tion’), a nonprofit organization that meets the require-  
12 ments for a veterans service organization under section  
13 501(c)(19) of the Internal Revenue Code of 1986 and that  
14 is organized under the laws of the State of New York,  
15 is a federally chartered corporation.

16 “(b) EXPIRATION OF CHARTER.—If the corporation  
17 does not comply with the provisions of this chapter, the  
18 charter granted by subsection (a) expires.

1 **“§ 120102. Purposes**

2 “The purposes of the corporation are those provided  
3 in its articles of incorporation and shall include the fol-  
4 lowing:

5 “(1) Organize as a veterans service organization  
6 in order to maintain a continuing interest in the wel-  
7 fare of veterans of the Korean War, and rehabilita-  
8 tion of the disabled veterans of the Korean War to  
9 include all that served during active hostilities and  
10 subsequently in defense of the Republic of Korea,  
11 and their families.

12 “(2) To establish facilities for the assistance of  
13 all veterans and to represent them in their claims  
14 before the Department of Veterans Affairs and other  
15 organizations without charge.

16 “(3) To perpetuate and preserve the comrade-  
17 ship and friendships born on the field of battle and  
18 nurtured by the common experience of service to our  
19 nation during the time of war and peace.

20 “(4) To honor the memory of those men and  
21 women who gave their lives that a free America and  
22 a free world might live by the creation of living me-  
23 morial, monuments, and other forms of additional  
24 educational, cultural, and recreational facilities.

1           “(5) To preserve for ourselves and our posterity  
2           the great and basic truths and enduring principles  
3           upon which this nation was founded.

4   **“§ 120103. Membership**

5           “Eligibility for membership in the corporation, and  
6           the rights and privileges of members of the corporation,  
7           are as provided in the bylaws of the corporation.

8   **“§ 120104. Governing body**

9           “(a) BOARD OF DIRECTORS.—The composition of the  
10          board of directors of the corporation, and the responsibil-  
11          ities of the board, are as provided in the articles of incor-  
12          poration of the corporation.

13          “(b) OFFICERS.—The positions of officers of the cor-  
14          poration, and the election of the officers, are as provided  
15          in the articles of incorporation.

16   **“§ 120105. Powers**

17          “The corporation has only those powers provided in  
18          its bylaws and articles of incorporation filed in each State  
19          in which it is incorporated.

20   **“§ 120106. Restrictions**

21          “(a) STOCK AND DIVIDENDS.—The corporation may  
22          not issue stock or declare or pay a dividend.

23          “(b) POLITICAL ACTIVITIES.—The corporation, or a  
24          director or officer of the corporation as such, may not con-

1 tribute to, support, or participate in any political activity  
2 or in any manner attempt to influence legislation.

3 “(c) LOAN.—The corporation may not make a loan  
4 to a director, officer, or employee of the corporation.

5 “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AU-  
6 THORITY.—The corporation may not claim congressional  
7 approval, or the authority of the United States, for any  
8 of its activities.

9 “(e) CORPORATE STATUS.—The corporation shall  
10 maintain its status as a corporation incorporated under  
11 the laws of the State of New York.

12 **“§ 120107. Tax-exempt status required as condition of**  
13 **charter**

14 “If the corporation fails to maintain its status as an  
15 organization exempt from taxation under the Internal  
16 Revenue Code of 1986, the charter granted under this  
17 chapter shall terminate.

18 **“§ 120108. Records and inspection**

19 “(a) RECORDS.—The corporation shall keep—

20 “(1) correct and complete records of account;

21 “(2) minutes of the proceedings of its members,  
22 board of directors, and committees having any of the  
23 authority of its board of directors; and

1           “(3) at its principal office, a record of the  
2           names and addresses of its members entitled to vote  
3           on matters relating to the corporation.

4           “(b) INSPECTION.—A member entitled to vote on  
5           matters relating to the corporation, or an agent or attor-  
6           ney of the member, may inspect the records of the cor-  
7           poration for any proper purpose, at any reasonable time.

8           **“§ 120109. Service of process**

9           “The corporation shall have a designated agent in the  
10          District of Columbia to receive service of process for the  
11          corporation. Notice to or service on the agent is notice  
12          to or service on the Corporation.

13          **“§ 120110. Liability for acts of officers and agents**

14          “The corporation is liable for the acts of its officers  
15          and agents acting within the scope of their authority.

16          **“§ 120111. Annual report**

17          “The corporation shall submit to Congress an annual  
18          report on the activities of the corporation during the pre-  
19          ceding fiscal year. The report shall be submitted at the  
20          same time as the report of the audit required by section  
21          10101(b) of this title. The report may not be printed as  
22          a public document.

1 **“§ 120112. Definition**

2 “For purposes of this chapter, the term ‘State’ in-  
3 cludes the District of Columbia and the territories and  
4 possessions of the United States.”.

5 (b) CLERICAL AMENDMENT.—The item relating to  
6 chapter 1201 in the table of chapters at the beginning of  
7 subtitle II of title 36, United States Code, is amended to  
8 read as follows:

“**1201. Korean War Veterans Association, Incorporated .120101**”.

9 **SEC. 1078. ESTABLISHMENT OF THE USS OKLAHOMA MEMO-**  
10 **RIAL.**

11 (a) SITE AND FUNDING FOR MEMORIAL.—Not later  
12 than 6 months after the date of enactment of this section,  
13 the Secretary of the Navy, in consultation with the Sec-  
14 retary of the Interior shall identify an appropriate site on  
15 Ford Island for a memorial for the USS Oklahoma con-  
16 sistent with the “Pearl Harbor Naval Complex Design  
17 Guidelines and Evaluation Criteria for Memorials, April  
18 2005”. The USS Oklahoma Foundation shall be solely re-  
19 sponsible for raising the funds necessary to design and  
20 erect a dignified and suitable memorial to the naval per-  
21 sonnel serving aboard the USS Oklahoma when it was at-  
22 tacked on December 7, 1941.

23 (b) ADMINISTRATION AND MAINTENANCE OF MEMO-  
24 RIAL.—After the site has been selected, the Secretary of  
25 the Interior shall administer and maintain the site as part

1 of the USS Arizona Memorial, a unit of the National Park  
2 System, in accordance with the laws and regulations appli-  
3 cable to land administered by the National Park Service  
4 and any Memorandum of Understanding between the Sec-  
5 retary of the Navy and the Secretary of the Interior. The  
6 Secretary of the Navy shall continue to have jurisdiction  
7 over the land selected as the site.

8 (c) FUTURE MEMORIALS.—Any future memorials for  
9 United States Naval Vessels that were attacked at Pearl  
10 Harbor on December 7, 1941, shall be consistent with the  
11 “Pearl Harbor Naval Complex Design Guidelines and  
12 Evaluation Criteria for Memorials, April 2005”.

13 (d) MASTER PLAN.—Not later than one year after  
14 the date of the enactment of this Act, the Secretary of  
15 the Navy, in consultation with the Secretary of the Inte-  
16 rior, shall submit to the Committee on Armed Services and  
17 Committee on Resources of the House of Representatives  
18 and the Committee on Armed Services and the Committee  
19 on Energy and Natural Resources of the Senate, a master  
20 plan for operation and management of the site presently  
21 encompassing the visitors center for the USS Arizona Me-  
22 morial, the area commonly known as the “Halawa Land-  
23 ing”, and any adjacent properties.

1 **SEC. 1079. PRAYER AT MILITARY SERVICE ACADEMY AC-**  
2 **TIVITIES.**

3 (a) IN GENERAL.—The superintendent of a service  
4 academy may have in effect such policy as the super-  
5 intendent considers appropriate with respect to the offer-  
6 ing of a voluntary, nondenominational prayer at an other-  
7 wise authorized activity of the academy, subject to the  
8 United States Constitution and such limitations as the  
9 Secretary of Defense may prescribe.

10 (b) SERVICE ACADEMIES.—For purposes of this sec-  
11 tion, the term “service academy” means any of the fol-  
12 lowing:

- 13 (1) The United States Military Academy.
- 14 (2) The United States Naval Academy.
- 15 (3) The United States Air Force Academy.

16 **SEC. 1080. RIOT CONTROL AGENTS.**

17 (a) RESTATEMENT OF POLICY.—It is the policy of  
18 the United States that riot control agents are not chemical  
19 weapons and that the president may authorize their use  
20 as legitimate, legal, and non-lethal alternatives to the use  
21 of force that, as provided in Executive Order 11850 (40  
22 Fed. Reg. 16187) and consistent with the resolution of  
23 ratification of the Chemical Weapons convention, may be  
24 employed by members of the Armed Forces in war in de-  
25 fensive military modes to save lives, including the illus-  
26 trative purposes cited in Executive Order 11850.

1 (b) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 180 days  
3 after the date of the enactment of this Act, the  
4 President shall submit to Congress a report on the  
5 use of riot control agents by members of the Armed  
6 Forces.

7 (2) CONTENT.—The report required by para-  
8 graph (1) shall include—

9 (A) a description of all regulations, doc-  
10 trines, training materials, and any other infor-  
11 mation related to the use of riot control agents  
12 by members of the Armed Forces;

13 (B) a description of the doctrinal publica-  
14 tions, training, and other resources provided or  
15 available to members of the Armed Forces on  
16 an annual basis with regard to the tactical em-  
17 ployment of riot control agents;

18 (C) a description of how the material de-  
19 scribed in subparagraphs (A) and (B) is con-  
20 sistent with United States policy on the use of  
21 riot control agents;

22 (D) a description of the availability of riot  
23 control agents, and the means to employ them,  
24 to members of the Armed Forces deployed in  
25 Iraq and Afghanistan;

1 (E) a description of the frequency of use of  
2 riot control agents since January 1, 1992, and  
3 a summary of views held by military com-  
4 manders about the utility of the employing riot  
5 control agents by members of the Armed  
6 Forces;

7 (F) a general description of steps taken or  
8 to be taken by the Department of Defense to  
9 clarify the circumstances under which riot con-  
10 trol agents may be used by members of the  
11 Armed Forces; and

12 (G) an assessment of the legality of Execu-  
13 tive Order 11850, including an explanation why  
14 Executive Order 11850 remains valid under  
15 United States law.

16 (3) FORM.—The report required by paragraph  
17 (1) shall be submitted in unclassified form, but may  
18 include a classified annex.

19 (c) DEFINITIONS.—In this section:

20 (1) CHEMICAL WEAPONS CONVENTION.—The  
21 term “Chemical Weapons Convention” means the  
22 Convention on the Prohibitions of Development, Pro-  
23 duction, Stockpiling and Use of Chemical Weapons  
24 and on Their Destruction, with annexes, done at

1 Paris, January 13, 1993, and entered into force  
2 April 29, 1997 (T. Doc. 103–21).

3 (2) RESOLUTION OF RATIFICATION OF THE  
4 CHEMICAL WEAPONS CONVENTION.—The term “res-  
5 olution of ratification of the Chemical Weapons Con-  
6 vention” means S. Res. 75, 105th Congress, agreed  
7 to April 24, 1997, advising and consenting to the  
8 ratification of the Chemical Weapons Convention.

9 **SEC. 1081. DRUG TRAFFICKING DETERRENCE.**

10 (a) FINDINGS.—

11 (1) According to the Department of State, drug  
12 trafficking organizations shipped approximately nine  
13 tons of cocaine to the United States through the Do-  
14 minican Republic in 2004, and are increasingly  
15 using small, high-speed watercraft.

16 (2) Drug traffickers use the Caribbean corridor  
17 to smuggle narcotics to the United States via Puerto  
18 Rico and the Dominican Republic. This route is  
19 ideal for drug trafficking because of its geographic  
20 expanse, numerous law enforcement jurisdictions  
21 and fragmented investigative efforts.

22 (3) The tethered aerostat system in Lajas,  
23 Puerto Rico contributes to deterring and detecting  
24 smugglers moving illicit drugs into Puerto Rico. The  
25 aerostat’s range and operational capabilities allow it

1 to provide surveillance coverage of the eastern Carib-  
2 bean corridor and the strategic waterway between  
3 Puerto Rico and the Dominican Republic, known as  
4 the Mona Passage.

5 (4) Including maritime radar on the Lajas aero-  
6 stat will expand its ability to detect suspicious ves-  
7 sels in the eastern Caribbean corridor.

8 (b) SENSE OF THE SENATE.—Given the above find-  
9 ings, it is the Sense of the Senate that—

10 (1) Congress and the Department of Defense  
11 fully fund the Counter-Drug Tethered Aerostat pro-  
12 gram.

13 (2) Department of Defense install maritime  
14 radar on the Lajas, Puerto Rico aerostat.

15 **SEC. 1082. ESTABLISHMENT OF NATIONAL FOREIGN LAN-**  
16 **GUAGE COORDINATION COUNCIL.**

17 (a) ESTABLISHMENT.—There is established the Na-  
18 tional Foreign Language Coordination Council (in this  
19 section referred to as the “Council”), which shall be an  
20 independent establishment as defined under section 104  
21 of title 5, United States Code.

22 (b) MEMBERSHIP.—The Council shall consist of the  
23 following members or their designees:

24 (1) The National Language Director, who shall  
25 serve as the chairperson of the Council.

1           (2) The Secretary of Education.

2           (3) The Secretary of Defense.

3           (4) The Secretary of State.

4           (5) The Secretary of Homeland Security.

5           (6) The Attorney General.

6           (7) The Director of National Intelligence.

7           (8) The Secretary of Labor.

8           (9) The Director of the Office of Personnel  
9 Management.

10          (10) The Director of the Office of Management  
11 and Budget.

12          (11) The Secretary of Commerce.

13          (12) The Secretary of Health and Human Serv-  
14 ices.

15          (13) The Secretary of the Treasury.

16          (14) The Secretary of Housing and Urban De-  
17 velopment.

18          (15) The Secretary of Agriculture.

19          (16) The Chairman and President of the Ex-  
20 port-Import Bank of the United States.

21          (17) The heads of such other Federal agencies  
22 as the Council considers appropriate.

23          (c) RESPONSIBILITIES.—

24           (1) IN GENERAL.—The Council shall be  
25 charged with—

1 (A) developing a national foreign language  
2 strategy, within 18 months of the date of enact-  
3 ment of this section, in consultation with—

4 (i) State and local government agen-  
5 cies;

6 (ii) academic sector institutions;

7 (iii) foreign language related interest  
8 groups;

9 (iv) business associations;

10 (v) industry;

11 (vi) heritage associations; and

12 (vii) other relevant stakeholders;

13 (B) conducting a survey of the status of  
14 Federal agency foreign language and area ex-  
15 pertise and agency needs for such expertise;  
16 and

17 (C) monitoring the implementation of such  
18 strategy through—

19 (i) application of current and recently  
20 enacted laws; and

21 (ii) the promulgation and enforcement  
22 of rules and regulations.

