

109TH CONGRESS
2D SESSION

S. 2507

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2006

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

A BILL

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2007”.

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

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

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

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Multi-Year Contract Authorizations

Sec. 111. Multi-year procurement authority for the Army.

Sec. 112. Multi-year procurement authority for the Navy.

Sec. 113. Multi-year procurement authority for the Air Force.

Subtitle C—Navy Programs

Sec. 121. Adjustment to total cost limitation for CVN 77 procurement.

Sec. 122. Construction of the first two next generation destroyers.

Sec. 123. Transfer of funds for submarine engineered refueling overhauls and
conversions or aircraft carrier refueling complex overhauls.

Sec. 124. Deletion of requirement for 12 operational aircraft carriers.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Missile Defense Programs

Sec. 211. Fielding of ballistic missile defense capabilities.

Sec. 212. Certification of stability of the defense technology base.

Subtitle C—Other Matters

Sec. 221. Extension of DARPA's prize authority.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

- Sec. 311. Environmental restoration program—funding for cooperative agreement.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
- Sec. 313. Air Quality plans.
- Sec. 314. Range management.
- Sec. 315. Extending import approval authority.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Repeal of time limitation on exclusion of expenditures on contracting for depot-level maintenance.

Subtitle D—Outsourcing

- Sec. 331. Temporary security-guard services for increased workloads caused by realignments.
- Sec. 332. Participation in security programs by charter air carriers providing transportation for the armed forces.
- Sec. 333. Revision and extension of temporary authority for contractor performance of security guard functions.
- Sec. 334. Exception from prohibition on contractor performance of firefighting functions.
- Sec. 335. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.

Subtitle E—Other Matters

- Sec. 341. Performance Based logistics contracts for weapons systems logistics support: special funding authority.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

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

Subtitle C—Authorization of Appropriations

- Sec. 421. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Discretionary separation and retirement of twice non-selected chief warrant officer fours.

Subtitle B—Reserve Component Management

Sec. 511. Authorized strengths of Navy reserve flag officers.
 Sec. 512. Expansion of Authorities for National Guard and reserve components.
 Sec. 513. Amendments to Presidential reserve call-up authority.

Subtitle C—Education and Training

Sec. 521. United States Military Academy and United States Air Force Academy permanent military professors to assume command positions while on periods of sabbatical.
 Sec. 522. United States Military Academy exchange program with foreign military academies.
 Sec. 523. Authority to permit members who participate in the Guaranteed Reserve Forces Duty Scholarship Program to participate in the Health Professions Scholarship Program and serve on active duty.
 Sec. 524. Junior Reserve Officers' Training Corps instruction eligibility expansion.
 Sec. 525. Frequency of administration of service academy sexual assault survey and of submission of academic program year reports.
 Sec. 526. Authority to enroll dependents of foreign military and civilian members assigned to the Supreme Headquarters Allied Powers Europe.

Subtitle D—Military Justice Matters

Sec. 531. Air Force law enforcement.

Subtitle E—Decorations and Awards

Sec. 541. Authorize the purchase and presentation of medal of honor flags to all living medal of honor recipients and to all living primary next of kin for deceased medal of honor recipients.

Subtitle F—Other Matters

Sec. 551. Enlistment oath: who may administer.
 Sec. 552. Military status of officers serving in certain intelligence community positions.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in general and flag officer pay cap.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Special Pay for selected reserve health care professionals in critically short wartime specialties.
 Sec. 612. Increase in Special pay and bonuses for nuclear-qualified officers.
 Sec. 613. One-year extension of authorities relating to payment of other bonuses and special pays.

- Sec. 614. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 615. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 616. One-year extension of certain bonus and special pays for reserve forces.

Subtitle C—Retired Pay and Survivor Benefits

- Sec. 621. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are members of the uniformed services.
- Sec. 622. Prohibit court-ordered payments before retirement based on imputation of retired pay.
- Sec. 623. Reduction in Department of Defense accrual contributions into the Military Retirement Fund and government contributions into the Medicare-Eligible Retiree Health Care Fund.

Subtitle D—Other Matters

- Sec. 631. Accrual of annual leave for members of the uniformed services performing dual employment.
- Sec. 632. Technical modification to the Department of Defense's computer/electronic accommodations program to allow combat wounded service members.
- Sec. 633. Permanent authority to present recognition items for retention purposes.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

- Sec. 701. TRICARE coverage for forensic examination following sexual assaults and domestic violence.
- Sec. 702. Increasing TRICARE program cost sharing amounts.

Subtitle B—Other Matters

- Sec. 711. Restructuring the Dental Division of the Bureau of Medicine and Surgery.
- Sec. 712. Establishment of a health savings account choice pilot program for Department of Defense retirees and their families not eligible for Medicare.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Expanded use of reserve component members to perform developmental and operational testing and new equipment training.
- Sec. 802. Minimum annual purchase for civil reserve air fleet contracts.
- Sec. 803. Clarification of rapid acquisition authority to respond to combat emergencies.
- Sec. 804. Unified combatant command for joint warfighting experimentation: acquisition authority.
- Sec. 805. Quality control in procurement of ship critical safety items and related services.

- Sec. 806. Extension of special temporary contract closeout authority.
- Sec. 807. Defense acquisition challenge program.

Subtitle B—United States Defense Industrial Base Provisions

- Sec. 811. Repeal of the military system breakout list.

Subtitle C—National Defense Stockpile

- Sec. 821. Revision of Limitations on required disposals of certain materials in National Defense Stockpile.

Subtitle D—Other Matters

- Sec. 831. Clarification of jurisdiction of the United States district courts to hear bid protest disputes involving maritime contracts.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Department of Defense Management Matters

- Sec. 901. United States Marine Band and United States Marine Drum and Bugle Corps.
- Sec. 902. Elimination of duplicative voting assistance installation visits.

Subtitle B—Space Activities

- Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States government entities.
- Sec. 912. Designation of successor organizations for the disestablished Interagency Global Positioning Executive Board.

Subtitle C—Intelligence-Related Matters

- Sec. 921. Permanent authority for defense intelligence commercial activities.
- Sec. 922. Defense Information Systems Agency.
- Sec. 923. Protection of information regarding weapons of mass destruction.
- Sec. 924. Authority for the National Security Agency to collect service charges for certification or validation of information assurance products.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Repeal of requirement for separate budget request for procurement of reserve equipment.
- Sec. 1002. Repeal of requirement for two-year budget cycle for the Department of Defense.
- Sec. 1003. Acceptance and retention of reimbursement from non-Federal sources to defray Department of Defense conference costs.
- Sec. 1004. Increased Flexibility in the use of Joint Staff exercise funds.
- Sec. 1005. Retention and use of proceeds of sales of M109 Howitzers under the Arms Export Control Act to procure M109-based vehicles.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Authority to request transfer to foreign nations by vessel class.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority to provide Department of Defense support for counter-drug activities of other governmental agencies.

Sec. 1022. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.

Sec. 1023. Expansion and extension of authority to provide additional support for counter-drug activities.

Sec. 1024. Department of Defense support for counter-drug activities.

Subtitle D—Matters Related to Homeland Security

Sec. 1031. Duties relating to defense against weapons of mass destruction.

Sec. 1032. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs.

Sec. 1033. Expansion of operations of civil support teams.

Subtitle E—Other Matters

Sec. 1041. Harmonizing the definition of national security system within the Department of Defense.

Sec. 1042. Amendment to delegation authority for assistance in combating terrorism.

Sec. 1043. Defense Economic Adjustment Program: research and technical assistance.

Sec. 1044. Clarification of government standing under the Lanham Act to take a civil action for false designations of origin, false descriptions and false representations.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Permit continued application of senior executive service provisions for certain noncareer senior executive service members and chiefs of mission after appointment to non-senior executive service or chief of mission positions.

Sec. 1102. Payment of full replacement value for personal property claims of civilians.

Sec. 1103. Flexibility in paying annuity to Federal retirees who return to work.

Sec. 1104. Repeal of limitation on appointment of retired members of the Armed Forces to position in the Department of Defense.

Sec. 1105. Expand pool of jobs that count for credit under service agreements required by the National Security Education Program.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Logistic support of allied forces for combined operations.

Sec. 1202. Change to acquisition and cross servicing agreements definition to allow loan of significant military equipment.

Sec. 1203. Expansion of humanitarian and civic assistance to include developing communications and information capacity.

Subtitle B—Reports

Sec. 1211. Relief of requirement to submit annual reports to Congress regarding allied contributions to the common defense.

Subtitle C—Other Matters

Sec. 1221. Exclusion of petroleum, oil and lubricants from the limitations on the amount of liabilities the United States may accrue under acquisition and cross-servicing agreements.