23 (2) STRATEGY CONTENT.—The strategy devel-  
24 oped under paragraph (1) shall include—

1 (A) identification of crucial priorities  
2 across all sectors;

3 (B) identification and evaluation of Fed-  
4 eral foreign language programs and activities,  
5 including—

6 (i) any duplicative or overlapping pro-  
7 grams that may impede efficiency;

8 (ii) recommendations on coordination;

9 (iii) program enhancements; and

10 (iv) allocation of resources so as to  
11 maximize use of resources;

12 (C) needed national policies and cor-  
13 responding legislative and regulatory actions in  
14 support of, and allocation of designated re-  
15 sources to, promising programs and initiatives  
16 at all levels (Federal, State, and local), espe-  
17 cially in the less commonly taught languages  
18 that are seen as critical for national security  
19 and global competitiveness during the next 20  
20 to 50 years;

21 (D) effective ways to increase public  
22 awareness of the need for foreign language  
23 skills and career paths in all sectors that can  
24 employ those skills, with the objective of in-

1           creasing support for foreign language study  
2           among—

3                   (i) Federal, State, and local leaders;

4                   (ii) students;

5                   (iii) parents;

6                   (iv) elementary, secondary, and post-  
7           secondary educational institutions; and

8                   (v) employers;

9                   (E) recommendations for incentives for re-  
10          lated educational programs, including foreign  
11          language teacher training;

12                  (F) coordination of cross-sector efforts, in-  
13          cluding public-private partnerships;

14                  (G) coordination initiatives to develop a  
15          strategic posture for language research and rec-  
16          ommendations for funding for applied foreign  
17          language research into issues of national con-  
18          cern;

19                  (H) recommendations for assistance for—

20                   (i) the development of foreign lan-  
21          guage achievement standards; and

22                   (ii) corresponding assessments for the  
23          elementary, secondary, and postsecondary  
24          education levels, including the National As-

- 1 assessment of Educational Progress in for-  
2 eign languages;
- 3 (I) recommendations for development of—
- 4 (i) language skill-level certification  
5 standards;
- 6 (ii) frameworks for pre-service and  
7 professional development study for those  
8 who teach foreign language;
- 9 (iii) suggested graduation criteria for  
10 foreign language studies and appropriate  
11 non-language studies, such as—
- 12 (I) international business;
- 13 (II) national security;
- 14 (III) public administration;
- 15 (IV) health care;
- 16 (V) engineering;
- 17 (VI) law;
- 18 (VII) journalism; and
- 19 (VIII) sciences;
- 20 (J) identification of and means for repli-  
21 cating best practices at all levels and in all sec-  
22 tors, including best practices from the inter-  
23 national community; and
- 24 (K) recommendations for overcoming bar-  
25 riers in foreign language proficiency.

1 (d) SUBMISSION OF STRATEGY TO PRESIDENT AND  
2 CONGRESS.—Not later than 18 months after the date of  
3 enactment of this section, the Council shall prepare and  
4 transmit to the President and the relevant committees of  
5 Congress the strategy required under subsection (c).

6 (e) MEETINGS.—The Council may hold such meet-  
7 ings, and sit and act at such times and places, as the  
8 Council considers appropriate, but shall meet in formal  
9 session at least 2 times a year. State and local government  
10 agencies and other organizations (such as academic sector  
11 institutions, foreign language-related interest groups,  
12 business associations, industry, and heritage community  
13 organizations) shall be invited, as appropriate, to public  
14 meetings of the Council at least once a year.

15 (f) STAFF.—

16 (1) IN GENERAL.—The Director may—

17 (A) appoint, without regard to the provi-  
18 sions of title 5, United States Code, governing  
19 the competitive service, such personnel as the  
20 Director considers necessary; and

21 (B) compensate such personnel without re-  
22 gard to the provisions of chapter 51 and sub-  
23 chapter III of chapter 53 of that title.

24 (2) DETAIL OF GOVERNMENT EMPLOYEES.—

25 Upon request of the Council, any Federal Govern-

1       ment employee may be detailed to the Council with-  
2       out reimbursement, and such detail shall be without  
3       interruption or loss of civil service status or privilege

4           (3) EXPERTS AND CONSULTANTS.—With the  
5       approval of the Council, the Director may procure  
6       temporary and intermittent services under section  
7       3109(b) of title 5, United States Code.

8           (4) TRAVEL EXPENSES.—Council members and  
9       staff shall be allowed travel expenses, including per  
10      diem in lieu of subsistence, at rates authorized for  
11      employees of agencies under subchapter I of chapter  
12      57 of title 5, United States Code, while away from  
13      their homes or regular places of business in the per-  
14      formance of services for the Council.

15          (5) SECURITY CLEARANCE.—

16           (A) IN GENERAL.—Subject to subpara-  
17      graph (B), the appropriate Federal agencies or  
18      departments shall cooperate with the Council in  
19      expeditiously providing to the Council members  
20      and staff appropriate security clearances to the  
21      extent possible pursuant to existing procedures  
22      and requirements.

23           (B) EXCEPTION.—No person shall be pro-  
24      vided with access to classified information

1           under this section without the appropriate re-  
2           quired security clearance access.

3           (6) COMPENSATION.—The rate of pay for any  
4           employee of the Council (including the Director)  
5           may not exceed the rate payable for level V of the  
6           Executive Schedule under section 5316 of title 5,  
7           United States Code.

8           (g) POWERS.—

9           (1) DELEGATION.—Any member or employee of  
10          the Council may, if authorized by the Council, take  
11          any action that the Council is authorized to take in  
12          this section.

13          (2) INFORMATION.—

14                 (A) COUNCIL AUTHORITY TO SECURE.—

15                 The Council may secure directly from any Fed-  
16                 eral agency such information, consistent with  
17                 Federal privacy laws, including The Family  
18                 Educational Rights and Privacy Act (20 U.S.C.  
19                 1232g) and Department of Education’s General  
20                 Education Provisions Act (20 U.S.C. 1232(h)),  
21                 the Council considers necessary to carry out its  
22                 responsibilities.

23                 (B) REQUIREMENT TO FURNISH RE-

24                 QUESTED INFORMATION.—Upon request of the

1 Director, the head of such agency shall furnish  
2 such information to the Council.

3 (3) DONATIONS.—The Council may accept, use,  
4 and dispose of gifts or donations of services or prop-  
5 erty.

6 (4) MAIL.—The Council may use the United  
7 States mail in the same manner and under the same  
8 conditions as other Federal agencies.

9 (h) CONFERENCES, NEWSLETTER, AND WEBSITE.—  
10 In carrying out this section, the Council—

11 (1) may arrange Federal, regional, State, and  
12 local conferences for the purpose of developing and  
13 coordinating effective programs and activities to im-  
14 prove foreign language education;

15 (2) may publish a newsletter concerning Fed-  
16 eral, State, and local programs that are effectively  
17 meeting the foreign language needs of the nation;  
18 and

19 (3) shall create and maintain a website con-  
20 taining information on the Council and its activities,  
21 best practices on language education, and other rel-  
22 evant information.

23 (i) REPORTS.—Not later than 90 days after the date  
24 of enactment of this section, and annually thereafter, the  
25 Council shall prepare and transmit to the President and

1 the relevant committees of Congress a report that  
2 describes—

3 (1) the activities of the Council;

4 (2) the efforts of the Council to improve foreign  
5 language education and training; and

6 (3) impediments to the use of a National For-  
7 eign Language program, including any statutory and  
8 regulatory restrictions.

9 (j) ESTABLISHMENT OF A NATIONAL LANGUAGE DI-  
10 RECTOR.—

11 (1) IN GENERAL.—There is established a Na-  
12 tional Language Director who shall be appointed by  
13 the President. The National Language Director shall  
14 be a nationally recognized individual with credentials  
15 and abilities across the sectors to be involved with  
16 creating and implementing long-term solutions to  
17 achieving national foreign language and cultural  
18 competency.

19 (2) RESPONSIBILITIES.—The National Lan-  
20 guage Director shall—

21 (A) develop and monitor the implementa-  
22 tion of a national foreign language strategy  
23 across all sectors;

24 (B) establish formal relationships among  
25 the major stakeholders in meeting the needs of

1 the Nation for improved capabilities in foreign  
2 languages and cultural understanding, including  
3 Federal, State, and local government agencies,  
4 academia, industry, labor, and heritage commu-  
5 nities; and

6 (C) coordinate and lead a public informa-  
7 tion campaign that raises awareness of public  
8 and private sector careers requiring foreign lan-  
9 guage skills and cultural understanding, with  
10 the objective of increasing interest in and sup-  
11 port for the study of foreign languages among  
12 national leaders, the business community, local  
13 officials, parents, and individuals.

14 (k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

15 (1) STATE CONTACT PERSONS.—The Council  
16 shall consult with each State to provide for the des-  
17 ignation by each State of an individual to serve as  
18 a State contact person for the purpose of receiving  
19 and disseminating information and communications  
20 received from the Council.

21 (2) STATE INTERAGENCY COUNCILS AND LEAD  
22 AGENCIES.—Each State is encouraged to establish a  
23 State interagency council on foreign language co-  
24 ordination or designate a lead agency for the State  
25 for the purpose of assuming primary responsibility

1 for coordinating and interacting with the Council  
2 and State and local government agencies as nec-  
3 essary.

4 (l) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated such sums as necessary  
6 to carry out this section.

7 **SEC. 1083. RETENTION OF REIMBURSEMENT FOR PROVI-**  
8 **SION OF RECIPROCAL FIRE PROTECTION**  
9 **SERVICES.**

10 Section 5 of the Act of May 27, 1955 (chapter 105;  
11 69 Stat. 67; 42 U.S.C. 1856d) is amended—

12 (1) by striking “Funds” and inserting “(a)  
13 Funds”; and

14 (2) by adding at the end the following new sub-  
15 section:

16 “(b) Notwithstanding the provisions of subsection  
17 (a), all sums received for any Department of Defense ac-  
18 tivity for fire protection rendered pursuant to this Act  
19 shall be credited to the appropriation fund or account from  
20 which the expenses were paid. Amounts so credited shall  
21 be merged with funds in such appropriation fund or ac-  
22 count and shall be available for the same purposes and  
23 subject to the same limitations as the funds with which  
24 the funds are merged.”.

1 **SEC. 1084. EXPANSION OF EMERGENCY SERVICES UNDER**  
2 **RECIPROCAL AGREEMENTS.**

3 Subsection (b) of the first section of the Act of May  
4 27, 1955 (69 Stat. 66, chapter 105; 42 U.S.C. 1856(b))  
5 is amended by striking “and fire fighting” and inserting  
6 “, fire fighting, and emergency services, including basic  
7 and advanced life support, hazardous material contain-  
8 ment and confinement, and special rescue events involving  
9 vehicular and water mishaps, and trench, building, and  
10 confined space extractions”.

11 **SEC. 1085. RENEWAL OF MORATORIUM ON RETURN OF VET-**  
12 **ERANS MEMORIAL OBJECTS TO FOREIGN NA-**  
13 **TIONS WITHOUT SPECIFIC AUTHORIZATION**  
14 **IN LAW.**

15 Section 1051(e) of the National Defense Authoriza-  
16 tion Act for Fiscal Year 2000 (Public Law 106–65; 113  
17 Stat. 763; 10 U.S.C. 2572 note) is amended by inserting  
18 “, and during the period beginning on the date of the en-  
19 actment of the National Defense Authorization Act for  
20 Fiscal Year 2006 and ending on September 30, 2010.

21 **SEC. 1086. SENSE OF THE SENATE REGARDING MANNED**  
22 **SPACE FLIGHT.**

23 (a) FINDINGS.—The Congress finds that—

24 (1) human spaceflight preeminence allows the  
25 United States to project leadership around the world

1 and forms an important component of United States  
2 national security;

3 (2) continued development of human spaceflight  
4 in low-Earth orbit, on the Moon, and beyond adds  
5 to the overall national strategic posture;

6 (3) human spaceflight enables continued stew-  
7 ardsip of the region between the earth and the  
8 Moon—an area that is critical and of growing na-  
9 tional and international security relevance;

10 (4) human spaceflight provides unprecedented  
11 opportunities for the United States to lead peaceful  
12 and productive international relationships with the  
13 world community in support of United States secu-  
14 rity and geo-political objectives;

15 (5) a growing number of nations are pursuing  
16 human spaceflight and space-related capabilities, in-  
17 cluding China and India;

18 (6) past investments in human spaceflight capa-  
19 bilities represent a national resource that can be  
20 built upon and leveraged for a broad range of pur-  
21 poses, including national and economic security; and

22 (7) the industrial base and capabilities rep-  
23 resented by the Space Transportation System pro-  
24 vide a critical dissimilar launch capability for the na-  
25 tion.

1 (b) SENSE OF THE SENATE.—It is the sense of the  
2 Senate that it is in the national security interest of the  
3 United States to maintain preeminence in human  
4 spaceflight.

5 **SEC. 1087. ANNUAL REPORT ON COSTS TO CARRY OUT**  
6 **UNITED NATIONS RESOLUTIONS.**

7 (a) REQUIREMENT FOR ANNUAL REPORT.—The Sec-  
8 retary of Defense and the Secretary of State shall submit  
9 to the congressional defense committees, the Committee  
10 on Foreign Relations of the Senate, and the Committee  
11 on International Relations of the House of Representa-  
12 tives an annual report that sets forth all direct and indi-  
13 rect costs (including incremental costs) incurred by the  
14 Department of Defense during the preceding year in im-  
15 plementing or supporting any resolution adopted by the  
16 United Nations Security Council, including any such reso-  
17 lution calling for international sanctions, international  
18 peacekeeping operations, international peace enforcement  
19 operations, monitoring missions, observer missions, or hu-  
20 manitarian missions undertaken by the Department of De-  
21 fense. Each such report shall include an aggregate of all  
22 such Department of Defense costs by operation or mis-  
23 sion, the percentage of the United States contribution by  
24 operation or mission, and the total cost of each operation  
25 or mission.

1           (b) COSTS FOR ASSISTING FOREIGN TROOPS.—The  
2 Secretary of Defense and the Secretary of State shall de-  
3 tail in each annual report required by this section all direct  
4 and indirect costs (including incremental costs) incurred  
5 in training, equipping, and otherwise assisting, preparing,  
6 resourcing, and transporting foreign troops for imple-  
7 menting or supporting any resolution adopted by the  
8 United Nations Security Council, including any such reso-  
9 lution calling for international sanctions, international  
10 peacekeeping operations, international peace enforcement  
11 operations, monitoring missions, observer missions, or hu-  
12 manitarian missions.

13           (c) CREDIT AND COMPENSATION.—The Secretary of  
14 Defense and the Secretary of State shall detail in each  
15 annual report required by this section all efforts made to  
16 seek credit against past United Nations expenditures and  
17 all efforts made to seek compensation from the United Na-  
18 tions for costs incurred by the Department of Defense in  
19 implementing and supporting United Nations activities.

20           (d) FORM OF REPORT.—Each annual report required  
21 by this section shall be submitted in unclassified form, but  
22 may include a classified annex.

1 **SEC. 1088. SENSE OF SENATE ON AERONAUTICS RESEARCH**  
2 **AND DEVELOPMENT.**

3 (a) FINDINGS.—Congress makes the following find-  
4 ings:

5 (1) The advances made possible by Govern-  
6 ment-funded research in emerging aeronautics tech-  
7 nologies have enabled longstanding military air supe-  
8 riority for the United States in recent decades.

9 (2) Military aircraft incorporate advanced tech-  
10 nologies developed at research centers of the Na-  
11 tional Aeronautics and Space Administration.

12 (3) The vehicle systems program of the Na-  
13 tional Aeronautics and Space Administration has  
14 provided major technology advances that have been  
15 used in every major civil and military aircraft devel-  
16 oped over the last 50 years.

17 (4) It is important for the cooperative research  
18 efforts of the National Aeronautics and Space Ad-  
19 ministration and the Department of Defense that  
20 funding of research on military aviation technologies  
21 be robust.

22 (5) Recent National Aeronautics and Space Ad-  
23 ministration and independent studies have dem-  
24 onstrated the competitiveness, scientific merit, and  
25 necessity of existing aeronautics programs.

1           (6) The economic and military security of the  
2           United States is enhanced by the continued develop-  
3           ment of improved aeronautics technologies.

4           (7) A national effort is needed to ensure that  
5           the National Aeronautics and Space Administration  
6           can help meet future aviation needs.

7           (b) SENSE OF SENATE.—It is the sense of the Senate  
8           that it is in the national security interest of the United  
9           States to maintain a strong aeronautics research and de-  
10          velopment program within the Department of Defense and  
11          the National Aeronautics and Space Administration.

12       **SEC. 1089. REPORT ON CLAIMS RELATED TO THE BOMBING**  
13                               **OF THE LABELLE DISCOTHEQUE.**

14          (a) SENSE OF CONGRESS.—It is the sense of Con-  
15          gress that—

16               (1) the Government of Libya should be com-  
17               mended for the steps the Government has taken to  
18               renounce terrorism and to eliminate Libya's weapons  
19               of mass destruction and related programs; and

20               (2) an important priority for improving rela-  
21               tions between the United States and Libya should be  
22               a good faith effort on the part of the Government  
23               of Libya to resolve the claims of members of the  
24               Armed Forces of the United States and other  
25               United States citizens who were injured in the

1 bombing of the LaBelle Discotheque in Berlin, Ger-  
2 many that occurred in April 1986, and of family  
3 members of members of the Armed Forces of the  
4 United States who were killed in that bombing.

5 (b) REPORTS.—

6 (1) INITIAL REPORT.—Not later than 90 days  
7 after the date of enactment of this Act, the Sec-  
8 retary of State shall submit to the appropriate con-  
9 gressional committees a report on the status of ne-  
10 gotiations between the Government of Libya and  
11 United States claimants in connection with the  
12 bombing of the LaBelle Discotheque in Berlin, Ger-  
13 many that occurred in April 1986, regarding resolu-  
14 tion of their claims. The report shall also include in-  
15 formation on efforts by the Government of the  
16 United States to urge the Government of Libya to  
17 make a good faith effort to resolve such claims.

18 (2) UPDATE.—Not later than one year after en-  
19 actment of this Act, the Secretary of State shall sub-  
20 mit to the appropriate congressional committees an  
21 update of the report required by paragraph (1).

22 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
23 FINED.—In this section, the term “appropriate congres-  
24 sional committees” means the Committee on Armed Serv-  
25 ices and the Committee on Foreign Relations of the Sen-

1 ate and the Committee on Armed Services and the Com-  
2 mittee on International Relations of the House of Rep-  
3 resentatives.

4 **SEC. 1090. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.**

5 (a) DEFINITION OF DESIGNATED COMMITTEES.—In  
6 this section, the term “designated committees” means—

7 (1) the Committees on Armed Services, Energy  
8 and Natural Resources, and Appropriations of the  
9 Senate; and

10 (2) the Committees on Armed Services, Energy  
11 and Commerce, and Appropriations of the House of  
12 Representatives.

13 (b) DEVELOPMENT PLAN AND REPORT.—Not later  
14 than 90 days after the date of enactment of this Act, using  
15 amounts available to the Department of Defense and the  
16 National Energy Technology Laboratory of the Depart-  
17 ment of Energy—

18 (1) the Secretary of Energy, in coordination  
19 with the Secretary of Defense, shall prepare and  
20 submit to the designated committees a development  
21 plan for a coal-to-liquid fuels program; and

22 (2) the Secretary of Defense, in coordination  
23 with the Secretary of Energy, shall prepare and sub-  
24 mit to the designated committees a report on the po-



1           (1) With only a few systems deployed, the Com-  
2           mon Remotely Operated Weapons Station (CROWS)  
3           platform is already saving the lives of soldiers today  
4           in Iraq by moving soldiers out of the exposed gun-  
5           ner's seat and into the protective shell of an up-ar-  
6           mored Humvee.

7           (2) The Common Remotely Operated Weapons  
8           Station platform dramatically improves battlefield  
9           awareness by providing a laser rangefinder, night vi-  
10          sion, telescopic vision, a fire control computer that  
11          allows on-the-move target acquisition, and one-shot  
12          one-kill accuracy at the maximum range of a weap-  
13          on.

14          (3) As they become available, new technologies  
15          can be incorporated into the Common Remotely Op-  
16          erated Weapons Station platform, thus making the  
17          platform scalable.

18          (4) The Army has indicated that an additional  
19          \$206,000,000 will be required in fiscal year 2006 to  
20          procure 750 Common Remotely Operated Weapons  
21          Station units for the Armed Forces, and to prepare  
22          for future production of such weapons stations.

23          (b) SENSE OF SENATE.—It is the sense of the Senate  
24          that the President should include in the next request sub-  
25          mitted to Congress for supplemental funding for military

1 operations in Iraq and Afghanistan sufficient funds for the  
2 production in fiscal year 2006 of a number of Common  
3 Remotely Operated Weapons Station units that is ade-  
4 quate to meet the requirements of the Armed Forces.

5 **SEC. 1092. REVIEW OF STATUS OF DETAINEES.**

6 (a) SUBMITTAL OF PROCEDURES FOR STATUS RE-  
7 VIEW OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not  
8 later than 180 days after the date of the enactment of  
9 this Act, the Secretary of Defense shall submit to the con-  
10 gressional defense committees, and to the Committees on  
11 the Judiciary of the Senate and the House of Representa-  
12 tives, a report setting forth the procedures of the Combat-  
13 ant Status Review Tribunals and the noticed Administra-  
14 tive Review Boards in operation at Guantanamo Bay,  
15 Cuba, for determining the status of the detainees held at  
16 Guantanamo Bay.

17 (b) PROCEDURES.—The procedures submitted to  
18 Congress pursuant to subsection (a) shall, with respect to  
19 proceedings beginning after the date of the submittal of  
20 such procedures under that subsection, ensure that—

21 (1) in making a determination of status of any  
22 detainee under such procedures, a Combatant Status  
23 Review Tribunal or Administrative Review Board  
24 may not consider statements derived from persons  
25 that, as determined by such Tribunal or Board, by

1 the preponderance of the evidence, were obtained  
2 with undue coercion; and

3 (2) the Designated Civilian Official shall be an  
4 officer of the United States Government whose ap-  
5 pointment to office was made by the President, by  
6 and with the advice and consent of the Senate.

7 (c) REPORT ON MODIFICATION OF PROCEDURES.—  
8 The Secretary of Defense shall submit to the committees  
9 of Congress referred to in subsection (a) a report on any  
10 modification of the procedures submitted under subsection  
11 (a) not later than 60 days before the date on which such  
12 modification goes into effect.

13 (d) JUDICIAL REVIEW OF DETENTION OF ENEMY  
14 COMBATANTS.—

15 (1) IN GENERAL.—Section 2241 of title 28,  
16 United States Code, is amended by adding at the  
17 end the following:

18 “(e) No court, justice, or judge shall have jurisdiction  
19 to hear or consider an application for a writ of habeas  
20 corpus filed by or on behalf of an alien outside the United  
21 States (as that term is defined in section 101(a)(38) of  
22 the Immigration and Naturalization Act (8 U.S.C.  
23 1101(a)(38)) who is detained by the Department of De-  
24 fense at Guantanamo Bay, Cuba.”.

1           (2) REVIEW OF DECISIONS OF COMBATANT STA-  
2           TUS REVIEW TRIBUNALS OF PROPRIETY OF DETEN-  
3           TION.—

4           (A) IN GENERAL.—Subject to subpara-  
5           graphs (B), (C), and (D), the United States  
6           Court of Appeals for the District of Columbia  
7           Circuit shall have exclusive jurisdiction to deter-  
8           mine the validity of any decision of a Des-  
9           ignated Civilian Official described in subsection  
10          (b)(2) that an alien is properly detained as an  
11          enemy combatant.

12          (B) LIMITATION ON CLAIMS.—The juris-  
13          diction of the United States Court of Appeals  
14          for the District of Columbia Circuit under this  
15          paragraph shall be limited to claims brought by  
16          or on behalf of an alien—

17               (i) who is, at the time a request for  
18               review by such court is filed, detained by  
19               the Department of Defense at Guanta-  
20               namo Bay, Cuba; and

21               (ii) for whom a Combatant Status Re-  
22               view Tribunal has been conducted, pursu-  
23               ant to applicable procedures specified by  
24               the Secretary of Defense.

1 (C) SCOPE OF REVIEW.—The jurisdiction  
2 of the United States Court of Appeals for the  
3 District of Columbia Circuit on any claims with  
4 respect to an alien under this paragraph shall  
5 be limited to the consideration of—

6 (i) whether the status determination  
7 of the Combatant Status Review Tribunal  
8 with regard to such alien applied the cor-  
9 rect standards and was consistent with the  
10 procedures specified by the Secretary of  
11 Defense for Combatant Status Review Tri-  
12 bunals (including the requirement that the  
13 conclusion of the Tribunal be supported by  
14 a preponderance of the evidence and allow-  
15 ing a rebuttable presumption in favor the  
16 Government’s evidence); and

17 (ii) whether subjecting an alien enemy  
18 combatant to such standards and proce-  
19 dures is consistent with the Constitution  
20 and laws of the United States.

21 (D) TERMINATION ON RELEASE FROM  
22 CUSTODY.—The jurisdiction of the United  
23 States Court of Appeals for the District of Co-  
24 lumbia Circuit with respect to the claims of an  
25 alien under this paragraph shall cease upon the

1 release of such alien from the custody of the  
2 Department of Defense.

3 (3) REVIEW OF FINAL DECISIONS OF MILITARY  
4 COMMISSIONS.—

5 (A) IN GENERAL.—Subject to subpara-  
6 graphs (C) and (D), the United States Court of  
7 Appeals for the District of Columbia Circuit  
8 shall have exclusive jurisdiction to determine  
9 the validity of any final decision rendered pur-  
10 suant to Military Commission Order No. 1,  
11 dated August 31, 2005 (or any successor mili-  
12 tary order).

13 (B) GRANT OF REVIEW.—Review under  
14 this paragraph—

15 (i) with respect to a capital case or a  
16 case in which the alien was sentenced to a  
17 term of imprisonment of 10 years or more,  
18 shall be as of right; or

19 (ii) with respect to any other case,  
20 shall be at the discretion of the United  
21 States Court of Appeals for the District of  
22 Columbia Circuit.

23 (C) LIMITATION ON APPEALS.—The juris-  
24 diction of the United States Court of Appeals  
25 for the District of Columbia Circuit under this

1 paragraph shall be limited to an appeal brought  
2 by or on behalf of an alien—

3 (i) who was, at the time of the pro-  
4 ceedings pursuant to the military order re-  
5 ferred to in subparagraph (A), detained by  
6 the Department of Defense at Guanta-  
7 namo Bay, Cuba; and

8 (ii) for whom a final decision has been  
9 rendered pursuant to such military order.

10 (D) SCOPE OF REVIEW.—The jurisdiction  
11 of the United States Court of Appeals for the  
12 District of Columbia Circuit on an appeal of a  
13 final decision with respect to an alien under  
14 this paragraph shall be limited to the consider-  
15 ation of—

16 (i) whether the final decision applied  
17 the correct standards and was consistent  
18 with the procedures specified in the mili-  
19 tary order referred to in subparagraph (A);  
20 and

21 (ii) whether subjecting an alien enemy  
22 combatant to such order is consistent with  
23 the Constitution and laws of the United  
24 States.

25 (e) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), this section shall take effect on the day  
3 after the date of the enactment of this Act.

4           (2) REVIEW OF COMBATANT STATUS TRIBUNAL  
5 AND MILITARY COMMISSION DECISIONS.—Para-  
6 graphs (2) and (3) of subsection (d) shall apply with  
7 respect to any claim whose review is governed by one  
8 of such paragraphs and that is pending on or after  
9 the date of the enactment of this Act.

10 **TITLE XI—DEPARTMENT OF DE-**  
11 **FENSE CIVILIAN PERSONNEL**  
12 **POLICY**

13 **SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY**  
14 **SEPARATIONS IN REDUCTIONS IN FORCE.**

15           Section 3502(f)(5) of title 5, United States Code, is  
16 amended by striking “September 30, 2005” and inserting  
17 “September 30, 2010”.

18 **SEC. 1102. COMPENSATORY TIME OFF FOR NON-**  
19 **APPROPRIATED FUND EMPLOYEES OF THE**  
20 **DEPARTMENT OF DEFENSE.**

21           Section 5543 of title 5, United States Code, is  
22 amended by adding at the end the following new sub-  
23 section:

24           “(d) The Secretary of Defense may, on request of a  
25 Department of Defense employee paid from non-

1 appropriated funds, grant such employee compensatory  
2 time off from duty instead of overtime pay for overtime  
3 work.”.

4 **SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE**  
5 **PAYMENTS IN LUMP SUMS.**

6 Section 5595(i)(4) of title 5, United States Code, is  
7 amended by striking “October 1, 2006” and inserting  
8 “October 1, 2010”.

9 **SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE**  
10 **HEALTH BENEFITS PROGRAM ELIGIBILITY.**

11 Section 8905a(d)(4)(B) of title 5, United States  
12 Code, is amended—

13 (1) in clause (i), by striking “October 1, 2006”  
14 and inserting “October 1, 2010”; and

15 (2) in clause (ii)—

16 (A) by striking “February 1, 2007” and  
17 inserting “February 1, 2011”; and

18 (B) by striking “October 1, 2006” and in-  
19 serting “October 1, 2010”.

20 **SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR**  
21 **SCIENCE, MATHEMATICS, AND RESEARCH**  
22 **FOR TRANSFORMATION (SMART) DEFENSE**  
23 **EDUCATION PROGRAM.**

24 (a) PERMANENT AUTHORITY FOR PROGRAM.—Sec-  
25 tion 1105 of the Ronald W. Reagan National Defense Au-

1 thORIZATION Act for Fiscal Year 2005 (Public Law 108–  
2 375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

3 (1) in subsection (a)—

4 (A) by striking “(1)”; and

5 (B) by striking paragraph (2); and

6 (2) by striking “pilot” each place it appears.

7 (b) ASSISTANCE UNDER PROGRAM.—Such section is  
8 further amended—

9 (1) in subsection (b)—

10 (A) by striking “(b)” and all that follows  
11 through “a scholarship” and inserting “(b) AS-  
12 SISTANCE.—(1) Under the program under this  
13 section, the Secretary of Defense may award a  
14 scholarship or fellowship”;

15 (B) in paragraph (1)(B), by inserting “ac-  
16 credited” before “institution of higher edu-  
17 cation”;

18 (C) in paragraph (2)—

19 (i) by inserting “or fellowship” after  
20 “scholarship”;

21 (ii) by inserting “equipment ex-  
22 penses,” after “laboratory expenses,”; and

23 (iii) by striking the second sentence;

24 and

1 (D) by adding at the end the following new  
2 paragraph:

3 “(3) Any assistance payable to a person under this  
4 subsection may be paid directly to the person awarded  
5 such assistance or to an administering entity that shall  
6 disburse such assistance to the person.”; and

7 (2) in subsection (c)(2)—

8 (A) by striking “a scholarship” and insert-  
9 ing “financial assistance”;

10 (B) by striking “the financial assistance  
11 provided under the scholarship” and inserting  
12 “such financial assistance”; and

13 (C) by striking “the scholarship.” and in-  
14 serting “such financial assistance.”.