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

Sec. 1301. Temporary authority to waive limitation funding for chemical weapons destruction facility in Russia.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
 Sec. 2102. Family housing.
 Sec. 2103. Improvements to military family housing units.
 Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
 Sec. 2202. Family housing.
 Sec. 2203. Improvements to military family housing units.
 Sec. 2204. Authorization of appropriations, Navy.
 Sec. 2205. Modification of authority to carry out certain fiscal year 2004 and 2005 projects.

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

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

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—CHEMICAL DEMILITARIZATION CONSTRUCTION PROGRAM

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

TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

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

TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2801. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2802. Extension of authorizations of certain fiscal year 2004 projects.
- Sec. 2803. Extension of authorizations of certain fiscal year 2003 projects.

TITLE XXIX—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2901. Authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2902. Pilot projects for acquisition or construction of military unaccompanied housing.
- Sec. 2903. Authorize use of operation and maintenance funds to carry out minor construction necessary to replace damaged or destroyed facilities.
- Sec. 2904. Alternative use of proceeds from the sale of military family housing in support of the military housing privatization initiative.
- Sec. 2905. Updating foreign currency fluctuation adjustment for military family housing leases in foreign countries.
- Sec. 2906. Military unaccompanied housing: local comparability of floor areas.
- Sec. 2907. Flexible financing of housing privatization initiative.
- Sec. 2908. Streamlining military construction thresholds.
- Sec. 2909. Increased lease amount for two housing units for United States Special Operations Command South.

Subtitle B—Real Property and Facilities Administration

- Sec. 2911. Repeal requirement to determine the availability of suitable alternative housing for acquisition in lieu of construction of new family housing.
- Sec. 2912. Clarification of potential recipients of planning grants.
- Sec. 2913. Consolidation of easement provisions.
- Sec. 2914. Consolidation of provisions relating to transfer of real property within the Department of Defense and to other Federal agencies.
- Sec. 2915. Extending lease terms for structures and real property relating to structures in foreign countries that are needed for purposes other than family housing.
- Sec. 2916. Preventing encroachment.
- Sec. 2917. Authority to grant restrictive easements.

Subtitle C—Base Closure and Realignment

Sec. 2921. Modification of deposit requirements in connection with lease proceeds received at military installations approved for closure or realignment after January 1, 2005.

Subtitle D—Other Matters

Sec. 2931. Revitalization of Department of Defense laboratories.

Sec. 2932. Threshold for medical facility projects.

1 **DIVISION A—DEPARTMENT OF**
 2 **DEFENSE AUTHORIZATIONS**
 3 **TITLE I—PROCUREMENT**
 4 **Subtitle A—Authorization of**
 5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
 8 fiscal year 2007 for procurement for the Army as follows:

9 (1) For aircraft, \$3,566,483,000.

10 (2) For missiles, \$1,350,898,000.

11 (3) For weapons and tracked combat vehicles,
 12 \$2,301,943,000.

13 (4) For ammunition, \$1,903,125,000.

14 (5) For other procurement, \$7,718,602,000.

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

16 (a) NAVY.—Funds are hereby authorized to be appro-
 17 priated for fiscal year 2007 for procurement for the Navy
 18 as follows:

19 (1) For aircraft, \$10,868,771,000.

20 (2) For weapons, including missiles and tor-
 21 pedoes, \$2,555,020,000.

1 (3) For shipbuilding and conversion,
2 \$10,578,553,000.

3 (4) For other procurement, \$4,967,916,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 2007 for procurement for
6 the Marine Corps in the amount of \$1,273,513,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2007 for procurement of ammunition for the Navy and
10 Marine Corps in the amount of \$789,943,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2007 for procurement for the Air Force as fol-
14 lows:

15 (1) For aircraft, \$11,479,810,000.

16 (2) For ammunition, \$1,072,749,000.

17 (3) For missiles, \$4,204,145,000.

18 (4) For other procurement, \$15,408,086,000.

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2007 for Defense-wide procurement in the
22 amount of \$2,861,461,000.

Subtitle B—Multi-Year Contract Authorizations

SEC. 111. MULTI-YEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

Beginning with the fiscal year 2007 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multi-year contracts for procurement of the following:

(1) MH-60R Helicopters.

(2) MH-60R Helicopter mission equipment.

SEC. 112. MULTI-YEAR PROCUREMENT AUTHORITY FOR NAVY PROGRAM.

Beginning with the fiscal year 2007 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for procurement of the V-22 Osprey.

SEC. 113. MULTI-YEAR PROCUREMENT AUTHORITY FOR AIR FORCE PROGRAM.

Beginning with the fiscal year 2007 program year, the Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multi-year contract for procurement of F-22A Fighter Aircraft.

Subtitle C—Navy Programs

SEC. 121. ADJUSTMENT TO TOTAL COST LIMITATION FOR CVN 77 PROCUREMENT.

Section 122(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1649) is amended by striking “\$4,600,000,000 (such amount being the estimated cost for the procurement of the CVN–77 aircraft carrier in the March 1997 procurement plan)” and inserting “\$6,057,000,000”.

SEC. 122. CONSTRUCTION OF THE FIRST TWO NEXT GENERATION DESTROYERS.

(a) FUNDING AUTHORIZED.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2007, \$2,568,000,000 is available for the construction of two DD(X) Next Generation Destroyers.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into contracts during fiscal year 2007 to be funded in two consecutive fiscal years for the construction of two DD(X) Next Generation Destroyers, one with each of the two surface-combatant shipbuilders.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for any subsequent

1 fiscal year is subject to the availability of appropriations
2 for that purpose for that later fiscal year.

3 **SEC. 123. TRANSFER OF FUNDS FOR SUBMARINE ENGI-**
4 **NEERED REFUELING OVERHAULS AND CON-**
5 **VERSIONS OR AIRCRAFT CARRIER REFUEL-**
6 **ING COMPLEX OVERHAULS.**

7 (a) IN GENERAL.—Chapter 633 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 7317. Obligation and expenditure of funds for sub-**
11 **marine engineered refueling overhauls**
12 **and conversions or aircraft carrier re-**
13 **fueling complex overhauls**

14 “(a) AUTHORITY.—For submarine engineered refuel-
15 ing overhauls and conversions or aircraft carrier refueling
16 complex overhauls financed with Shipbuilding and Conver-
17 sion, Navy appropriations, the Secretary of Defense may
18 transfer such amounts as he may designate from any cur-
19 rently available Shipbuilding and Conversion, Navy, Other
20 Procurement, Navy, and Operations and Maintenance,
21 Navy appropriations to the original Shipbuilding and Con-
22 version, Navy account financing the project, such amounts
23 to be merged with and to be available for the same pur-
24 poses and for the same time period as the appropriation
25 to which transferred. This transfer authority is in addition

1 to any other transfer authority available to the Depart-
2 ment of Defense.

3 “(b) LIMITATIONS.—This authority may be exercised
4 only where the transfer of funds is required because of
5 the discovery, during such submarine engineered refueling
6 overhauls and conversions or aircraft carrier refueling
7 complex overhauls, of unanticipated and emergent mainte-
8 nance, repair, or mission essential modernization require-
9 ments. Prior to the transfer of an amount of \$20,000,000
10 or more, or of any amount which, when added to all
11 amounts previously transferred under the authority grant-
12 ed by this section cumulatively will exceed \$20,000,000
13 for a particular availability, the Secretary of Defense shall
14 notify in writing the congressional defense committees of
15 the proposed transfer and the reasons therefor. The trans-
16 fer then may be carried out only after the end of the 30-
17 day period beginning on the date the notification is re-
18 ceived by the committees.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by adding
21 at the end the following new item:

“7317. Obligation and expenditure of funds for submarine engineered refueling
overhauls and conversions or aircraft carrier refueling complex
overhauls.”.

1 **SEC. 124. DELETION OF REQUIREMENT FOR 12 OPER-**
2 **ATIONAL AIRCRAFT CARRIERS.**

3 Section 5062 of title 10, United States Code, is
4 amended—

5 (1) by striking subsection (b); and

6 (2) by redesignating subsections (c) and (d) as
7 subsections (b) and (c), respectively.

8 **TITLE II—RESEARCH, DEVELOP-**
9 **MENT, TEST, AND EVALUA-**
10 **TION**

11 **Subtitle A—Authorization of**
12 **Appropriations**

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

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2007 for the use of the Department of Defense
16 for research, development, test, and evaluation, as follows:

17 (1) For the Army, \$10,855,559,000.

18 (2) For the Navy, \$16,912,223,000.

19 (3) For the Air Force, \$24,396,767,000.