15 (c) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

16 Such section is further amended—

17 (1) by redesignating subsections (d), (e), (f),  
18 (g), and (h) as subsections (e), (f), (g), (h), and (i),  
19 respectively; and

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

22 “(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

23 (1) The Secretary of Defense may—

24 “(A) appoint or retain a person participating in  
25 the program under this section in a position on an

1 interim basis during the period of such person’s pur-  
2 suit of a degree under the program and for a period  
3 not to exceed 2 years after completion of the degree,  
4 but only if, in the case of the period after completion  
5 of the degree—

6 “(i) there is no readily available appro-  
7 priate permanent position for such person; and

8 “(ii) there is an active and ongoing effort  
9 to identify and assign such person to an appro-  
10 priate permanent position as soon as prac-  
11 ticable; and

12 “(B) if there is no appropriate permanent posi-  
13 tion available after the end of the periods described  
14 in subparagraph (A), separate such person from em-  
15 ployment with the Department without regard to  
16 any other provision of law, in which event the service  
17 agreement of such person under subsection (c) shall  
18 terminate.

19 “(2) The period of service of a person covered by  
20 paragraph (1) in a position on an interim basis under that  
21 paragraph shall, after completion of the degree, be treated  
22 as a period of service for purposes of satisfying the obli-  
23 gated service requirements of the person under the service  
24 agreement of the person under subsection (c).”.

1 (d) REFUND FOR PERIOD OF UNSERVED OBLIGATED  
2 SERVICE.—Paragraph (1) of subsection (e) of such sec-  
3 tion, as redesignated by subsection (c)(1) of this section,  
4 is amended to read as follows:

5 “(1)(A) A participant in the program under this sec-  
6 tion who is not an employee of the Department of Defense  
7 and who voluntarily fails to complete the educational pro-  
8 gram for which financial assistance has been provided  
9 under this section, or fails to maintain satisfactory aca-  
10 demic progress as determined in accordance with regula-  
11 tions prescribed by the Secretary of Defense, shall refund  
12 to the United States an appropriate amount, as deter-  
13 mined by the Secretary.

14 “(B) A participant in the program under this section  
15 who is an employee of the Department of Defense and  
16 who—

17 “(i) voluntarily fails to complete the educational  
18 program for which financial assistance has been pro-  
19 vided, or fails to maintain satisfactory academic  
20 progress as determined in accordance with regula-  
21 tions prescribed by the Secretary; or

22 “(ii) before completion of the period of obli-  
23 gated service required of such participant—

24 “(I) voluntarily terminates such partici-  
25 pant’s employment with the Department; or

1           “(II) is removed from such participant’s  
2           employment with the Department on the basis  
3           of misconduct,  
4 shall refund the United States an appropriate amount, as  
5 determined by the Secretary.”.

6           (e) CONFORMING AMENDMENTS.—

7           (1) Subsection (f) of such section, as redesignig-  
8           nated by subsection (c)(1) of this section, is further  
9           amended by striking “PILOT”.

10          (2) The heading of such section is amended to  
11          read as follows:

12          **“SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR**  
13                  **TRANSFORMATION (SMART) DEFENSE EDU-**  
14                  **CATION PROGRAM.”.**

15          (3) Section 3304(a)(3)(B)(ii) of title 5, United  
16          States Code, is—

17                  (A) by striking “Scholarship Pilot Pro-  
18                  gram” and inserting “Defense Education Pro-  
19                  gram”; and

20                  (B) by inserting “(10 U.S.C. 2912 note)”  
21                  after “for Fiscal Year 2005”.

1 **SEC. 1106. STRATEGIC HUMAN CAPITAL PLAN FOR CIVIL-**  
2 **IAN EMPLOYEES OF THE DEPARTMENT OF**  
3 **DEFENSE.**

4 (a) PLAN REQUIRED.—(1) Not later than six months  
5 after the date of the enactment of this Act, the Secretary  
6 of Defense shall develop and submit to the appropriate  
7 committees of Congress a strategic plan to shape and im-  
8 prove the civilian employee workforce of the Department  
9 of Defense.

10 (2) The plan shall be known as the “strategic human  
11 capital plan”.

12 (b) CONTENTS.—The strategic human capital plan  
13 required by subsection (a) shall include—

14 (1) a workforce gap analysis, including an as-  
15 sessment of—

16 (A) the critical skills and competencies  
17 that will be needed in the future civilian em-  
18 ployee workforce of the Department of Defense  
19 to support national security requirements and  
20 effectively manage the Department over the  
21 next decade;

22 (B) the skills and competencies of the ex-  
23 isting civilian employee workforce of the De-  
24 partment and projected trends in that work-  
25 force based on expected losses due to retirement  
26 and other attrition; and

1 (C) gaps in the existing or projected civil-  
2 ian employee workforce of the Department that  
3 should be addressed to ensure that the Depart-  
4 ment has continued access to the critical skills  
5 and competencies described in subparagraph  
6 (A); and

7 (2) a plan of action for developing and reshap-  
8 ing the civilian employee workforce of the Depart-  
9 ment to address the gaps in critical skills and com-  
10 petencies identified under paragraph (1)(C),  
11 including—

12 (A) specific recruiting and retention goals,  
13 including the program objectives of the Depart-  
14 ment to be achieved through such goals; and

15 (B) specific strategies for development,  
16 training, deploying, compensating, and moti-  
17 vating the civilian employee workforce of the  
18 Department, including the program objectives  
19 of the Department to be achieved through such  
20 strategies.

21 (c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—  
22 The recruitment and retention of civilian employees to  
23 meet the goals established under subsection (b)(2)(A)  
24 shall not be subject to any limitation or constraint under  
25 statute or regulations on the end strength of the civilian

1 workforce of the Department of Defense or any part of  
2 the workforce of the Department.

3 (d) ANNUAL UPDATES.—Not later than March 1 of  
4 each year from 2007 through 2012, the Secretary shall  
5 update the strategic human capital plan required by sub-  
6 section (a), as previously updated under this subsection.

7 (e) ANNUAL REPORTS.—Not later than March 1 of  
8 each year from 2007 through 2012, the Secretary shall  
9 submit to the appropriate committees of Congress—

10 (1) the update of the strategic human capital  
11 plan prepared in such year under subsection (d); and

12 (2) the assessment of the Secretary, using re-  
13 sults-oriented performance measures, of the progress  
14 of the Department of Defense in implementing the  
15 strategic human capital plan.

16 (f) COMPTROLLER GENERAL REVIEW.—(1) Not later  
17 than 90 days after the Secretary submits under subsection  
18 (a) the strategic human capital plan required by that sub-  
19 section, the Comptroller General shall submit to the ap-  
20 propriate committees of Congress a report on the plan.

21 (2) Not later than 90 days after the Secretary sub-  
22 mits under subsection (e) an update of the strategic  
23 human capital plan under subsection (d), the Comptroller  
24 General shall submit to the appropriate committees of  
25 Congress a report on the update.

1 (3) A report on the strategic human capital plan  
 2 under paragraph (1), or on an update of the plan under  
 3 paragraph (2), shall include the assessment of the Comp-  
 4 troller General of the extent to which the plan or update,  
 5 as the case may be—

6 (A) complies with the requirements of this sec-  
 7 tion; and

8 (B) complies with applicable best management  
 9 practices (as determined by the Comptroller Gen-  
 10 eral).

11 (g) APPROPRIATE COMMITTEES OF CONGRESS DE-  
 12 FINED.—In this section, the term “appropriate commit-  
 13 tees of Congress” means—

14 (1) the Committees on Armed Services and  
 15 Homeland Security and Governmental Affairs of the  
 16 Senate; and

17 (2) the Committees on Armed Services and  
 18 Government Reform of the House of Representa-  
 19 tives.

20 **SEC. 1107. INCREASE IN AUTHORIZED NUMBER OF DE-**  
 21 **FENSE INTELLIGENCE SENIOR EXECUTIVE**  
 22 **SERVICE EMPLOYEES.**

23 Section 1606(a) of title 10, United States Code, is  
 24 amended by striking “544” and inserting “the following:

25 “(1) In fiscal year 2005, 544.

1           “(2) In fiscal year 2006, 619.

2           “(3) In fiscal years after fiscal year 2006,  
3           694.”.

4 **SEC. 1108. COMPTROLLER GENERAL STUDY ON FEATURES**  
5                   **OF SUCCESSFUL PERSONNEL MANAGEMENT**  
6                   **SYSTEMS OF HIGHLY TECHNICAL AND SCI-**  
7                   **ENTIFIC WORKFORCES.**

8           (a) IN GENERAL.—The Comptroller General of the  
9 United States shall conduct a study to identify the fea-  
10 tures of successful personnel management systems of the  
11 highly technical and scientific workforces of the Depart-  
12 ment of Defense laboratories and similar scientific facili-  
13 ties and institutions.

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

16           (1) An examination of the flexible personnel  
17 management authorities, whether under statute or  
18 regulations, currently being utilized at Department  
19 of Defense demonstration laboratories to assist in  
20 the management of the workforce of such labora-  
21 tories.

22           (2) An identification of any flexible personnel  
23 management authorities, whether under statute or  
24 regulations, available for use in the management of  
25 Department of Defense laboratories to assist in the

1 management of the workforces of such laboratories  
2 that are not currently being utilized.

3 (3) An assessment of personnel management  
4 practices utilized by scientific and technical labora-  
5 tories and institutions that are similar to the De-  
6 partment of Defense laboratories.

7 (4) A comparative analysis of the specific fea-  
8 tures identified by the Comptroller General in suc-  
9 cessful personnel management systems of highly  
10 technical and scientific workforces to attract and re-  
11 tain critical employees and to provide local manage-  
12 ment authority to Department of Defense laboratory  
13 officials.

14 (c) PURPOSES.—The purposes of the study shall  
15 include—

16 (1) the identification of the specific features of  
17 successful personnel management systems of highly  
18 technical and scientific workforces;

19 (2) an assessment of the potential effects of the  
20 utilization of such features by Department of De-  
21 fense laboratories on the missions of such labora-  
22 tories and on the mission of the Department of De-  
23 fense as a whole; and

1           (3) recommendations as to the future utilization  
2           of such features in Department of Defense labora-  
3           tories.

4           (d) LABORATORY PERSONNEL DEMONSTRATION AU-  
5           THORITIES.—The laboratory personnel demonstration au-  
6           thorities set forth in this subsection are as follows:

7           (1) The authorities in section 342(b) of the Na-  
8           tional Defense Authorization Act for Fiscal Year  
9           1995 (Public Law 103–337; 108 Stat. 2721), as  
10          amended by section 1114 of the Floyd D. Spence  
11          National Defense Authorization Act for Fiscal Year  
12          2001 (as enacted into law by Public Law 106–398  
13          (114 Stat. 1654A–315)).

14          (2) The authorities in section 1101 of the  
15          Strom Thurmond National Defense Authorization  
16          Act for Fiscal Year 1999 (Public Law 105–261; 5  
17          U.S.C. 3104 note).

18          (e) REPORT.—Not later than one year after the date  
19          of the enactment of this Act, the Comptroller General shall  
20          submit to the appropriate committees of Congress a report  
21          on the study required by this section. The report shall  
22          include—

23                 (1) a description of the study;

24                 (2) an assessment of the effectiveness of the  
25          current utilization by the Department of Defense of

1 the laboratory personnel demonstration authorities  
 2 set forth in subsection (d); and

3 (3) such recommendations as the Comptroller  
 4 General considers appropriate for the effective use of  
 5 available personnel management authorities to en-  
 6 sure the successful personnel management of the  
 7 highly technical and scientific workforce of the De-  
 8 partment of Defense laboratories.

9 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-  
 10 FINED.—In this section, the term “appropriate commit-  
 11 tees of Congress” means—

12 (1) the Committees on Armed Services, Appro-  
 13 priations, and Homeland Security and Governmental  
 14 Affairs of the Senate; and

15 (2) the Committees on Armed Services, Appro-  
 16 priations, and Government Reform of the House of  
 17 Representatives.

18 **SEC. 1109. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-**  
 19 **TIONS UNDER OFFICE OF MANAGEMENT AND**  
 20 **BUDGET CIRCULAR A-76.**

21 (a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2)  
 22 of title 31, United States Code, is amended to read as  
 23 follows:

24 “(2) The term ‘interested party’—

1           “(A) with respect to a contract or a solici-  
2           tation or other request for offers described in  
3           paragraph (1), means an actual or prospective  
4           bidder or offeror whose direct economic interest  
5           would be affected by the award of the contract  
6           or by failure to award the contract; and

7           “(B) with respect to a public-private com-  
8           petition conducted under Office of Management  
9           and Budget Circular A-76 regarding perform-  
10          ance of an activity or function of a Federal  
11          agency, includes—

12                 “(i) any official who submitted the  
13                 agency tender in such competition; and

14                 “(ii) any one person who, for the pur-  
15                 pose of representing them in a protest  
16                 under this subchapter that relates to such  
17                 competition, has been designated as their  
18                 agent by a majority of the employees of  
19                 such Federal agency who are engaged in  
20                 the performance of such activity or func-  
21                 tion.”.

22           (2)(A) Subchapter V of chapter 35 of such title is  
23          amended by adding at the end the following new section:

1 **“§ 3557. Expedited action in protests for Public-Pri-**  
 2 **vate competitions**

3 “For protests in cases of public-private competitions  
 4 conducted under Office of Management and Budget Cir-  
 5 cular A–76 regarding performance of an activity or func-  
 6 tion of Federal agencies, the Comptroller General shall ad-  
 7 minister the provisions of this subchapter in a manner  
 8 best suited for expediting final resolution of such protests  
 9 and final action in such competitions.”.

10 (B) The chapter analysis at the beginning of such  
 11 chapter is amended by inserting after the item relating  
 12 to section 3556 the following new item:

“3557. Expedited action in protests for public-private competitions.”.

13 (b) RIGHT TO INTERVENE IN CIVIL ACTION.—Sec-  
 14 tion 1491(b) of title 28, United States Code, is amended  
 15 by adding at the end the following new paragraph:

16 “(5) If a private sector interested party commences  
 17 an action described in paragraph (1) in the case of a pub-  
 18 lic-private competition conducted under Office of Manage-  
 19 ment and Budget Circular A–76 regarding performance  
 20 of an activity or function of a Federal agency, then an  
 21 official or person described in section 3551(2)(B) of title  
 22 31 shall be entitled to intervene in that action.”.

23 (c) APPLICABILITY.—Subparagraph (B) of section  
 24 3551(2) of title 31, United States Code (as added by sub-  
 25 section (a)), and paragraph (5) of section 1491(b) of title

1 28, United States Code (as added by subsection (b)), shall  
2 apply to—

3 (1) protests and civil actions that challenge  
4 final selections of sources of performance of an ac-  
5 tivity or function of a Federal agency that are made  
6 pursuant to studies initiated under Office of Man-  
7 agement and Budget Circular A-76 on or after Jan-  
8 uary 1, 2004; and

9 (2) any other protests and civil actions that re-  
10 late to public-private competitions initiated under  
11 Office of Management and Budget Circular A-76 on  
12 or after the date of the enactment of this Act.

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

15 **SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PRO-**  
16 **GRAM.**

17 (a) AUTHORITY FOR FISCAL YEARS 2006 AND  
18 2007.—During fiscal year 2006 and fiscal year 2007,  
19 from funds made available to the Department of Defense  
20 for operation and maintenance for such fiscal year, not  
21 to exceed \$500,000,000 may be used in each such fiscal  
22 year to provide funds—

23 (1) for the Commanders' Emergency Response  
24 Program; and

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

3           (b) QUARTERLY REPORTS.—Not later than 15 days  
4 after the end of each fiscal-year quarter (beginning with  
5 the first quarter of fiscal year 2006), the Secretary of De-  
6 fense shall submit to the congressional defense committees  
7 a report regarding the source of funds and the allocation  
8 and use of funds during that quarter that were made  
9 available pursuant to the authority provided in this section  
10 or under any other provision of law for the purposes of  
11 the programs under subsection (a).

12           (c) COMMANDERS' EMERGENCY RESPONSE PROGRAM  
13 DEFINED.—In this section, the term “Commanders’  
14 Emergency Response Program” means the program estab-  
15 lished by the Administrator of the Coalition Provisional  
16 Authority for the purpose of enabling United States mili-  
17 tary commanders in Iraq to respond to urgent humani-  
18 tarian relief and reconstruction requirements within their  
19 areas of responsibility by carrying out programs that will  
20 immediately assist the Iraqi people.

21 **SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY**  
22                                   **TO PROVIDE HUMANITARIAN AND CIVIC AS-**  
23                                   **SISTANCE.**

24           (a) INCREASE IN AUTHORIZED EXPENSES ASSOCI-  
25 ATED WITH DETECTION AND CLEARANCE OF LAND-

1 MINES.—Subsection (c)(3) of section 401 of title 10,  
2 United States Code, is amended by striking “\$5,000,000”  
3 and inserting “\$10,000,000”.

4 (b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS  
5 AND INFORMATION INFRASTRUCTURE UNDER AUTHOR-  
6 ITY.—Such section is further amended—

7 (1) in subsection (c)—

8 (A) by redesignating paragraph (4) as  
9 paragraph (5); and

10 (B) by inserting after paragraph (3) the  
11 following new paragraph (4):

12 “(4) Expenses covered by paragraph (1) also include  
13 expenses incurred in providing communications or infor-  
14 mation systems equipment or supplies that are transferred  
15 or otherwise furnished to a foreign country in furtherance  
16 of the provision of other assistance under this section.”;  
17 and

18 (2) in subsection (e), by adding at the end the  
19 following new paragraph:

20 “(6) Restoring or improving the information  
21 and communications infrastructure of a country, in-  
22 cluding activities relating to the furnishing of edu-  
23 cation, training, and technical assistance with re-  
24 spect to information and communications tech-  
25 nology.”.

1 (c) EXPANSION OF AUTHORITY TO PROVIDE MED-  
2 ICAL, DENTAL, AND VETERINARY CARE.—Subsection  
3 (e)(1) of such section is amended by inserting before the  
4 period the following: “, including education, training, and  
5 technical assistance related to the care provided”.

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

8 **SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON**  
9 **PAYMENT OF PERSONNEL EXPENSES UNDER**  
10 **BILATERAL OR REGIONAL COOPERATION**  
11 **PROGRAMS.**

12 Section 1051(b)(1) of title 10, United States Code,  
13 is amended by striking “within the area” and all that fol-  
14 lows through “developing country is located” and inserting  
15 “to and within the area of responsibility of a unified com-  
16 batant command (as such term is defined in section 161(c)  
17 of this title)”.

18 **SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION**  
19 **LIAISON OFFICERS.**

20 (a) AUTHORITY TO PAY CERTAIN TRAVEL EX-  
21 PENSES OF MILITARY OFFICERS ON COALITION MIS-  
22 SIONS.—Subsection (b) of section 1051a of title 10,  
23 United States Code, is amended by adding at the end the  
24 following new paragraph:



1           “(1) a person to violate or attempt to violate  
2           any license, order, regulation, or prohibition issued  
3           under this title;

4           “(2) a person subject to the jurisdiction of the  
5           United States to take any action to evade or avoid,  
6           or attempt to evade or avoid, a license, order, regu-  
7           lation, or prohibition issued this title; or

8           “(3) a person subject to the jurisdiction of the  
9           United States to approve, facilitate, or provide fi-  
10          nancing for any action, regardless of who initiates or  
11          completes the action, if it would be unlawful for such  
12          person to initiate or complete the action.

13          “(b) A civil penalty of not to exceed \$250,000 may  
14          be imposed on any person who commits an unlawful act  
15          described in paragraph (1), (2), or (3) of subsection (a).

16          “(c) A person who willfully commits, or willfully at-  
17          tempts to commit, an unlawful act described in paragraph  
18          (1), (2), or (3) of subsection (a) shall, upon conviction,  
19          be fined not more than \$500,000, or a natural person,  
20          may be imprisoned not more than 10 years, or both; and  
21          any officer, director, or agent of any person who knowingly  
22          participates, or attempts to participate, in such unlawful  
23          act may be punished by a like fine, imprisonment, or  
24          both.”.

1 (b) PRODUCTION OF RECORDS.—Section 203(a)(2)  
2 of the International Emergency Economic Powers Act (50  
3 U.S.C. 1702(a)(2)) is amended to read as follows:

4 “(2) In exercising the authorities granted by  
5 paragraph (1), the President may require any person  
6 to keep a full record of, and to furnish under oath,  
7 in the form of reports, testimony, answers to ques-  
8 tions, or otherwise, complete information relative to  
9 any act or transaction referred to in paragraph (1),  
10 either before, during, or after the completion there-  
11 of, or relative to any interest in foreign property, or  
12 relative to any property in which any foreign country  
13 or any national thereof has or has had any interest,  
14 or as may be otherwise necessary to enforce the pro-  
15 visions of such paragraph. The President may re-  
16 quire by subpoena or otherwise the production under  
17 oath by any person of all such information, reports,  
18 testimony, or answers to questions, as well as the  
19 production of any required books of accounts,  
20 records, contracts, letters, memoranda, or other pa-  
21 pers, in the custody or control of any person. The  
22 subpoena or other requirement, in the case of contu-  
23 macy or refusal to obey, shall be enforceable by  
24 order of any appropriate United States district  
25 court.”.

1 (c) CLARIFICATION OF JURISDICTION TO ADDRESS  
2 IEEPA VIOLATIONS.—Section 203 of the International  
3 Emergency Economic Powers Act (50 U.S.C. 1702) is fur-  
4 ther amended by adding at the end the following:

5 “(d) The district courts of the United States shall  
6 have jurisdiction to issue such process described in sub-  
7 section (a)(2) as may be necessary and proper in the  
8 premises to enforce the provisions of this title.”.

9 **SEC. 1206. BUILDING THE PARTNERSHIP SECURITY CAPAC-**  
10 **ITY OF FOREIGN MILITARY AND SECURITY**  
11 **FORCES.**

12 (a) AUTHORITY.—The President may authorize  
13 building the capacity of partner nations’ military or secu-  
14 rity forces to disrupt or destroy terrorist networks, close  
15 safe havens, or participate in or support United States,  
16 coalition, or international military or stability operations.

17 (b) TYPES OF PARTNERSHIP SECURITY CAPACITY  
18 BUILDING.—The partnership security capacity building  
19 authorized under subsection (a) may include the provision  
20 of equipment, supplies, services, training, and funding.

21 (c) AVAILABILITY OF FUNDS.—The Secretary of De-  
22 fense may, at the request of the Secretary of State, sup-  
23 port partnership security capacity building as authorized  
24 under subsection (a) by transferring funds available to the  
25 Department of Defense to the Department of State. Any

1 funds so transferred shall remain available until expended.  
2 The amount of such partnership security capacity building  
3 support provided by the Department of Defense under this  
4 section may not exceed \$750,000,000 in any fiscal year.

5 (d) CONGRESSIONAL NOTIFICATION.—Before build-  
6 ing partnership security capacity under this section, the  
7 Secretaries of State and Defense shall submit to their con-  
8 gressional oversight committees a notification of the na-  
9 tions designated by the President with which partnership  
10 security capacity will be built under this section and the  
11 nature and amounts of security capacity building to occur.  
12 Any such notification shall be submitted not less than 15  
13 days before the provision of such partnership security ca-  
14 pacity building.

15 (e) COMPLEMENTARY AUTHORITY.—The authority to  
16 support partnership security capacity building under this  
17 section is in addition to any other authority of the Depart-  
18 ment of Defense to provide assistance to a foreign country.

19 (f) APPLICABLE LAW.—The authorities and limita-  
20 tions in the Foreign Assistance Act of 1961 and the For-  
21 eign Operations, Export Financing, and Related Programs  
22 Appropriations Act, 2006 shall be applicable to assistance  
23 provided and funds transferred under the authority of this  
24 section.

1 (g) **MILITARY AND SECURITY FORCES DEFINED.**—

2 In this section, the term “military and security forces”  
3 includes armies, guard, border security, civil defense, in-  
4 frastructure protection, and police forces.

5 (h) **EXPIRATION.**—The authority in this section shall  
6 expire on September 30, 2007.

7 **SEC. 1207. SECURITY AND STABILIZATION ASSISTANCE.**

8 (a) **IN GENERAL.**—Notwithstanding any other provi-  
9 sion of law, upon a request from the Secretary of State,  
10 with the agreement of the Secretary of Defense and upon  
11 a determination by the President that an unforeseen emer-  
12 gency exists that requires immediate reconstruction, secu-  
13 rity, or stabilization assistance to a foreign country for  
14 the purpose of restoring or maintaining peace and security  
15 in that country, and that the provision of such assistance  
16 is in the national security interests of the United States,  
17 the Secretary of Defense may authorize the use or transfer  
18 of defense articles, services, training or other support, in-  
19 cluding support acquired by contract or otherwise, to pro-  
20 vide such assistance.

21 (b) **AVAILABILITY OF FUNDS.**—Subject to subsection  
22 (a), the Secretary of Defense may transfer funds available  
23 to the Department of Defense to the Department of State  
24 or to any other Federal agency to carry out the purposes

1 of this section, and funds so transferred shall remain  
2 available until expended.

3 (c) LIMITATION.—The aggregate value of assistance  
4 provided or funds transferred under the authority of this  
5 section may not exceed \$200,000,000.

6 (d) COMPLEMENTARY AUTHORITY.—The authority  
7 to provide assistance under this section is in addition to  
8 any other authority of the Department of Defense to pro-  
9 vide assistance to a foreign country.

10 (e) NOTIFICATION REQUIREMENTS.—Before the ex-  
11 ercise of the authority in this section, the President shall  
12 notify Congress of the exercise of such authority in accord-  
13 ance with the procedures set forth in section 652 of the  
14 Foreign Assistance Act of 1961 (22 U.S.C. 2411).

15 (f) APPLICABLE LAW.—(1) The authorities and limi-  
16 tations in the Foreign Assistance Act of 1961 and the  
17 Foreign Operations, Export Financing, and Related Pro-  
18 grams Appropriations Act, 2006 shall be applicable to as-  
19 sistance provided and funds transferred under the author-  
20 ity of this section.

21 (2) Any authority available to the President to waive  
22 a provision of law referred to in paragraph (1) may be  
23 exercised by the President in a written document executed  
24 pursuant to subsection (a).

1 (g) EXPIRATION.—The authority in this section shall  
2 expire on September 30, 2007.

3 **SEC. 1208. REPORT ON NONSTRATEGIC NUCLEAR WEAP-**  
4 **ONS.**

5 (a) REVIEW.—Not later than six months after date  
6 of enactment the Secretary of Defense shall, in consulta-  
7 tion with the Secretary of State, conduct a review of  
8 United States and Russian nonstrategic nuclear weapons  
9 and determine whether it is in the national security inter-  
10 est of the United States—

11 (1) to reduce the number of United States and  
12 Russian nonstrategic nuclear weapons;

13 (2) to improve the security of United States  
14 and Russian nonstrategic nuclear weapons in storage  
15 and during transport;

16 (3) to identify and develop mechanisms and  
17 procedures to implement transparent reductions in  
18 nonstrategic nuclear weapons; and

19 (4) to identify and develop mechanisms and  
20 procedures to implement the transparent dismantlement  
21 of excess nonstrategic nuclear weapons.

22 (b) REPORT.—

23 (1) IN GENERAL.—The Secretary of Defense  
24 shall, in consultation with the Secretary of State and  
25 the Secretary of Energy, submit a joint report on

1 the results of the review required under subsection  
2 (a). The report shall include a plan to implement,  
3 not later than October 1, 2006, actions determined  
4 to be in the United States national security interest.

5 (2) FORM.—The report required under para-  
6 graph (1) shall be submitted in unclassified form,  
7 but may include an unclassified annex.

8 **SEC. 1209. SENSE OF CONGRESS ON SUPPORT FOR NU-**  
9 **CLEAR NON-PROLIFERATION TREATY.**

10 Congress—

11 (1) reaffirms its support for the objectives of  
12 the Treaty on the Non-Proliferation of Nuclear  
13 Weapons, done at Washington, London, and Moscow  
14 July 1, 1968, and entered into force March 5, 1970  
15 (the “Nuclear Non-Proliferation Treaty”);

16 (2) expresses its support for all appropriate  
17 measures to strengthen the Nuclear Non-Prolifera-  
18 tion Treaty and to attain its objectives; and

19 (3) calls on all parties to the Nuclear Non-Pro-  
20 liferation Treaty—

21 (A) to insist on strict compliance with the  
22 non-proliferation obligations of the Nuclear  
23 Non-Proliferation Treaty and to undertake ef-  
24 fective enforcement measures against states

1 that are in violation of their obligations under  
2 the Treaty;

3 (B) to agree to establish more effective  
4 controls on enrichment and reprocessing tech-  
5 nologies that can be used to produce materials  
6 for nuclear weapons;

7 (C) to expand the ability of the Inter-  
8 national Atomic Energy Agency to inspect and  
9 monitor compliance with safeguard agreements  
10 and standards to which all states should adhere  
11 through existing authority and the additional  
12 protocols signed by the states party to the Nu-  
13 clear Non-Proliferation Treaty;

14 (D) to demonstrate the international com-  
15 munity's unified opposition to a nuclear weap-  
16 ons program in Iran by—

17 (i) supporting the efforts of the  
18 United States and the European Union to  
19 prevent the Government of Iran from ac-  
20 quiring a nuclear weapons capability; and

21 (ii) using all appropriate diplomatic  
22 means at their disposal to convince the  
23 Government of Iran to abandon its ura-  
24 nium enrichment program;

1 (E) to strongly support the ongoing United  
2 States diplomatic efforts in the context of the  
3 six-party talks that seek the verifiable and irre-  
4 versible disarmament of North Korea's nuclear  
5 weapons programs and to use all appropriate  
6 diplomatic means to achieve this result;

7 (F) to pursue diplomacy designed to ad-  
8 dress the underlying regional security problems  
9 in Northeast Asia, South Asia, and the Middle  
10 East, which would facilitate non-proliferation  
11 and disarmament efforts in those regions;

12 (G) to accelerate programs to safeguard  
13 and eliminate nuclear weapons-usable material  
14 to the highest standards to prevent access by  
15 terrorists and governments;

16 (H) to halt the use of highly enriched ura-  
17 nium in civilian reactors;

18 (I) to strengthen national and inter-  
19 national export controls and relevant security  
20 measures as required by United Nations Secu-  
21 rity Council Resolution 1540;

22 (J) to agree that no state may withdraw  
23 from the Nuclear Non-Proliferation Treaty and  
24 escape responsibility for prior violations of the  
25 Treaty or retain access to controlled materials

1 and equipment acquired for “peaceful” pur-  
2 poses;

3 (K) to accelerate implementation of disar-  
4 mament obligations and commitments under  
5 the Nuclear Non-Proliferation Treaty for the  
6 purpose of reducing the world’s stockpiles of  
7 nuclear weapons and weapons-grade fissile ma-  
8 terial; and

9 (L) to strengthen and expand support for  
10 the Proliferation Security Initiative.