20 (4) For Defense-wide activities,
21 \$20,991,459,000, of which \$181,520,000 is author-
22 ized for the Director of Operational Test and Eval-
23 uation.

1 **Subtitle B—Missile Defense**
2 **Programs**

3 **SEC. 211. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
4 **BILITIES.**

5 Upon approval by the Secretary of Defense, funds au-
6 thorized to be appropriated for fiscal year 2008 for re-
7 search, development, test, and evaluation for the Missile
8 Defense Agency may be used for the development and
9 fielding of ballistic missile defense capabilities.

10 **SEC. 212. CERTIFICATION OF STABILITY OF THE DEFENSE**
11 **TECHNOLOGY BASE.**

12 Section 212 of the National Defense Authorization
13 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
14 542) is amended by striking subsection (c).

15 **Subtitle C—Other Matters**

16 **SEC. 221. EXTENSION OF DARPA'S PRIZE AUTHORITY.**

17 Section 2374a(f) of title 10, United States Code, is
18 amended by striking “September 30, 2007” and inserting
19 “ September 30, 2012”.

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

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$24,902,380,000.
- (2) For the Navy, \$31,330,984,000.
- (3) For the Marine Corps, \$3,878,962,000.
- (4) For the Air Force, \$31,342,307,000.
- (5) For the Defense-wide activities,
\$20,075,656,000.
- (6) For the Army Reserve, \$2,299,202,000.
- (7) For the Navy Reserve, \$1,288,764,000.
- (8) For the Marine Corps Reserve,
\$211,911,000.
- (9) For the Air Force Reserve, \$2,723,800,000.
- (10) For the Army National Guard,
\$4,838,665,000.
- (11) For the Air National Guard,
\$5,336,017,000.

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

3 (13) For Environmental Restoration, Army,
4 \$413,794,000.

5 (14) For Environmental Restoration, Navy,
6 \$304,409,000.

7 (15) For Environmental Restoration, Air Force,
8 \$423,871,000.

9 (16) For Environmental Restoration, Defense-
10 wide, \$18,431,000.

11 (17) For Environmental Restoration, Formerly
12 Used Defense Sites, \$242,790,000.

13 (18) For Overseas Humanitarian, Disaster, and
14 Civic Aid programs, \$63,204,000.

15 (19) For Cooperative Threat Reduction pro-
16 grams, \$372,128,000.

17 (20) For the Overseas Contingency Operations
18 Transfer Fund, \$10,000,000.

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2007 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 \$1,345,998,000.

3 (2) For the National Defense Sealift Fund,
4 \$1,071,932,000.

5 (3) For the Pentagon Reservation Maintenance
6 Revolving Funds, \$18,500,000.

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

8 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
9 by authorized to be appropriated for the Department of
10 Defense for fiscal year 2007 for expenses, not otherwise
11 provided for, for the Defense Health Program, in the
12 amount of \$21,025,121,000, of which—

13 (1) \$20,498,163,000 is for Operation and
14 Maintenance;

15 (2) \$130,603,000 is for Research, Development,
16 Test, and Evaluation; and

17 (3) \$396,355,000 is for Procurement.

18 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-
19 TION, DEFENSE.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2007 for
23 expenses, not otherwise provided for, for Chemical
24 Agents and Munitions Destruction, in the amount of
25 \$1,277,304,000, of which—

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

3 (B) \$231,014,000 is for Research, Devel-
4 opment, Test, and Evaluation.

5 (2) USE.—Amounts authorized to be appro-
6 priated under paragraph (1) are authorized for—

7 (A) the destruction of lethal chemical
8 agents and munitions in accordance with sec-
9 tion 1412 of the Department of Defense Au-
10 thorization Act, 1986 (50 U.S.C. 1521); and

11 (B) the destruction of chemical warfare
12 materiel of the United States that is not cov-
13 ered by section 1412 of such Act.

14 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
15 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
16 to be appropriated for the Department of Defense for fis-
17 cal year 2007 for expenses, not otherwise provided for, for
18 Drug Interdiction and Counter-Drug Activities, Defense-
19 wide, in the amount of \$926,890,000.

20 (d) DEFENSE INSPECTOR GENERAL.—Funds are
21 hereby authorized to be appropriated for the Department
22 of Defense for fiscal year 2007 for expenses, not otherwise
23 provided for, for the Office of the Inspector General of
24 the Department of Defense, in the amount of
25 \$216,297,000, of which—

1 (1) \$214,897,000 is for Operation and Maintenance;
 2 nance; and

3 (2) \$1,400,000 is for Procurement.

4 **Subtitle B—Environmental** 5 **Provisions**

6 **SEC. 311. ENVIRONMENTAL RESTORATION PROGRAM—** 7 **FUNDING FOR COOPERATIVE AGREEMENT.**

8 Section 2701(d)(2) of title 10, United States Code,
 9 is amended by adding at the end the following new sentence:
 10 “This two-year limitation shall not apply to agreements
 11 funded from the accounts established under sections
 12 2906 or 2906A of the Defense Base Closure and Realignment
 13 Act of 1990 (part A of title XXIX of Public
 14 Law 101–510; 10 U.S.C. 2687 note).”.

15 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION** 16 **AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE** 17 **WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.**

20 (a) **AUTHORITY TO REIMBURSE.**—(1) Using funds
 21 described in subsection (b), the Secretary of Defense may
 22 transfer not more than \$111,114.03 to the Moses Lake
 23 Wellfield Superfund Site 10–6J Special Account.

24 (2) The payment under paragraph (1) is to reimburse
 25 the Environmental Protection Agency for its costs in-

1 curred in overseeing a remedial investigation/feasibility
2 study performed by the Department of the Army under
3 the Defense Environmental Restoration Program at the
4 former Larson Air Force Base, Moses Lake Superfund
5 Site, Moses Lake, Washington.

6 (3) The reimbursement described in paragraph (2) is
7 provided for in the interagency agreement entered into by
8 the Department of the Army and the Environmental Pro-
9 tection Agency for the Moses Lake Wellfield Superfund
10 Site in March 1999.

11 (b) SOURCE OF FUNDS.—Any payment under sub-
12 section (a) shall be made using funds authorized to be ap-
13 propriated by section 301(17) for operation and mainte-
14 nance for Environmental Restoration, Formerly Used De-
15 fense Sites.

16 (c) USE OF FUNDS.—The Environmental Protection
17 Agency shall use the amount transferred under subsection
18 (a) to pay costs incurred by the Agency at the Moses Lake
19 Wellfield Superfund Site.

20 **SEC. 313. AIR QUALITY PLANS.**

21 (a) CONFORMITY WITH CLEAN AIR ACT.—In any
22 case in which the requirements of section 176(c) of the
23 Clean Air Act would have applied to proposed military
24 readiness activities, the Department of Defense shall not
25 be prohibited from engaging in such activities and it shall

1 have up to three years, from the date such activities begin,
2 to satisfy the requirements of that section, provided—

3 (1) the Department of Defense has provided the
4 State in which the proposed military readiness ac-
5 tivities would occur an estimate of the annual emis-
6 sions caused by the proposed military readiness ac-
7 tivities for all criteria pollutants for which the area
8 is designated “non-attainment” or “maintenance”;
9 and

10 (2) the State provides written concurrence with
11 the extension of up to three years.

12 (b) ENVIRONMENTAL PROTECTION AGENCY AP-
13 PROVAL.—Notwithstanding any other provisions of law,
14 an implementation plan or plan revision required under
15 the Clean Air Act shall be approved by the Administrator
16 of the Environmental Protection Agency if—

17 (1) such plan or revision meets all the require-
18 ments applicable to it under the Clean Air Act other
19 than a requirement that such plan or revision dem-
20 onstrate attainment and maintenance of the relevant
21 national ambient air quality standards by the attain-
22 ment date specified under the applicable provision of
23 the Act, or in a regulation promulgated under such
24 provision; and

1 (2) the submitting State established to the sat-
2 isfaction of the Administrator that the implementa-
3 tion plan of such State would be adequate to attain
4 and maintain the relevant national ambient air qual-
5 ity standards by the attainment date specified under
6 the applicable provision of the Act, or in a regulation
7 promulgated under such provision, but for emissions
8 emanating from military readiness activities not oth-
9 erwise meeting section 176(c) of the Act pursuant to
10 subsection (a) of this section.

11 (c) EFFECT ON STATE COMPLIANCE WITH OZONE
12 STANDARDS.—Notwithstanding any other provisions of
13 law, any State that establishes to the satisfaction of the
14 Administrator that, with respect to an ozone non-attain-
15 ment area in such State, such State would have attained
16 the national ambient air quality standard for ozone by the
17 applicable attainment date, but for emissions emanating
18 from military readiness activities not otherwise meeting
19 section 176(c) of the Clean Air Act pursuant to subsection
20 (a) of this section, shall not be subject to the provisions
21 of section 181(b)(2) and (4) or section 185 of the Act.