11 **SEC. 1210. THE UNITED STATES-CHINA ECONOMIC AND SE-**  
12 **CURITY REVIEW COMMISSION.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The 2004 Report to Congress of the United  
15 States-China Economic and Security Review Com-  
16 mission states that—

17 (A) China’s State-Owned Enterprises  
18 (SOEs) lack adequate disclosure standards,  
19 which creates the potential for United States  
20 investors to unwittingly contribute to enter-  
21 prises that are involved in activities harmful to  
22 United States security interests;

23 (B) United States influence and vital long-  
24 term interests in Asia are being challenged by

1 China's robust regional economic engagement  
2 and diplomacy;

3 (C) the assistance of China and North  
4 Korea to global ballistic missile proliferation is  
5 extensive and ongoing;

6 (D) China's transfers of technology and  
7 components for weapons of mass destruction  
8 (WMD) and their delivery systems to countries  
9 of concern, including countries that support  
10 acts of international terrorism, has helped cre-  
11 ate a new tier of countries with the capability  
12 to produce WMD and ballistic missiles;

13 (E) the removal of the European Union  
14 arms embargo against China that is currently  
15 under consideration in the European Union  
16 would accelerate weapons modernization and  
17 dramatically enhance Chinese military capabili-  
18 ties;

19 (F) China is developing a leading-edge  
20 military with the objective of intimidating Tai-  
21 wan and deterring United States involvement in  
22 the Strait, and China's qualitative and quan-  
23 titative military advancements have already re-  
24 sulted in a dramatic shift in the cross-Strait  
25 military balance toward China; and

1 (G) China's growing energy needs are driv-  
2 ing China into bilateral arrangements that un-  
3 dermine multilateral efforts to stabilize oil sup-  
4 plies and prices, and in some cases may involve  
5 dangerous weapons transfers.

6 (2) On March 14, 2005, the National People's  
7 Congress approved a law that would authorize the  
8 use of force if Taiwan formally declares independ-  
9 ence.

10 (b) SENSE OF CONGRESS.—

11 (1) PLAN.—It is the sense of Congress that the  
12 President should take immediate steps to establish a  
13 coherent and comprehensive plan to address the  
14 emergence of China economically, diplomatically, and  
15 militarily, to promote mutually beneficial trade rela-  
16 tions with China, and to encourage China's adher-  
17 ence to international norms in the areas of trade,  
18 international security, and human rights.

19 (2) CONTENTS.—The plan should contain the  
20 following:

21 (A) Actions to address China's policy of  
22 undervaluing its currency, including—

23 (i) encouraging China to continue to  
24 upwardly revalue the Chinese yuan against  
25 the United States dollar;

1 (ii) allowing the yuan to float against  
2 a trade-weighted basket of currencies; and  
3 (iii) concurrently encouraging United  
4 States trading partners with similar inter-  
5 ests to join in these efforts.

6 (B) Actions to make better use of the  
7 World Trade Organization (WTO) dispute set-  
8 tlement mechanism and applicable United  
9 States trade laws to redress China's trade prac-  
10 tices, including exchange rate manipulation, de-  
11 nial of trading and distribution rights, insuffi-  
12 cient intellectual property rights protection, ob-  
13 jectionable labor standards, subsidization of ex-  
14 ports, and forced technology transfers as a con-  
15 dition of doing business. The United States  
16 Trade Representative should consult with our  
17 trading partners regarding any trade dispute  
18 with China.

19 (C) Actions to encourage United States  
20 diplomatic efforts to identify and pursue initia-  
21 tives to revitalize United States engagement in  
22 East Asia. The initiatives should have a re-  
23 gional focus and complement bilateral efforts.  
24 The Asia-Pacific Economic Cooperation forum

1 (APEC) offers a ready mechanism for pursuit  
2 of such initiatives.

3 (D) Actions by the administration to work  
4 with China to prevent proliferation of prohib-  
5 ited technologies and to secure China's agree-  
6 ment to renew efforts to curtail North Korea's  
7 commercial export of ballistic missiles.

8 (E) Actions by the Secretaries of State and  
9 Energy to consult with the International En-  
10 ergy Agency with the objective of upgrading the  
11 current loose experience-sharing arrangement  
12 whereby China engages in some limited ex-  
13 changes with the organization, to a more struc-  
14 tured arrangement.

15 (F) Actions by the administration to de-  
16 velop a coordinated, comprehensive national pol-  
17 icy and strategy designed to maintain United  
18 States scientific and technological leadership  
19 and competitiveness, in light of the rise of  
20 China and the challenges of globalization.

21 (G) Actions to review laws and regulations  
22 governing the Committee on Foreign Invest-  
23 ment in the United States (CFIUS), including  
24 exploring whether the definition of national se-  
25 curity should include the potential impact on

1 national economic security as a criterion to be  
2 reviewed, and whether the chairmanship of  
3 CFIUS should be transferred from the Sec-  
4 retary of the Treasury to a more appropriate  
5 executive branch agency.

6 (H) Actions by the President and the Sec-  
7 retaries of State and Defense to press strongly  
8 their European Union counterparts to maintain  
9 the EU arms embargo on China.

10 (I) Actions by the administration to dis-  
11 courage foreign defense contractors from selling  
12 sensitive military use technology or weapons  
13 systems to China. The administration should  
14 provide a comprehensive annual report to the  
15 appropriate committees of Congress on the na-  
16 ture and scope of foreign military sales to  
17 China, particularly sales by Russia and Israel.

18 **SEC. 1211. UNITED STATES POLICY ON IRAQ.**

19 (a) **SHORT TITLE.**—This section may be cited as the  
20 “United States Policy on Iraq Act”.

21 (b) **SENSE OF SENATE.**—It is the sense of the Senate  
22 that, in order to succeed in Iraq—

23 (1) members of the United States Armed  
24 Forces who are serving or have served in Iraq and  
25 their families deserve the utmost respect and the

1 heartfelt gratitude of the American people for their  
2 unwavering devotion to duty, service to the Nation,  
3 and selfless sacrifice under the most difficult cir-  
4 cumstances;

5 (2) it is important to recognize that the Iraqi  
6 people have made enormous sacrifices and that the  
7 overwhelming majority of Iraqis want to live in  
8 peace and security;

9 (3) calendar year 2006 should be a period of  
10 significant transition to full Iraqi sovereignty, with  
11 Iraqi security forces taking the lead for the security  
12 of a free and sovereign Iraq, thereby creating the  
13 conditions for the phased redeployment of United  
14 States forces from Iraq;

15 (4) United States military forces should not  
16 stay in Iraq any longer than required and the people  
17 of Iraq should be so advised;

18 (5) the Administration should tell the leaders of  
19 all groups and political parties in Iraq that they  
20 need to make the compromises necessary to achieve  
21 the broad-based and sustainable political settlement  
22 that is essential for defeating the insurgency in Iraq,  
23 within the schedule they set for themselves; and

1           (6) the Administration needs to explain to Con-  
2           gress and the American people its strategy for the  
3           successful completion of the mission in Iraq.

4           (c) REPORTS TO CONGRESS ON UNITED STATES  
5 POLICY AND MILITARY OPERATIONS IN IRAQ.—Not later  
6 than 90 days after the date of the enactment of this Act,  
7 and every three months thereafter until all United States  
8 combat brigades have redeployed from Iraq, the President  
9 shall submit to Congress an unclassified report on United  
10 States policy and military operations in Iraq. Each report  
11 shall include to the extent practical, the following unclassi-  
12 fied information:

13           (1) The current military mission and the diplo-  
14           matic, political, economic, and military measures, if  
15           any, that are being or have been undertaken to suc-  
16           cessfully complete or support that mission, including:

17                   (A) Efforts to convince Iraq's main com-  
18                   munities to make the compromises necessary  
19                   for a broad-based and sustainable political set-  
20                   tlement.

21                   (B) Engaging the international community  
22                   and the region in the effort to stabilize Iraq  
23                   and to forge a broad-based and sustainable po-  
24                   litical settlement.

1           (C) Strengthening the capacity of Iraq's  
2 government ministries.

3           (D) Accelerating the delivery of basic serv-  
4 ices.

5           (E) Securing the delivery of pledged eco-  
6 nomic assistance from the international commu-  
7 nity and additional pledges of assistance.

8           (F) Training Iraqi security forces and  
9 transferring security responsibilities to those  
10 forces and the government of Iraq.

11           (2) Whether the Iraqis have made the com-  
12 promises necessary to achieve the broad-based and  
13 sustainable political settlement that is essential for  
14 defeating the insurgency in Iraq.

15           (3) Any specific conditions included in the April  
16 2005 Multi-National Forces-Iraq campaign action  
17 plan (referred to in United States Government Ac-  
18 countability Office October 2005 report on Rebuild-  
19 ing Iraq: DOD Reports Should Link Economic, Gov-  
20 ernance, and Security Indicators to Conditions for  
21 Stabilizing Iraq), and any subsequent updates to  
22 that campaign plan, that must be met in order to  
23 provide for the transition of security responsibility to  
24 Iraqi security forces.

1           (4) To the extent that these conditions are not  
2 covered under paragraph (3), the following should  
3 also be addressed:

4           (A) The number of battalions of the Iraqi  
5 Armed Forces that must be able to operate  
6 independently or to take the lead in  
7 counterinsurgency operations and the defense of  
8 Iraq's territory.

9           (B) The number of Iraqi special police  
10 units that must be able to operate independ-  
11 ently or to take the lead in maintaining law and  
12 order and fighting the insurgency.

13           (C) The number of regular police that  
14 must be trained and equipped to maintain law  
15 and order.

16           (D) The ability of Iraq's Federal ministries  
17 and provincial and local governments to inde-  
18 pendently sustain, direct, and coordinate Iraq's  
19 security forces.

20           (5) The criteria to be used to evaluate progress  
21 toward meeting such conditions.

22           (6) A schedule for meeting such conditions, an  
23 assessment of the extent to which such conditions  
24 have been met, information regarding variables that

1 could alter that schedule, and the reasons for any  
2 subsequent changes to that schedule.

3 **TITLE XIII—COOPERATIVE**  
4 **THREAT REDUCTION WITH**  
5 **STATES OF THE FORMER SO-**  
6 **VIET UNION**

7 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
8 **DUCTION PROGRAMS AND FUNDS.**

9 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
10 poses of section 301 and other provisions of this Act, Co-  
11 operative Threat Reduction programs are the programs  
12 specified in section 1501(b) of the National Defense Au-  
13 thorization Act for Fiscal Year 1997 (Public Law 104-  
14 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

15 (b) FISCAL YEAR 2006 COOPERATIVE THREAT RE-  
16 Duction FUNDS DEFINED.—As used in this title, the  
17 term “fiscal year 2006 Cooperative Threat Reduction  
18 funds” means the funds appropriated pursuant to the au-  
19 thorization of appropriations in section 301 for Coopera-  
20 tive Threat Reduction programs.

21 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
22 pursuant to the authorization of appropriations in section  
23 301 for Cooperative Threat Reduction programs shall be  
24 available for obligation for three fiscal years.

1 **SEC. 1302. FUNDING ALLOCATIONS.**

2 (a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the  
3 \$415,549,000 authorized to be appropriated to the De-  
4 partment of Defense for fiscal year 2006 in section  
5 301(19) for Cooperative Threat Reduction programs, the  
6 following amounts may be obligated for the purposes spec-  
7 ified:

8 (1) For strategic offensive arms elimination in  
9 Russia, \$78,900,000.

10 (2) For nuclear weapons storage security in  
11 Russia, \$74,100,000.

12 (3) For nuclear weapons transportation security  
13 in Russia, \$30,000,000.

14 (4) For weapons of mass destruction prolifera-  
15 tion prevention in the states of the former Soviet  
16 Union, \$40,600,000.

17 (5) For biological weapons proliferation preven-  
18 tion in the former Soviet Union, \$60,849,000.

19 (6) For chemical weapons destruction in Rus-  
20 sia, \$108,500,000.

21 (7) For defense and military contacts,  
22 \$8,000,000.

23 (8) For activities designated as Other Assess-  
24 ments/Administrative Support, \$14,600,000.

25 (b) **REPORT ON OBLIGATION OR EXPENDITURE OF**  
26 **FUNDS FOR OTHER PURPOSES.**—No fiscal year 2006 Co-

1 operative Threat Reduction funds may be obligated or ex-  
2 pended for a purpose other than a purpose listed in para-  
3 graphs (1) through (8) of subsection (a) until 30 days  
4 after the date that the Secretary of Defense submits to  
5 Congress a report on the purpose for which the funds will  
6 be obligated or expended and the amount of funds to be  
7 obligated or expended. Nothing in the preceding sentence  
8 shall be construed as authorizing the obligation or expend-  
9 iture of fiscal year 2006 Cooperative Threat Reduction  
10 funds for a purpose for which the obligation or expendi-  
11 ture of such funds is specifically prohibited under this title  
12 or any other provision of law.

13 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
14 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any  
15 case in which the Secretary of Defense determines that  
16 it is necessary to do so in the national interest, the Sec-  
17 retary may obligate amounts appropriated for fiscal year  
18 2006 for a purpose listed in any of the paragraphs in sub-  
19 section (a) in excess of the specific amount authorized for  
20 that purpose.

21 (2) An obligation of funds for a purpose stated in  
22 any of the paragraphs in subsection (a) in excess of the  
23 specific amount authorized for such purpose may be made  
24 using the authority provided in paragraph (1) only after—

1 (A) the Secretary submits to Congress notifica-  
2 tion of the intent to do so together with a complete  
3 discussion of the justification for doing so; and

4 (B) 15 days have elapsed following the date of  
5 the notification.

6 (3) The Secretary may not, under the authority pro-  
7 vided in paragraph (1), obligate amounts for a purpose  
8 stated in any of paragraphs (6) through (8) of subsection  
9 (a) in excess of 125 percent of the specific amount author-  
10 ized for such purpose.

11 **SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE**  
12 **OF FUNDS FOR THREAT REDUCTION IN**  
13 **STATES OF THE FORMER SOVIET UNION.**

14 Section 1306 of the Bob Stump National Defense  
15 Authorization Act for Fiscal Year 2003 (Public Law 107-  
16 314; 22 U.S.C. 5952 note) is amended—

17 (1) by striking subsections (c) and (d); and

18 (2) by redesignating subsection (e) as sub-  
19 section (c).

20 **SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPER-**  
21 **ATIVE THREAT REDUCTION FUNDS OUTSIDE**  
22 **THE FORMER SOVIET UNION.**

23 (a) IN GENERAL.—Subsection (a) of section 1308 of  
24 the National Defense Authorization Act for Fiscal Year

1 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C.  
2 5963) is amended—

3 (1) by striking “the President may” and insert-  
4 ing “the Secretary of Defense may”; and

5 (2) by striking “if the President” and inserting  
6 “if the Secretary of Defense, with the concurrence of  
7 the Secretary of State,”.

8 (b) AVAILABILITY OF FUNDS.—Subsection (d) of  
9 such section is amended—

10 (1) in paragraph (1)—

11 (A) by striking “The President” and in-  
12 serting “The Secretary of Defense”; and

13 (B) by striking “the President” and insert-  
14 ing “the Secretary of Defense, with the concu-  
15 rrence of the Secretary of State,”; and

16 (2) in paragraph (2)—

17 (A) by striking “10 days after” and insert-  
18 ing “15 days before”; and

19 (B) by striking “the President shall notify  
20 Congress” and inserting “the Secretary of De-  
21 fense shall notify the congressional defense  
22 committees”.

1 **SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMP-**  
2 **TROLLER GENERAL ASSESSMENT OF ANNUAL**  
3 **DEPARTMENT OF DEFENSE REPORT ON AC-**  
4 **TIVITIES AND ASSISTANCE UNDER COOPERA-**  
5 **TIVE THREAT REDUCTION PROGRAMS.**

6 Section 1308 of the Floyd D. Spence National De-  
7 fense Authorization Act for Fiscal Year 2001 (as enacted  
8 into law by Public Law 106–398; 114 Stat. 1654A–341)  
9 is amended by striking subsection (e).

10 **SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PRO-**  
11 **VISION OF COOPERATIVE THREAT REDUC-**  
12 **TION ASSISTANCE.**

13 (a) REPEAL OF RESTRICTIONS.—

14 (1) SOVIET NUCLEAR THREAT REDUCTION ACT  
15 OF 1991.—Section 211(b) of the Soviet Nuclear  
16 Threat Reduction Act of 1991 (title II of Public  
17 Law 102–228; 22 U.S.C. 2551 note) is repealed.

18 (2) COOPERATIVE THREAT REDUCTION ACT OF  
19 1993.—Section 1203(d) of the Cooperative Threat  
20 Reduction Act of 1993 (title XII of Public Law  
21 103–160; 22 U.S.C. 5952(d)) is repealed.

22 (3) RUSSIAN CHEMICAL WEAPONS DESTRUC-  
23 TION FACILITIES.—Section 1305 of the National De-  
24 fense Authorization Act for Fiscal Year 2000 (Pub-  
25 lic Law 106–65; 22 U.S.C. 5952 note) is repealed.

26 (b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

1 Section 502 of the Freedom for Russia and Emerging  
2 Eurasian Democracies and Open Markets Support Act of  
3 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.  
4 5852) shall not apply to any Cooperative Threat Reduc-  
5 tion program.

6 **TITLE XIV—AUTHORIZATION**  
7 **FOR SUPPLEMENTAL APPRO-**  
8 **PRIATIONS FOR IRAQ, AF-**  
9 **GHANISTAN, AND THE GLOB-**  
10 **AL WAR ON TERRORISM**

11 **SEC. 1401. PURPOSE.**

12 The purpose of this title is to authorize supplemental  
13 appropriations for the Department of Defense for fiscal  
14 year 2006 for operations in Iraq, Afghanistan, and the  
15 global war on terrorism that are in addition to the  
16 amounts otherwise authorized to be appropriated for the  
17 Department of Defense by this Act.

18 **SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.**

19 Amounts appropriated pursuant to the authorizations  
20 of appropriations in this title are designated as an emer-  
21 gency requirement pursuant to section 402(b) of the con-  
22 ference report to accompany H. Con. Res. 95 (109th  
23 Congress).

1 **SEC. 1403. ARMY PROCUREMENT.**

2 (a) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal year 2006 for procurement ac-  
4 counts of the Army in amounts as follows:

5 (1) For aircraft, \$70,300,000.

6 (2) For weapons and tracked combat vehicles,  
7 \$27,800,000.

8 (3) For other procurement \$376,700,000.

9 (b) AVAILABILITY OF CERTAIN AMOUNTS.—

10 (1) AVAILABILITY.—Of the amount authorized  
11 to be appropriated by subsection (a)(3),  
12 \$225,000,000 shall be available for purposes as fol-  
13 lows:

14 (A) Procurement of up-armored high mo-  
15 bility multipurpose wheeled vehicles (UAHs).

16 (B) Procurement of wheeled vehicle add-on  
17 armor protection, including armor for M1151/  
18 M1152 high mobility multipurpose wheeled ve-  
19 hicles.

20 (C) Procurement of M1151/M1152 high  
21 mobility multipurpose wheeled vehicles.

22 (2) ALLOCATION OF FUNDS.—

23 (A) IN GENERAL.—Subject to subpara-  
24 graph (B), the Secretary of the Army shall allo-  
25 cate the manner in which amounts available

1 under paragraph (1) shall be available for the  
2 purposes specified in that paragraph.

3 (B) LIMITATION.—Amounts available  
4 under paragraph (1) may not be allocated  
5 under subparagraph (A) until the Secretary cer-  
6 tifies to the congressional defense committees  
7 that the Army has a validated requirement for  
8 procurement for a purpose specified in para-  
9 graph (1) based on a statement of urgent needs  
10 from a commander of a combatant command.

11 (C) REPORTS.—Not later than 15 days  
12 after an allocation of funds is made under sub-  
13 paragraph (A), the Secretary shall submit to  
14 the congressional defense committees a report  
15 describing such allocation of funds.

16 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

17 (a) NAVY.—Funds are hereby authorized to be appro-  
18 priated for fiscal year 2006 for the procurement accounts  
19 of the Navy in amounts as follows:

20 (1) For aircraft, \$183,800,000.

21 (2) For weapons, including missiles and tor-  
22 pedoes, \$165,500,000.

23 (3) For other procurement, \$30,800,000.

24 (b) MARINE CORPS.—Funds are hereby authorized to  
25 be appropriated for fiscal year 2006 for the procurement

1 account for the Marine Corps in the amount of  
2 \$429,600,000.

3 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
4 are hereby authorized to be appropriated for fiscal year  
5 2006 for the procurement account for ammunition for the  
6 Navy and the Marine Corps in the amount of  
7 \$104,500,000.

8 (d) AVAILABILITY OF CERTAIN AMOUNTS.—

9 (1) AVAILABILITY.—Of the amount authorized  
10 to be appropriated by subsection (b), \$340,400,000  
11 shall be available for purposes as follows:

12 (A) Procurement of up-armored high mo-  
13 bility multipurpose wheeled vehicles (UAHs).

14 (B) Procurement of wheeled vehicle add-on  
15 armor protection, including armor for M1151/  
16 M1152 high mobility multipurpose wheeled ve-  
17 hicles.

18 (C) Procurement of M1151/M1152 high  
19 mobility multipurpose wheeled vehicles.

20 (2) ALLOCATION OF FUNDS.—

21 (A) IN GENERAL.—Subject to subpara-  
22 graph (B), the Secretary of the Navy shall allo-  
23 cate the manner in which amounts available  
24 under paragraph (1) shall be available for the  
25 purposes specified in that paragraph.

1 (B) LIMITATION.—Amounts available  
2 under paragraph (1) may not be allocated  
3 under subparagraph (A) until the Secretary cer-  
4 tifies to the congressional defense committees  
5 that the Marine Corps has a validated require-  
6 ment for procurement for a purpose specified in  
7 paragraph (1) based on a statement of urgent  
8 needs from a commander of a combatant com-  
9 mand.

10 (C) REPORTS.—Not later than 15 days  
11 after an allocation of funds is made under sub-  
12 paragraph (A), the Secretary shall submit to  
13 the congressional defense committees a report  
14 describing such allocation of funds.

15 **SEC. 1405. TACTICAL WHEELED VEHICLES.**

16 (a) ADDITIONAL AMOUNT FOR OTHER PROCURE-  
17 MENT, ARMY.—The amount authorized to be appropriated  
18 by section 1403(a)(3) for other procurement for the Army  
19 is hereby increased by \$360,800,000.

20 (b) AVAILABILITY OF AMOUNT.—Of the amount au-  
21 thorized to be appropriated by section 1403(a)(3) for  
22 other procurement for the Army, as increased by sub-  
23 section (a), \$360,800,000 may be made available—

24 (1) for the procurement of armored Tactical  
25 Wheeled Vehicles for units deployed in Iraq and Af-

1 ghanistan, including the procurement of armored  
2 Light Tactical Vehicles (LTVs), armored Medium  
3 Tactical Vehicles (MTVs), including Low Signature  
4 Armored Cabs for the family of MTVs, and armored  
5 Heavy Tactical Vehicles (HTVs); and

6 (2) to the extent the Secretary of the Army de-  
7 termines that such amount is not needed for the  
8 procurement of such armored Tactical Wheeled Ve-  
9 hicles for units deployed in Iraq and Afghanistan,  
10 for the procurement of such armored vehicles in ac-  
11 cordance with other priorities of the Army.

12 (c) OFFSET.—The amount authorized to be appro-  
13 priated by section 1409(a) for the Iraq Freedom Fund is  
14 hereby reduced by \$360,800,000.

15 **SEC. 1406. REDUCTION IN AUTHORIZATION OF APPROPRIA-**  
16 **TIONS FOR IRAQ FREEDOM FUND.**

17 The amount authorized to be appropriated for fiscal  
18 year 2006 for the Iraq Freedom Fund is the amount speci-  
19 fied by section 1409(a) of this Act, reduced by  
20 \$445,400,000.

21 **SEC. 1407. AIR FORCE PROCUREMENT.**

22 (a) IN GENERAL.—Funds are hereby authorized to  
23 be appropriated for fiscal year 2006 for the procurement  
24 accounts for the Air Force in the amounts as follows:

25 (1) For aircraft, \$323,200,000.

1           (2) For other procurement, \$51,900,000.

2           (b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the  
3 amounts authorized to be appropriated by subsection  
4 (a)(1), \$218,500,000 may be available for purposes as fol-  
5 lows:

6           (1) Procurement of Predator MQ–1 air vehicles,  
7 initial spares, and RSP kits.

8           (2) Procurement of Containerized Dual Control  
9 Station Launch and Recovery Elements.

10          (3) Procurement of a Fixed Ground Control  
11 Station.

12          (4) Procurement of other upgrades to Predator  
13 MQ–1 Ground Control Stations, spares, and signals  
14 intelligence packages.

15 **SEC. 1408. REDUCTION IN AUTHORIZATION OF APPROPRIA-**  
16 **TIONS FOR IRAQ FREEDOM FUND.**

17          The amount authorized to be appropriated for fiscal  
18 year 2006 for the Iraq Freedom Fund is the amount speci-  
19 fied by section 1409(a) of this Act, reduced by  
20 \$218,500,000.

21 **SEC. 1409. OPERATION AND MAINTENANCE.**

22          Funds are hereby authorized to be appropriated for  
23 fiscal year 2006 for the use of the Armed Forces for ex-  
24 penses, not otherwise provided for, for operation and  
25 maintenance, in amounts as follows:

1           (1) For the Army, \$22,139,775,000, of which  
2           \$200,000,000 may be made available for linguistic  
3           support operations in Iraq and Afghanistan.

4           (2) For the Navy, \$1,944,300,000.

5           (3) For the Marine Corps, \$1,808,231,000.

6           (4) For the Air Force, \$2,635,555,000.

7           (5)       For       Defense-wide       activities,  
8           \$3,470,118,000.

9           (6) For the Naval Reserve, \$2,400,000.

10 **SEC. 1410. DEFENSE HEALTH PROGRAM.**

11       Funds are hereby authorized to be appropriated for  
12 the Department of Defense for fiscal year 2006 for ex-  
13 penses, not otherwise provided for, the Defense Health  
14 Program, in the amount of \$977,778,000, for operation  
15 and maintenance.

16 **SEC. 1411. MILITARY PERSONNEL.**

17       Funds are hereby authorized to be appropriated to  
18 the Department of Defense for military personnel ac-  
19 counts for fiscal year 2006 in amounts as follows:

20           (1) For military personnel of the Army,  
21           \$9,517,643,000.

22           (2) For military personnel of the Navy,  
23           \$350,000,000.

24           (3) For military personnel of the Marine Corps,  
25           \$811,771,000.

1           (4) For military personnel of the Air Force,  
2           \$916,559,000.

3 **SEC. 1412. IRAQ FREEDOM FUND.**

4           (a) IN GENERAL.—Funds are hereby authorized to  
5 be appropriated for fiscal year 2006 for the Iraq Freedom  
6 Fund in the amount of \$4,325,670,000.

7           (b) LIMITATION ON AVAILABILITY OF CERTAIN  
8 AMOUNT.—Of the amount authorized to be appropriated  
9 by subsection (a), not less than \$500,000,000 shall be  
10 available only for support of activities of the Joint Impro-  
11 vised Explosive Device Task Force.

12           (c) TRANSFER.—

13           (1) TRANSFER AUTHORIZED.—Subject to para-  
14 graph (2), amounts authorized to be appropriated by  
15 subsection (a) may be transferred from the Iraq  
16 Freedom Fund to any accounts as follows:

17           (A) Operation and maintenance accounts  
18 of the Armed Forces.

19           (B) Military personnel accounts.

20           (C) Research, development, test, and eval-  
21 uation accounts of the Department of Defense.

22           (D) Procurement accounts of the Depart-  
23 ment of Defense.

24           (E) Accounts providing funding for classi-  
25 fied programs.

1           (F) The operating expenses account of the  
2           Coast Guard.

3           (2) NOTICE TO CONGRESS.—A transfer may not  
4           be made under the authority in paragraph (1) until  
5           5 days after the date on which the Secretary of De-  
6           fense notifies the congressional defense committees  
7           in writing of the transfer.

8           (3) TREATMENT OF TRANSFERRED FUNDS.—  
9           Amounts transferred to an account under the au-  
10          thority in paragraph (1) shall be merged with  
11          amounts in such account, and shall be made avail-  
12          able for the same purposes, and subject to the same  
13          conditions and limitations, as amounts in such ac-  
14          count.

15          (4) EFFECT ON AUTHORIZATION AMOUNTS.—A  
16          transfer of an amount to an account under the au-  
17          thority in paragraph (1) shall be deemed to increase  
18          the amount authorized for such account by an  
19          amount equal to the amount transferred.

20 **SEC. 1413. TRANSFER AUTHORITY.**

21          (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

22                  (1) TRANSFER AUTHORIZED.—Upon determina-  
23                  tion by the Secretary of Defense that such action is  
24                  necessary in the national interest, the Secretary may  
25                  transfer amounts of authorizations made available to

1 the Department of Defense in this title for fiscal  
2 year 2006 between any such authorizations for that  
3 fiscal year (or any subdivisions thereof). Amounts of  
4 authorizations so transferred shall be merged with  
5 and be available for the same purposes as the au-  
6 thorization to which transferred.

7 (2) LIMITATION ON AGGREGATE AMOUNT.—The  
8 total amount of authorizations that the Secretary  
9 may transfer under the authority of this section may  
10 not exceed \$2,500,000,000.