22 (d) EFFECT ON STATE COMPLIANCE WITH CARBON
23 MONOXIDE STANDARDS.—Notwithstanding any other pro-
24 vision of law, any State that establishes to the satisfaction
25 of the Administrator, with respect to a carbon monoxide

1 non-attainment area in such State, that such State has
 2 attained the national ambient air quality standard for car-
 3 bon monoxide by the applicable attainment date, but for
 4 emissions emanating from military readiness activities not
 5 otherwise meeting section 176(c) of the Clean Air Act pur-
 6 suant to subsection (a) of this section, shall not be subject
 7 to the provisions of section 186(b)(2) or 187(g) of the Act.

8 (e) EFFECT ON STATE COMPLIANCE WITH PM-10
 9 STANDARDS.—Notwithstanding any other provisions of
 10 law, any State that establishes to the satisfaction of the
 11 Administrator that, with respect to a PM-10 non-attain-
 12 ment area in such State, such State would have attained
 13 the national ambient air quality standard for PM-10 by
 14 the applicable attainment date, but for emission ema-
 15 nating from military readiness activities not otherwise
 16 meeting section 176(c) of the Clean Air Act pursuant to
 17 subsection (a) of this section, shall not be subject to the
 18 provisions of section 188(b)(2) of the Act.

19 (f) MILITARY READINESS ACTIVITIES.—The term
 20 “military readiness activities”—

21 (1) includes—

22 (A) all training and operations of the
 23 Armed Forces that relate to combat; and

24 (B) the adequate and realistic testing of
 25 military equipment, vehicles, weapons, and sen-

1 sors for proper operation and suitability for
2 combat use; but

3 (2) does not include—

4 (A) the routine operation of installation
5 operating support functions, including but not
6 limited to heat and electric production, adminis-
7 trative offices, military exchanges, com-
8 missaries, water treatment facilities, storage fa-
9 cilities, schools, housing, motor pools, laundries,
10 morale, welfare, and recreation activities, shops,
11 and mess halls;

12 (B) the operation of industrial activities; or

13 (C) the construction or demolition of facili-
14 ties used for a purpose described in paragraph
15 (1).

16 **SEC. 314. RANGE MANAGEMENT.**

17 (a) DEFINITION OF SOLID WASTE.—(1) The term
18 “solid waste” as used in the Solid Waste Disposal Act,
19 as amended (42 U.S.C. 6901 et seq.), does not include—

20 (A) military munitions, including unexploded
21 ordnance; or

22 (B) the constituents thereof,
23 that are or have come to be located, incident to their nor-
24 mal and expected use, on an operational range, and re-
25 main thereon.

1 (2) Paragraph (1) shall not apply to—

2 (A) military munitions, including unexploded
3 ordnance; or

4 (B) the constituents thereof, that—

5 (i) are recovered, collected, and then dis-
6 posed of by burial or landfilling;

7 (ii) have migrated off an operational range;

8 (iii) come to be located off of an oper-
9 ational range; or

10 (iv) remain on the range once the range
11 ceases to be an operational range.

12 (3) Nothing in this section affects the authority of
13 Federal, State, interstate, or local regulatory authorities
14 to determine when—

15 (A) military munitions, including unexploded
16 ordnance; or

17 (B) the constituents thereof,

18 become hazardous waste for purposes of the Solid Waste
19 Disposal Act, as amended, including, but not limited to,
20 sections 7002 and 7003 (42 U.S.C. 6972 and 6973), ex-
21 cept for military munitions, including unexploded ord-
22 nance, or the constituents thereof, that are excluded from
23 the definition of solid waste by this subsection.

24 (b) DEFINITION OF RELEASE.—(1) The term “re-
25 lease” as used in the Comprehensive Environmental Re-

1 sponse, Compensation, and Liability Act of 1980, as
2 amended (42 U.S.C. 9601 et seq.), does not include the
3 deposit or presence of any—

4 (A) military munitions, including unexploded
5 ordnance; or

6 (B) the constituents thereof,
7 that are or have come to be located, incident to their nor-
8 mal and expected use, on an operational range, and re-
9 main thereon.

10 (2) Paragraph (1) shall not apply to—

11 (A) military munitions, including unexploded
12 ordnance; or

13 (B) the constituents thereof, that—

14 (i) migrate off an operational range;

15 (ii) come to be located off of an operational
16 range; or

17 (iii) remain on the range once the range
18 ceases to be an operational range.

19 (3) Notwithstanding the provisions of paragraph (1),
20 the authority of the President under section 106(a) of the
21 Comprehensive Environmental Response, Compensation,
22 and Liability Act of 1980, as amended (42 U.S.C.
23 9606(a)), to take action because there may be an immi-
24 nent and substantial endangerment to the public health
25 or welfare or the environment because of an actual or

1 threatened release of a hazardous substance includes the
2 authority to take action because of the deposit or presence
3 of any—

4 (A) military munitions, including unexploded
5 ordnance, or

6 (B) the constituents thereof,
7 that are or have come to be located, incident to their nor-
8 mal and expected use, on an operational range, and re-
9 main thereon.

10 (c) DEFINITIONS.—(1) For purposes of this section,
11 the term “constituents” means any materials originating
12 from military munitions, including—

13 (A) unexploded ordnance;

14 (B) explosive and non-explosive materials; and

15 (C) emission, degradation, or breakdown prod-
16 ucts of such munitions.

17 (2) For purposes of this section, the terms “military
18 munitions”, “operational range”, and “unexploded ord-
19 nance” have the meanings given such terms in section
20 101(e) of title 10, United States Code.

21 (d) CHANGE IN RANGE STATUS.—Nothing in this
22 section affects the legal requirements applicable to—

23 (1) military munitions, including unexploded
24 ordnance, or

25 (2) the constituents thereof,

1 that have come to be located on an operational range, once
 2 the range ceases to be an operational range.

3 (e) CONTINUATION OF AUTHORITY.—Nothing in this
 4 section affects the authority of the Department of Defense
 5 to protect the environment, safety, and health on oper-
 6 ational ranges.

7 **SEC. 315. EXTENDING IMPORT APPROVAL AUTHORITY.**

8 Section 6(e)(3)(B) of the Toxic Control Act (15
 9 U.S.C. 2605(e)(3)(B)) is amended by striking “one year”
 10 and inserting “three years”.

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

13 **SEC. 321. REPEAL OF TIME LIMITATION ON EXCLUSION OF**
 14 **EXPENDITURES ON CONTRACTING FOR**
 15 **DEPOT-LEVEL MAINTENANCE.**

16 Section 2474(f)(1) of title 10, United States Code,
 17 is amended by striking “entered into during fiscal years
 18 2003 through 2009”.

19 **Subtitle D—Outsourcing**

20 **SEC. 331. TEMPORARY SECURITY-GUARD SERVICES FOR IN-**
 21 **CREASED WORKLOADS CAUSED BY REALIGN-**
 22 **MENTS.**

23 (a) IN GENERAL.—Notwithstanding section 2465 of
 24 title 10, United States Code, the Secretary of a military
 25 department may, for a period not to exceed one year at

1 any single installation, contract for security-guard services
 2 at installations selected for realignment under a base clo-
 3 sure law when additional security guard personnel are re-
 4 quired for the safe and secure relocation of—

5 (1) military munitions and munitions related
 6 equipment; or

7 (2) high value items in temporary storage
 8 areas.

9 (b) DEFINITIONS.—As used in this section—

10 (1) the term “base closure law” has the same
 11 meaning as provided in section 101(a)(17) of title
 12 10, United States Code; and

13 (2) the term “military munitions” has the same
 14 meaning as provided in section 101(e)(4) of title 10,
 15 United States Code.

16 (c) EXPIRATION.—The authority granted by this sec-
 17 tion shall expire on September 15, 2011.

18 **SEC. 332. PARTICIPATION IN SECURITY PROGRAMS BY**
 19 **CHARTER AIR CARRIERS PROVIDING TRANS-**
 20 **PORTATION FOR THE ARMED FORCES.**

21 (a) COMMERCIAL AIRCRAFT.—Section 231 of the Im-
 22 migration and Nationality Act (8 U.S.C. 1221) is amend-
 23 ed—

24 (1) by redesignating subsections (i) and (j) as
 25 subsection (j) and (k), respectively; and

1 (2) by inserting after subsection (h) the fol-
2 lowing new subsection (i):

3 “(i) EXEMPTION FOR CERTAIN AIRCRAFT.—This
4 section does not apply to aircraft operated or owned by
5 the armed forces, or to other aircraft when employed to
6 provide charter transportation to the armed forces.”.