11 (3) CONSTRUCTION WITH OTHER TRANSFER  
12 AUTHORITY.—The transfer authority provided in  
13 this section is in addition to any other transfer au-  
14 thority available to the Secretary of Defense.

15 (b) OTHER LIMITATIONS.—The authority provided  
16 by this section to transfer authorizations—

17 (1) may only be used to provide authority for  
18 items that have a higher priority than the items  
19 from which authority is transferred;

20 (2) may not be used to provide authority for an  
21 item that has been denied authorization by Con-  
22 gress; and

23 (3) may not be combined with the authority  
24 under section 1001.

1 (c) NOTICE AND WAIT.—A transfer may be made  
2 under the authority of this section only after the  
3 Secretary—

4 (1) consults with the Chairmen and Ranking  
5 Members of each of the congressional defense com-  
6 mittees with respect to such transfer; and

7 (2) on a date after consultation under para-  
8 graph (1), but not later than five days before the  
9 date of such transfer, submits to the congressional  
10 defense committees written notice of such transfer.

11 (d) EFFECT ON AUTHORIZATION AMOUNTS.—A  
12 transfer made from one account to another under the au-  
13 thority of this section shall be deemed to increase the  
14 amount authorized for the account to which the amount  
15 is transferred by an amount equal to the amount trans-  
16 ferred.

## 17 **TITLE XV—RECRUITMENT AND** 18 **RETENTION**

### 19 **SEC. 1501. SHORT TITLE.**

20 This title may be cited as the “Military Recruiting  
21 Initiatives Act of 2005”.

### 22 **SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.**

23 (a) ENLISTMENT BONUS FOR SELECTED RESERVE  
24 MEMBERS.—Section 308c(b) of title 37, United States

1 Code, is amended by striking “\$10,000” and inserting  
2 “\$20,000”.

3 (b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
4 Section 309(a) of title 37, United States Code, is amended  
5 by striking “\$20,000” and inserting “\$40,000”.

6 **SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO EN-**  
7 **COURAGE MEMBERS OF THE ARMY TO REFER**  
8 **OTHER PERSONS FOR ENLISTMENT IN THE**  
9 **ARMY.**

10 (a) AUTHORITY TO PAY BONUS.—The Secretary of  
11 the Army may pay a bonus under this section to a member  
12 of the Army, whether in the regular component of the  
13 Army or in the Army National Guard or Army Reserve,  
14 who refers to an Army recruiter a person who has not  
15 previously served in an Armed Force and who, after such  
16 referral, enlists in the regular component of the Army or  
17 in the Army National Guard or Army Reserve.

18 (b) REFERRAL.—For purposes of this section, a re-  
19 ferral for which a bonus may be paid under subsection  
20 (a) occurs—

21 (1) when a member of the Army contacts an  
22 Army recruiter on behalf of a person interested in  
23 enlisting in the Army; or

24 (2) when a person interested in enlisting in the  
25 Army contacts the Army recruiter and informs the

1       recruiter of the role of the member in initially re-  
2       cruiting the person.

3       (c) CERTAIN REFERRALS INELIGIBLE.—

4             (1) REFERRAL OF IMMEDIATE FAMILY.—A  
5       member of the Army may not be paid a bonus under  
6       subsection (a) for the referral of an immediate fam-  
7       ily member.

8             (2) MEMBERS IN RECRUITING ROLES.—A mem-  
9       ber of the Army serving in a recruiting or retention  
10      assignment, or assigned to other duties regarding  
11      which eligibility for a bonus under subsection (a)  
12      could (as determined by the Secretary) be perceived  
13      as creating a conflict of interest, may not be paid a  
14      bonus under subsection (a).

15      (d) AMOUNT OF BONUS.—The amount of the bonus  
16      paid for a referral under subsection (a) may not exceed  
17      \$1,000. The bonus shall be paid in a lump sum.

18      (e) TIME OF PAYMENT.—A bonus may not be paid  
19      under subsection (a) with respect to a person who enlists  
20      in the Army until the person completes basic training and  
21      individual advanced training.

22      (f) RELATION TO PROHIBITION ON BOUNTIES.—The  
23      referral bonus authorized by this section is not a bounty  
24      for purposes of section 514(a) of title 10, United States  
25      Code.

1 (g) LIMITATION ON INITIAL USE OF AUTHORITY.—  
2 During the first year in which bonuses are offered under  
3 this section, the Secretary of the Army may not pay more  
4 than 1,000 referral bonuses per component of the Army.

5 (h) DURATION OF AUTHORITY.—A bonus may not be  
6 paid under subsection (a) with respect to any referral that  
7 occurs after December 31, 2007.

8 **SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.**

9 Section 505(a) of title 10, United States Code, is  
10 amended by striking “thirty-five years of age” and insert-  
11 ing “forty-two years of age”.

12 **SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE**  
13 **ENLISTMENT BONUS FOR RECEIPT OF OTHER**  
14 **ENLISTMENT OR REENLISTMENT BONUS FOR**  
15 **SERVICE IN THE SELECTED RESERVE.**

16 Section 308i(a)(2) of title 37, United States Code,  
17 is amended by striking subparagraph (D).

18 **SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION**  
19 **BONUS FOR OFFICERS OF THE SELECTED RE-**  
20 **SERVE.**

21 (a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR  
22 PRIOR RESERVE SERVICE.—Subsection (a)(2) of section  
23 308j of title 37, United States Code, is amended—

24 (1) in subparagraph (A), by adding “and” at  
25 the end;

1 (2) by striking subparagraph (B); and

2 (3) by redesignating subparagraph (C) as sub-  
3 paragraph (B).

4 (b) INCREASE IN MAXIMUM AMOUNT.—Subsection  
5 (d) of such section is amended by striking “\$6,000” and  
6 inserting “\$10,000”.

7 **SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAY-**  
8 **MENT AUTHORITIES.**

9 (a) ADDITIONAL LOANS ELIGIBLE FOR REPAY-  
10 MENT.—Paragraph (1) of section 2171(a) of title 10,  
11 United States Code, is amended—

12 (1) in subparagraph (B), by striking “or” at  
13 the end;

14 (2) in subparagraph (C), by striking the period  
15 at the end and inserting “; or”; and

16 (3) by inserting after subparagraph (C) the fol-  
17 lowing new subparagraph:

18 “(D) any loan incurred for educational purposes  
19 made by a lender that is—

20 “(i) an agency or instrumentality of a  
21 State;

22 “(ii) a financial or credit institution (in-  
23 cluding an insurance company) that is subject  
24 to examination and supervision by an agency of  
25 the United States or any State;

1           “(iii) a pension fund approved by the Sec-  
2           retary for purposes of this section; or

3           “(iv) a non-profit private entity designated  
4           by a State, regulated by such State, and ap-  
5           proved by the Secretary for purposes of this  
6           section.”.

7           (b) **ELIGIBILITY OF OFFICERS.**—Paragraph (2) of  
8           such section is amended by striking “an enlisted member  
9           in a military specialty” and inserting “a member in an  
10          officer program or military specialty”.

11 **SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PRO-**  
12 **GRAM.**

13          (a) **STUDY.**—The Secretary of Defense shall conduct  
14          a study of the Reserve Dental Insurance program.

15          (b) **ELEMENTS.**—The study required by subsection  
16          (a) shall—

17               (1) identify the most effective mechanism or  
18               mechanisms for the payment of premiums under the  
19               Reserve Dental Insurance program for members of  
20               the reserve components of the Armed Forces and  
21               their dependents, including by deduction from re-  
22               serve pay, by direct collection, or by other means  
23               (including appropriate mechanisms from other mili-  
24               tary benefits programs), to ensure uninterrupted  
25               availability of premium payments regardless of

1 whether members are performing active duty with  
2 pay or inactive-duty training with pay;

3 (2) include such matters relating to the Reserve  
4 Dental Insurance program as the Secretary con-  
5 siders appropriate; and

6 (3) assess the effectiveness of mechanisms for  
7 informing the members of the reserve components of  
8 the Armed Forces of the availability of, and benefits  
9 under, the Reserve Dental Insurance program.

10 (c) REPORT.—Not later than February 1, 2007, the  
11 Secretary shall submit to the congressional defense com-  
12 mittees a report on the study required by subsection (a).  
13 The report shall include the findings of the study and such  
14 recommendations for legislative or administrative action  
15 regarding the Reserve Dental Insurance program as the  
16 Secretary considers appropriate in light of the study.

17 (d) RESERVE DENTAL INSURANCE PROGRAM DE-  
18 FINED.—In this section, the term “Reserve Dental Insur-  
19 ance program” includes—

20 (1) the dental insurance plan required under  
21 paragraph (1) of section 1076a(a) of title 10, United  
22 States Code; and

23 (2) any dental insurance plan established under  
24 paragraph (2) or (4) of section 1076a(a) of title 10,  
25 United States Code.

1                   **TITLE XVI—TRANSITION**  
2                                   **SERVICES**

3 **SEC. 1601. SHORT TITLE.**

4           This title may be cited as the “Veterans’ Enhanced  
5 Transition Services Act of 2005”.

6 **SEC. 1602. IMPROVED ADMINISTRATION OF TRANSITIONAL**  
7                                   **ASSISTANCE PROGRAMS.**

8           (a) PRESEPARATION COUNSELING.—Section 1142 of  
9 title 10, United States Code, is amended—

10                   (1) in subsection (a)—

11                                   (A) by redesignating paragraph (4) as  
12 paragraph (5); and

13                                   (B) by inserting after paragraph (3) the  
14 following new paragraph (4):

15           “(4) For members of the reserve components of the  
16 armed forces (including members of the National Guard  
17 on active duty under title 32) who have been serving on  
18 active duty continuously for at least 180 days, the Sec-  
19 retary concerned shall provide preseparation counseling  
20 under this section on an individual basis to all such mem-  
21 bers before such members are separated.”; and

22                   (2) in subsection (b)—

23                                   (A) in paragraph (4), by striking “(4) In-  
24 formation concerning” and inserting the fol-  
25 lowing:

1           “(4) Provision of information on civilian occu-  
2           pations and related assistance programs, including  
3           information concerning—

4                   “(A) certification and licensure require-  
5                   ments that are applicable to civilian occupa-  
6                   tions;

7                   “(B) civilian occupations that correspond  
8                   to military occupational specialties; and

9                   “(C)”;

10                   (B) by adding at the end the following:

11                   “(11) Information concerning the priority of  
12                   service for veterans in the receipt of employment,  
13                   training, and placement services provided under  
14                   qualified job training programs of the Department  
15                   of Labor.

16                   “(12) Information concerning veterans small  
17                   business ownership and entrepreneurship programs  
18                   of the Small Business Administration and the Na-  
19                   tional Veterans Business Development Corporation.

20                   “(13) Information concerning employment and  
21                   reemployment rights and obligations under chapter  
22                   43 of title 38.

23                   “(14) Information concerning veterans pref-  
24                   erence in federal employment and federal procure-  
25                   ment opportunities.

1           “(15) Contact information for housing coun-  
2           seling assistance.

3           “(16) A description, developed in consultation  
4           with the Secretary of Veterans Affairs, of health  
5           care and other benefits to which the member may be  
6           entitled under the laws administered by the Sec-  
7           retary of Veterans Affairs.”.

8           (b) CONFORMING AND CLERICAL AMENDMENTS.—

9           (1) CONFORMING AMENDMENT.—The heading  
10          of such section is amended to read as follows:

11        “§ 1142. **Members separating from active duty:**  
12                               **preseparation counseling**”.

13          (2) CLERICAL AMENDMENT.—The table of sec-  
14          tions at the beginning of chapter 58 of title 10,  
15          United States Code, is amended by striking the item  
16          relating to section 1142 and inserting the following:

          “1142. Members separating from active duty: preseparation counseling.”.

17          (c) DEPARTMENT OF LABOR TRANSITIONAL SERV-  
18          ICES PROGRAM.—Section 1144 of title 10, United States  
19          Code, is amended—

20               (1) in subsection (a)(1), by striking “paragraph  
21               (4)(A)” in the second sentence and inserting “para-  
22               graph (5)(A)”; and

23               (2) by adding at the end the following new sub-  
24          section:

1       “(e) TRAINING SUPPORT MATERIALS.—The Sec-  
2 retary concerned shall, on a continuing basis and in co-  
3 operation with the Secretary of Labor, update the content  
4 of all materials used by the Department of Labor that pro-  
5 vide direct training support to personnel who provide tran-  
6 sitional services counseling under this section.”.

7 **SEC. 1603. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE**  
8                   **ARMED FORCES AFTER PRESEPARATION**  
9                   **PHYSICAL EXAMINATIONS.**

10       Section 1145(a) of title 10, United States Code, is  
11 amended by adding at the end the following new para-  
12 graph:

13       “(5)(A) The Secretary of Defense shall, in consulta-  
14 tion with the Secretary of Veterans Affairs, ensure that  
15 appropriate actions are taken to assist a member of the  
16 armed forces who, as a result of a medical examination  
17 under paragraph (4), receives an indication for a referral  
18 for follow up treatment from the health care provider who  
19 performs the examination.

20       “(B) Assistance provided to a member under para-  
21 graph (1) shall include the following:

22               “(i) Information regarding, and any appropriate  
23 referral for, the care, treatment, and other services  
24 that the Secretary of Defense or the Secretary of

1 Veterans Affairs may provide to such member under  
2 any other provision of law, including—

3 “(I) clinical services, including counseling  
4 and treatment for post-traumatic stress dis-  
5 order and other mental health conditions; and

6 “(II) any other care, treatment, and serv-  
7 ices.

8 “(ii) Information on the private sector sources  
9 of treatment that are available to the member in the  
10 member’s community.

11 “(iii) Assistance to enroll in the health care sys-  
12 tem of the Department of Veterans Affairs for  
13 health care benefits for which the member is eligible  
14 under laws administered by the Secretary of Vet-  
15 erans Affairs.”.

16 **SEC. 1604. REPORT ON TRANSITION ASSISTANCE PRO-**  
17 **GRAMS.**

18 (a) REPORT REQUIRED.—Not later than May 1,  
19 2006, the Secretary of Defense shall, in consultation with  
20 the Secretary of Labor and the Secretary of Veterans Af-  
21 fairs, submit to Congress a report on the actions taken  
22 to ensure that the Transition Assistance Programs for  
23 members of the Armed Forces separating from the Armed  
24 Forces (including members of the regular components of  
25 the Armed Forces and members of the reserve components

1 of the Armed Forces) function effectively to provide such  
2 members with timely and comprehensive transition assist-  
3 ance when separating from the Armed Forces.

4 (b) FOCUS ON PARTICULAR MEMBERS.—The report  
5 required by subsection (a) shall include particular atten-  
6 tion to the actions taken with respect to the Transition  
7 Assistance Programs to assist the following members of  
8 the Armed Forces:

9 (1) Members deployed to Operation Iraqi Free-  
10 dom.

11 (2) Members deployed to Operation Enduring  
12 Freedom.

13 (3) Members deployed to or in support of other  
14 contingency operations.

15 (4) Members of the National Guard activated  
16 under the provisions of title 32, United States Code,  
17 in support of relief efforts for Hurricane Katrina  
18 and Hurricane Rita.

Passed the Senate November 15, 2005.

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1043**

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**AN ACT**

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