7 (b) CARGO.—Section 343(a)(3) of the Trade Act of
8 2002 (Public Law 107–210; 116 Stat. 983), is amended
9 by adding at the end the following new subparagraph:

10 “(M) The regulations required by this sec-
11 tion shall exempt aircraft operated or owned by
12 the armed forces, as well as other aircraft when
13 employed to provide charter transportation to
14 the armed forces.”.

15 (c) AIR CHARTER PROGRAM.—Section 44903(l)(2) of
16 title 49, United States Code, is amended—

17 (1) in subparagraph (A), by striking “members
18 of”;

19 (2) by redesignating subparagraph (C) as sub-
20 paragraph (D); and

21 (3) by inserting after subparagraph (B) the fol-
22 lowing new subparagraph (C):

23 “(C) SECURITY OPTIONS.—The Secretary
24 of Defense, or designee, may authorize partici-
25 pation in any of the programs and apply any of

1 the requirements of this chapter to charter op-
 2 erations for the transportation of property or
 3 personnel for the armed forces to facilitate the
 4 security and safety of such charters. The Sec-
 5 retary of Defense will, consistent with oper-
 6 ational requirements and to the extent feasible,
 7 structure programs and systems to facilitate
 8 participation in programs administered by the
 9 Secretary of Homeland Security and the Sec-
 10 retary of Transportation. The Secretary of De-
 11 fense will participate in information sharing
 12 programs but only if he determines that partici-
 13 pation does not diminish the ability of the Gov-
 14 ernment to effectively carry out its duties and
 15 powers related to national defense.”.

16 **SEC. 333. REVISION AND EXTENSION OF TEMPORARY AU-**
 17 **THORITY FOR CONTRACTOR PERFORMANCE**
 18 **OF SECURITY-GUARD FUNCTIONS.**

19 (a) Section 332(b) of the Bob Stump National De-
 20 fense Authorization Act for Fiscal Year 2003 (Public Law
 21 107–314; 116 Stat. 2513) is amended—

- 22 (1) by striking “and” at the end of paragraph
 23 (1);
 24 (2) by striking the period at the end of para-
 25 graph (2) and inserting “; or”; and

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

3 “(3) in the case of an installation or facility
4 where security-guard personnel deploy in support of
5 a contingency operation and thereby create a short-
6 fall of dedicated installation security-guard personnel
7 at that installation or facility or at a supporting in-
8 stallation or facility, the entire scope or extent of the
9 performance of security-guard functions by the secu-
10 rity-guard personnel who deploy, from no more than
11 120 days before the deployment to no more than
12 120 days after the completion of the deployment.”.

13 (b) Section 332(c) of the Bob Stump National De-
14 fense Authorization Act for Fiscal Year 2003 (Public Law
15 107–314; 116 Stat. 2513–14), as amended by section
16 324(a) of the Ronald W. Reagan National Defense Au-
17 thorization Act for Fiscal Year 2005 (Public Law 108–
18 375; 118 Stat. 1846) and section 344 of the National De-
19 fense Authorization Act for Fiscal Year 2006 (Public Law
20 109–163; 119 Stat. 3201), is further amended by striking
21 “2007” each place it appears and inserting “2008”.

1 **SEC. 334. EXCEPTION FROM PROHIBITION ON CON-**
 2 **TRACTOR PERFORMANCE OF FIREFIGHTING**
 3 **FUNCTIONS.**

4 Section 2465(b) of title 10, United States Code, is
 5 amended by adding at the end the following new para-
 6 graph:

7 “(5) A contract for the performance of fire-
 8 fighting functions to—

9 “(A) fight wildland fires such as range or
 10 forest fires; and

11 “(B) perform wildland fire management
 12 such as conducting hazardous fuels treatments
 13 to reduce wildland fire risks including pre-
 14 scribed fire and mechanical treatments.”.

15 **SEC. 335. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS**
 16 **OF AIRCRAFT UNDER CONTRACT WITH THE**
 17 **ARMED FORCES.**

18 (a) AMENDMENT TO DEFINITION.—Section
 19 40102(a)(41)(E) of title 49, United States Code, is
 20 amended—

21 (1) by inserting “or an operational support
 22 service” after “transportation”; and

23 (2) by adding at the end the following new sen-
 24 tence: “For purposes of this paragraph, ‘an oper-
 25 ational support service’ means a mission performed
 26 by an air operator that uses fixed or rotary winged

1 aircraft to provide a service other than transpor-
2 tation.”.

3 (b) ARMED FORCES OPERATIONAL MISSION.—Sec-
4 tion 40125(c) of such title is amended—

5 (1) in paragraph (1)(C), by inserting “or an
6 operational support service” after “transportation”;
7 and

8 (2) by adding at the end the following new
9 paragraph:

10 “(3) COMPLIANCE OF CIVIL AIRCRAFT OPER-
11 ATIONS.—If the Secretary of Defense (or the Sec-
12 retary of the department in which the Coast Guard
13 is operating) does not make a designation under
14 paragraph (1)(C) with regard to a chartered air-
15 craft, the transportation or operational support serv-
16 ice provided to the armed forces by such aircraft
17 must be in compliance with the Federal Aviation
18 Regulations under title 14, Code of Federal Regula-
19 tions.”.

20 (c) TECHNICAL CORRECTIONS.—

21 (1) Section 40125(b) of such title is amended
22 by striking “40102(a)(37)” each place it appears
23 and inserting “40102(a)(41)”.

1 (2) Section 40125(c) of such title is amended
 2 by striking “40102(a)(37)(E)” each place it appears
 3 and inserting “40102(a)(41)(E)”.

4 **Subtitle E—Other Matters**

5 **SEC. 341. PERFORMANCE BASED LOGISTICS CONTRACTS** 6 **FOR WEAPONS SYSTEMS LOGISTICS SUP-** 7 **PORT: SPECIAL FUNDING AUTHORITY.**

8 (a) SPECIFIC FUNDING AUTHORITY.—The Secretary
 9 of Defense may use funds made available for operation
 10 and maintenance on Performance Based Logistics con-
 11 tracts to finance both expense and investment costs associ-
 12 ated with the implementation of engineering changes that
 13 result in a reduction of operation and maintenance costs.

14 (b) NOTIFICATION TO CONGRESS.—The Secretary of
 15 a military department shall notify Congress 30 days before
 16 entering into a Performance Based Logistics contract
 17 under this section that may result in using operation and
 18 maintenance funds for engineering changes. The notice
 19 shall state that—

20 (1) the Department has performed a business
 21 case analysis; and

22 (2) based on that analysis, there is a reasonable
 23 expectation that the proposed Performance Based
 24 Logistics contract will result in an overall reduction
 25 of operation and maintenance costs.

1 (c) DEFINITION.—In this section, the term “Per-
 2 formance Based Logistics contract” means the acquisition
 3 of support as an integrated, affordable, performance pack-
 4 age designed to optimize system readiness and meet per-
 5 formance goals for a weapon system through long-term
 6 support arrangements with clear lines of authority and re-
 7 sponsibility. Application of Performance Based Logistics
 8 may be at the system, subsystem, or major assembly level
 9 depending on program unique circumstances and appro-
 10 priate business case analysis.

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, 2007, as follows:

- 17 (1) The Army, 482,400.
- 18 (2) The Navy, 340,700.
- 19 (3) The Marine Corps, 175,000.
- 20 (4) The Air Force, 334,200.

21 **Subtitle B—Reserve Forces**

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

23 (a) IN GENERAL.—The Armed Forces are authorized
 24 strengths for Selected Reserve personnel of the reserve
 25 components as of September 30, 2007, as follows:

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

3 (2) The Army Reserve, 200,000.

4 (3) The Navy Reserve, 71,300.

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

6 (5) The Air National Guard of the United
7 States, 107,000.

8 (6) The Air Force Reserve, 74,900.

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

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

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

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

23 Whenever such units or such individual members are re-
24 leased from active duty during any fiscal year, the end
25 strength prescribed for such fiscal year for the Selected

1 Reserve of such reserve component shall be increased pro-
 2 portionately by the total authorized strengths of such
 3 units and by the total number of such individual members.

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

6 Within the end strengths prescribed in section
 7 411(a), the reserve components of the Armed Forces are
 8 authorized, as of September 30, 2007, the following num-
 9 ber of Reserves to be serving on full-time active duty or
 10 full-time duty, in the case of members of the National
 11 Guard, for the purpose of organizing, administering, re-
 12 cruiting, instructing, or training the reserve components:

13 (1) The Army National Guard of the United
 14 States, 27,441.

15 (2) The Army Reserve, 15,416.

16 (3) The Navy Reserve, 12,564.

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

18 (5) The Air National Guard of the United
 19 States, 13,206.

20 (6) The Air Force Reserve, 2,707.

21 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
 22 **(DUAL STATUS).**

23 The minimum number of military technicians (dual
 24 status) as of the last day of fiscal year 2007 for the re-
 25 serve components of the Army and the Air Force (notwith-

1 standing section 129 of title 10, United States Code) shall
 2 be the following:

3 (1) For the Army Reserve, 7,912.

4 (2) For the Army National Guard of the United
 5 States, 26,050.

6 (3) For the Air Force Reserve, 10,124.

7 (4) For the Air National Guard of the United
 8 States, 23,255.

9 **SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF**
 10 **NON-DUAL STATUS TECHNICIANS.**

11 (a) LIMITATIONS.—

12 (1) NATIONAL GUARD.—Within the limitation
 13 provided in section 10217(c)(2) of title 10, United
 14 States Code, the number of non-dual status techni-
 15 cians employed by the National Guard as of Sep-
 16 tember 30, 2007, may not exceed the following:

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

19 (B) For the Air National Guard of the
 20 United States, 350.

21 (2) ARMY RESERVE.—The number of non-dual
 22 status technicians employed by the Army Reserve as
 23 of September 30, 2007, may not exceed 595.

24 (3) AIR FORCE RESERVE.—The number of non-
 25 dual status technicians employed by the Air Force

1 Reserve as of September 30, 2007, may not exceed
2 90.

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

7 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
8 **THORIZED TO BE ON ACTIVE DUTY FOR**
9 **OPERATIONAL SUPPORT.**

10 During fiscal year 2007, the maximum number of
11 members of the reserve components of the Armed Forces
12 who may be serving at any time on full-time operational
13 support duty under section 115(b) of title 10, United
14 States Code, is the following:

15 (1) The Army National Guard of the United
16 States, 17,000.

17 (2) The Army Reserve, 13,000.

18 (3) The Navy Reserve, 6,200.

19 (4) The Marine Corps Reserve, 3,000.

20 (5) The Air National Guard of the United
21 States, 16,000.

22 (6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2007 from the Armed Forces Retirement Home Trust Fund the sum of \$54,846,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. DISCRETIONARY SEPARATION AND RETIREMENT OF TWICE NON-SELECTED CHIEF WARRANT OFFICER FOURS.

Section 580(a)(1) of title 10, United States Code, is amended—

(1) by inserting “(except for a chief warrant officer in the grade of CW4)” after “chief warrant officer”; and

(2) by adding at the end the following new sentence: “Chief warrant officers in the grade of CW4 shall be retired at the discretion of the Secretary concerned.”.

Subtitle B—Reserve Component Management

SEC. 511. AUTHORIZED STRENGTHS OF NAVY RESERVE FLAG OFFICERS.

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

(1) by amending section (c) to read as follows:

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

(2) by striking subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

SEC. 512. EXPANSION OF AUTHORITIES FOR NATIONAL GUARD AND RESERVE COMPONENTS.

(a) DEFINITION OF ACTIVE GUARD AND RESERVE.—

Section 101(b) of title 10, United States Code, is amended by adding at the end the following new paragraph (16):

“(16) The term ‘Active Guard and Reserve’ means a member of a reserve component of the armed forces on active duty pursuant to section 12301(d) of this title, or a member of the Army National Guard or Air National Guard on full-time National Guard duty pursuant to section 502(f) of title 32, performing Active Guard and Reserve duty.”.

1 (b) AUTHORITY FOR ACTIVE GUARD AND RESERVE
 2 DUTIES TO INCLUDE SUPPORT OF OPERATIONAL MIS-
 3 SIONS ASSIGNED TO THE RESERVE COMPONENT AND THE
 4 INSTRUCTION AND TRAINING OF ACTIVE DUTY PER-
 5 SONNEL.—Section 12310 of such title is amended—

6 (1) by striking subsections (a) and (b); and

7 (2) by inserting the following new subsections
 8 (a) and (b):

9 “(a) AUTHORITY.—The Secretary concerned may
 10 order a member of the reserve components to active duty
 11 pursuant to section 12301(d) of this title to perform Ac-
 12 tive Guard and Reserve duty.

13 “(b) GRADE WHEN ORDERED TO ACTIVE DUTY.—
 14 A Reserve ordered to active duty under subsection (a)
 15 shall be ordered in his reserve grade. While so serving,
 16 he continues to be eligible for promotion as a Reserve, if
 17 he is otherwise qualified.”;

18 (3) by redesignating subsections (c) and (d) as
 19 subsections (d) and (e), respectively; and

20 (4) by inserting after subsection (b) the fol-
 21 lowing new subsection (c):

22 “(c) DUTIES.—A Reserve on active duty under sub-
 23 section (a) may perform the following duties in addition
 24 to, and not in lieu of, his primary Active Guard and Re-
 25 serve duties:

1 “(1) Supporting operations or missions as-
2 signed in whole or in part to the reserve compo-
3 nents.

4 “(2) Supporting operations or missions per-
5 formed or to be performed by—

6 “(A) a unit composed of elements from
7 more than one component of the same armed
8 force; or

9 “(B) a joint forces unit that includes—

10 “(i) one or more reserve component
11 units; or

12 “(ii) a member of a reserve compo-
13 nent whose reserve component assignment
14 is in a position in an element of the joint
15 forces unit.

16 “(3) Advising the Secretary of Defense, the
17 Secretaries of the military departments, the Joint
18 Chiefs of Staff, and the commanders of the unified
19 combatant command regarding reserve component
20 matters.

21 “(4) Instructing or training active duty mili-
22 tary, foreign military (under the same authorities
23 and restrictions applicable to active duty troops),
24 Department of Defense contractor personnel or De-
25 partment of Defense civilian employees.”.

1 (c) DUTIES OF MILITARY TECHNICIANS.—Section
 2 10216(a) of such title is amended—

3 (1) in paragraph (1)(C), by striking “adminis-
 4 tration and” and inserting “organizing, admin-
 5 istering, instructing, or”; and

6 (2) by adding at the end the following new
 7 paragraph:

8 “(3) A military technician (dual status) who is
 9 employed under section 3101 of title 5 may perform
 10 the following duties in addition to, and not in lieu
 11 of, those primary duties described in paragraph (1):

12 “(A) Supporting operations or missions as-
 13 signed in whole or in part to the technician’s
 14 unit;

15 “(B) Supporting operations or missions
 16 performed or to be performed by—

17 “(i) a unit composed of elements from
 18 more than one component of the techni-
 19 cian’s armed force; or

20 “(ii) a joint forces unit that in-
 21 cludes—

22 “(I) one or more units of the
 23 technician’s component; or

24 “(II) a member of the techni-
 25 cian’s component whose reserve com-

1 ponent assignment is in a position in
2 an element of the joint forces unit.

3 “(C) Instructing or training active duty
4 military, foreign military (under the same au-
5 thorities and restrictions applicable to active
6 duty troops), Department of Defense contractor
7 personnel or Department of Defense civilian
8 employees.”.

9 (d) DEFINITION OF “ACTIVE GUARD AND RESERVE”
10 AND “ACTIVE GUARD AND RESERVE DUTY”.—Section
11 101 of title 32, United States Code, is amended by adding
12 at the end the following new paragraphs:

13 “(20) The term ‘Active Guard and Reserve’
14 means a member of the Army National Guard or Air
15 National Guard on full-time National guard duty
16 pursuant to section 502(f) of this title, performing
17 Active Guard and Reserve duty.

18 “(21)(A) The term ‘Active Guard and Reserve
19 duty’ means active duty or full-time National Guard
20 duty performed by a member of a reserve component
21 of the Army, Navy, Air Force, or Marine Corps, or
22 full-time National Guard duty performed by a mem-
23 ber of the National Guard, pursuant to an order to
24 active duty or full-time National Guard duty for a
25 period of 180 consecutive days or more for the pur-

pose of organizing, administering, recruiting, instructing, or training the reserve components.

“(B) Such term does not include the following:

“(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 10301 of title 10.

“(ii) Duty performed as a property and fiscal officer under section 708 of this title.

“(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of this title.

“(iv) Duty performed as a general or flag officer.

“(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 App. U.S.C. 460(b)(2)).”.

(e) **AUTHORITY TO ORDER MEMBERS TO ACTIVE GUARD AND RESERVE DUTY.**—(1) Chapter 3 of such title is amended by adding at the end the following new section:

“§ 328. Active guard and reserve duty

“(a) **AUTHORITY.**—The Governor of his State or Territory or Puerto Rico, or the commanding general of the District of Columbia National Guard, as the case may be,

1 with the consent of the Secretary concerned, may order
 2 a member of the National Guard to perform Active Guard
 3 and Reserve duty pursuant to section 502(f) of this title.

4 “(b) DUTIES.—A member of the National Guard per-
 5 forming duty under subsection (a) may perform the fol-
 6 lowing duties in addition to, and not in lieu of, his primary
 7 Active Guard and Reserve duties:

8 “(1) Support of operations or missions under-
 9 taken by the member’s unit at the request of the
 10 President or the Secretary of Defense.

11 “(2) Support of Federal training operations or
 12 Federal training missions assigned in whole or in
 13 part to the member’s unit.

14 “(3) Instructing or training active duty mili-
 15 tary, foreign military (under the same authorities
 16 and restrictions applicable to active duty troops),
 17 Department of Defense contractor personnel or De-
 18 partment of Defense civilian employees.”; and

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

“328. Active guard and reserve duty.”.

22 (f) AUTHORITY FOR NATIONAL GUARD DUTIES TO
 23 INCLUDE SUPPORT OF CERTAIN OPERATIONS AND MIS-
 24 SIONS.—Section 502(f) of such title is amended by strik-

1 ing “subsection (a).” and inserting “subsection (a), which
 2 may include—

3 “(A) support of operations or missions un-
 4 dertaken by the members’ unit at the request of
 5 the President or Secretary of Defense; and

6 “(B) support of Federal training oper-
 7 ations or Federal training missions assigned in
 8 whole or in part to the National Guard.”.

9 (g) EXPANSION OF DUTIES OF TECHNICIANS.—Sec-
 10 tion 709(a) of such title is amended—

11 (1) in paragraph (1)—

12 (A) by striking “administration and” and
 13 inserting “organizing, administering, instruct-
 14 ing, or”; and

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

17 (2) by striking the period at the end of para-
 18 graph (2) and inserting “; and”; and

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

21 “(3) the performance of the following duties in
 22 addition to, and not in lieu of, those duties described
 23 by paragraphs (1) and (2):

1 “(A) Support of operations or missions un-
 2 dertaken by the technician’s unit at the request
 3 of the President or the Secretary of Defense.

4 “(B) Support of Federal training oper-
 5 ations or Federal training missions assigned in
 6 whole or in part to the technician’s unit.

7 “(C) Instructing or training active duty
 8 military, foreign military (under the same au-
 9 thorities and restrictions applicable to active
 10 duty troops), Department of Defense contractor
 11 personnel or Department of Defense civilian
 12 employees.”.

13 (h) NATIONAL GUARD OFFICERS AUTHORITY TO
 14 COMMAND.—Section 325 of such title is amended—

15 (1) in subsection (a)(2), by striking “in com-
 16 mand of a National Guard unit”;

17 (2) by redesignating subsection (b) as sub-
 18 section (c); and

19 (3) by inserting after subsection (a) the fol-
 20 lowing new subsection (b):

21 “(b) ADVANCE AUTHORIZATION AND CONSENT.—
 22 The President and Governor of the State or Territory or
 23 Puerto Rico, or the commanding general of the District
 24 of Columbia National Guard, as the case may be, respec-
 25 tively, may give the authorization and consent required by

1 subsection (a)(2), in advance, for the purpose of estab-
 2 lishing the succession of command of a unit.”; and

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

5 “(d) NATIONAL GUARD DUTIES.—An officer who is
 6 not relieved from duty in the National Guard while serving
 7 on active duty pursuant to subsection (a)(2) may perform
 8 any duty authorized to be performed by the laws of his
 9 State or Territory, Puerto Rico, or the District of Colum-
 10 bia, as the case may be, to be performed by the National
 11 Guard without regard to the limitations imposed by sec-
 12 tion 1385 of title 18.”.

13 **SEC. 513. AMENDMENTS TO PRESIDENTIAL RESERVE CALL-**
 14 **UP AUTHORITY.**

15 Section 12304 of title 10, United States Code, is
 16 amended—

17 (1) in subsection (a), by striking “270” and in-
 18 serting “365”;

19 (2) in subsection (b)—

20 (A) by striking “or” at the end of para-
 21 graph (1);

22 (B) by striking the period at the end of
 23 paragraph (2) and inserting “; or”; and

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

1 “(3) a serious natural or manmade disaster, ac-
2 cident, or catastrophe.”;

3 (3) in subsection (c)(1)—

4 (A) by striking “or,” and inserting a
5 comma; and

6 (B) by striking “, to” and all that follows
7 through the end and inserting a period;

8 (4) by redesignating subsection (i) as subsection
9 (j); and

10 (5) by inserting after subsection (h) the fol-
11 lowing new subsection (i):

12 “(i) FAIR TREATMENT.—(1) In determining which
13 members in the Selected Reserve and Individual Ready
14 Reserve will be recalled to duty without their consent, ap-
15 propriate consideration shall be given to—

16 “(A) the length and nature of previous service,
17 to assure such sharing of exposure to hazards as the
18 national security and military requirements will rea-
19 sonably allow;

20 “(B) family responsibilities; and

21 “(C) employment necessary to maintain the na-
22 tional health, safety, or interest.

23 “(2) The Secretary of Defense shall prescribe such
24 policies and procedures as he considers necessary to carry
25 out this subsection.”.

Subtitle C—Education and Training

**SEC. 521. UNITED STATES MILITARY ACADEMY AND UNITED
STATES AIR FORCE ACADEMY PERMANENT
MILITARY PROFESSORS TO ASSUME COM-
MAND POSITIONS WHILE ON PERIODS OF
SABBATICAL.**

(a) UNITED STATES MILITARY ACADEMY.—Section
4334(d) of title 10, United States Code, is amended—

(1) by striking “permanent professors and the”;

(2) by striking “exercise” and inserting “exer-
cises”; and

(3) by adding at the end the following new sen-
tence: “At the discretion of the Secretary of the
Army, the permanent professors may exercise com-
mand in the academic department of the Academy
or within Army units assigned.”.

(b) UNITED STATES AIR FORCE ACADEMY.—Section
9334(b) of such title is amended—

(1) by striking “permanent professors and the”;

(2) by striking “exercise” and inserting “exer-
cises”; and

(3) by adding at the end the following new sen-
tence: “At the discretion of the Secretary of the Air
Force, the permanent professors may exercise com-

1 mand in the academic department of the Academy
2 or within Air Force units assigned.”.

3 **SEC. 522. UNITED STATES MILITARY ACADEMY EXCHANGE**
4 **PROGRAM WITH FOREIGN MILITARY ACAD-**
5 **EMIES.**

6 Section 4345 of title 10, United States Code, is
7 amended—

8 (1) in subsection (b), by striking “24” and in-
9 serting “100”; and

10 (2) in subsection (c)(3), by striking “for the
11 Academy” and all that follows through the period at
12 the end of the second sentence and inserting “for
13 the Academy and additional funds provided to the
14 Academy by the Department of Defense to support
15 cultural immersion, regional awareness, or foreign
16 language training initiatives. Expenditures from
17 funds appropriated for the Academy in support of
18 the exchange program may not exceed \$1,000,000
19 during any fiscal year.”.

1 **SEC. 523. AUTHORITY TO PERMIT MEMBERS WHO PARTICI-**
 2 **PATE IN THE GUARANTEED RESERVE**
 3 **FORCES DUTY SCHOLARSHIP PROGRAM TO**
 4 **PARTICIPATE IN THE HEALTH PROFESSIONS**
 5 **SCHOLARSHIP PROGRAM AND SERVE ON AC-**
 6 **TIVE DUTY.**

7 Paragraph (3) of section 2107a(b) of title 10, United
 8 States Code, is amended—

9 (1) by striking “the Secretary may” and insert-
 10 ing “or a cadet or former cadet under this section
 11 who signs an agreement under section 2122 of this
 12 title, the Secretary may”;

13 (2) by striking “consent of the cadet con-
 14 cerned” and inserting “consent of the cadet, or
 15 former cadet, concerned”; and

16 (3) by striking “submitted by the cadet” and
 17 inserting “submitted by the cadet, or former cadet,”.

18 **SEC. 524. JUNIOR RESERVE OFFICERS’ TRAINING CORPS**
 19 **INSTRUCTION ELIGIBILITY EXPANSION.**

20 Section 2031 of title 10, United States Code, is
 21 amended—

22 (1) in subsection (d)(1), by inserting “who are
 23 drawing retired or retainer pay,” after “Fleet Ma-
 24 rine Corps Reserve,”; and

25 (2) by adding at the end the following new sub-
 26 section (e):

1 “(e) Instead of, or in addition to, the detailing of ac-
2 tive duty officers and non-commissioned officers under
3 subsection (c)(1), and the employment of retired officers
4 and non-commissioned officers and members of the Fleet
5 Reserve or Fleet Marine Corps Reserve under subsection
6 (d), the Secretary of the military department concerned
7 may authorize qualified institutions to employ as adminis-
8 trators and instructors in the program, retired officers and
9 non-commissioned officers who qualify for retired pay for
10 non-regular service under the provisions of section 12731
11 (except those who qualify for age as defined in section
12 12731(a)(1)), whose qualifications are approved by the
13 Secretary and the institution concerned and who request
14 such employment, subject to the following:

15 “(1) The compensation package for officers and
16 non-commissioned officers employed under this sub-
17 section shall not be coupled with either active duty
18 pay or retired pay, but instead shall be at a rate
19 contracted individually and determined by the Sec-
20 retary of the military department concerned. The
21 Secretary may pay the institution an amount the
22 Secretary determined to be appropriate, but the
23 amount may not be more than the amount that
24 would be paid on behalf of an equivalent retiree or
25 member of the Fleet Reserve or Fleet Marine Corps

1 Reserve under the provisions of subsection (d)(1).
 2 The Secretary may continue to pay individuals em-
 3 ployed under this subsection pre-determined com-
 4 pensation packages, even after they reach the age of
 5 60. Payments by the Secretary concerned under this
 6 paragraph shall be made from funds appropriated
 7 for that purpose.

8 “(2) Notwithstanding any other provision of
 9 law, such a retired member is not, while so em-
 10 ployed, considered to be on active duty or inactive
 11 duty training for any purpose.”.

12 **SEC. 525. FREQUENCY OF ADMINISTRATION OF SERVICE**
 13 **ACADEMY SEXUAL ASSAULT SURVEY AND OF**
 14 **SUBMISSION OF ACADEMIC PROGRAM YEAR**
 15 **REPORTS.**

16 (a) IN GENERAL.—(1) Subsection (b) of section 527
 17 of the National Defense Authorization Act for Fiscal Year
 18 2004 (Public Law 108–136; 117 Stat. 1469) is amend-
 19 ed—

20 (A) in paragraph (1)—

21 (i) by striking “an assessment during each
 22 academy program year” and inserting “a De-
 23 partment of Defense-administered assessment
 24 during each academy program year designated
 25 in this subsection”; and

1 (ii) by striking “conduct” and inserting
 2 “host”; and

3 (B) in paragraph (2)—

4 (i) by striking “2007, and 2008” and in-
 5 serting “2008 and 2010”; and

6 (ii) by striking “conduct” and inserting
 7 “host”.

8 (2) Subsection (c) of such section is amended—

9 (A) by striking “annual” each place it appears;

10 (B) in paragraph (1), by striking “2007, and
 11 2008” and inserting “2008 and 2010”; and

12 (C) in paragraph (2)(D), by inserting “des-
 13 ignated” after “subsequent”.

14 (b) CLERICAL AND CONFORMING AMENDMENTS.—

15 (1) Such section is further amended—

16 (A) by striking “sexual harassment and vio-
 17 lence” each place it appears and inserting “sexual
 18 harassment and sexual violence”;

19 (B) by striking “academy personnel” each place
 20 it appears and inserting “cadets and/or mid-
 21 shipmen”;

22 (C) by inserting “**SEXUAL**” after “**HAR-**
 23 **ASSMENT**” in the heading for such section;

24 (D) by inserting “SEXUAL” after “HARASS-
 25 MENT” in the heading for subsection (a);

1 (E) by striking “ANNUAL” and inserting
 2 “ACADEMY PROGRAM YEAR” in the heading for sub-
 3 section (b); and

4 (F) by striking “ANNUAL” and inserting
 5 “ACADEMY PROGRAM YEAR” in the heading for sub-
 6 section (c).

7 (2) The item relating to such section in the table of
 8 contents in section 2(b) of such Act is amended to read
 9 as follows:

“Sec. 527. Actions to address sexual harassment and sexual violence at the
 service academies.”.

10 **SEC. 526. AUTHORITY TO ENROLL DEPENDENTS OF FOR-**
 11 **EIGN MILITARY AND CIVILIAN MEMBERS AS-**
 12 **SIGNED TO THE SUPREME HEADQUARTERS**
 13 **ALLIED POWERS EUROPE.**

14 Section 1407 of the Defense Dependents’ Education
 15 Act of 1978 (20 U.S.C. 926), is amended by adding at
 16 the end the following new subsection:

17 “(e) AUTHORITY TO ENROLL DEPENDENTS OF FOR-
 18 EIGN MILITARY MEMBERS ASSIGNED TO THE SUPREME
 19 HEADQUARTERS ALLIED POWERS EUROPE.—(1) The
 20 Secretary of Defense may enroll a dependent of a foreign
 21 military member assigned to the Supreme Headquarters
 22 Allied Powers Europe (SHAPE) in the Department of De-
 23 fense dependents’ education system in Mons, Belgium, on
 24 a space-required, tuition-free basis.

1 “(2) The Secretary of Defense shall prescribe by reg-
 2 ulation a methodology based on the estimated total enroll-
 3 ment of Department of Defense dependents in the Depart-
 4 ment of Defense dependents’ education system in Mons,
 5 Belgium to determine the number of dependents of foreign
 6 military members the Secretary may enroll under sub-
 7 section (a).

8 “(3) Notwithstanding section 1404 of this Act, if the
 9 number of dependents of foreign military members as-
 10 signed to SHAPE who seek enrollment in the Department
 11 of Defense dependents’ education system in Mons, Bel-
 12 gium exceeds the number of dependents determined by the
 13 Secretary of Defense under subsection (b) to be eligible
 14 for enrollment on a space-required, tuition-free basis, then
 15 the Secretary may enroll such students on a space-avail-
 16 able, tuition-free basis.”.

17 **Subtitle D—Military Justice** 18 **Matters**

19 **SEC. 531. AIR FORCE LAW ENFORCEMENT.**

20 (a) AIR FORCE LAW ENFORCEMENT.—Part I of sub-
 21 title D of title 10, United States Code, is amended by add-
 22 ing at the end the following new chapter:

23 **“CHAPTER 820—LAW ENFORCEMENT**

“Sec.

“8150. Air Force Office of Special Investigations.

“8151. Credentials and badges.

“8152. Air Force law enforcement officers.

“8153. Enforcement authority.

“8154. Integration with other authorities.

1 **“§ 8150. Air Force Office of Special Investigations**

2 “(a) ESTABLISHMENT.—Subject to section 8011 of
3 this title, there shall be an Air Force Office of Special
4 Investigations within the Department of the Air Force, or-
5 ganized in such manner as the Secretary of the Air Force
6 shall direct.

7 “(b) INVESTIGATIVE AUTHORITY.—The Air Force
8 Office of Special Investigations shall, under regulations
9 prescribed by the Secretary of the Air Force, initiate and
10 conduct criminal investigations into matters involving the
11 Department of the Air Force. The Air Force Office of Spe-
12 cial Investigations, subject to the provisions of this title
13 and as otherwise allowed by law, may perform such other
14 functions of, or assigned to, the Department of the Air
15 Force as the Secretary directs.

16 **“§ 8151. Credentials and badges**

17 ““The Commander of the Air Force Office of Special
18 Investigations shall provide for the issuance and revoca-
19 tion, including retrieval, of such credentials and badges
20 to its personnel as are necessary to provide for effective
21 identification of its personnel.

1 **“§ 8152. Air Force law enforcement officers**

2 “(a) DESIGNATION OF SPECIAL AGENTS.—Special
3 agents of the Air Force Office of Special Investigations
4 are law enforcement officers for purposes of this chapter.

5 “(b) DESIGNATION OF ADDITIONAL PERSONNEL.—
6 The Secretary of the Air Force may designate such addi-
7 tional personnel of the Air Force, whether military or civil-
8 ian, as law enforcement officers for purposes of this chap-
9 ter, when such personnel are primarily engaged in law en-
10 forcement functions. Except as provided in section 8154
11 of this title, the powers granted by paragraphs (2) and
12 (3) of section 8153(a) of this title shall only be exercised
13 by such additional designated personnel when the Sec-
14 retary of Defense and the Attorney General approve the
15 application to them of the guidelines provided for in sec-
16 tion 8153(c)(2) of this title.

17 **“§ 8153. Enforcement authority**

18 “(a) OFFICER AUTHORITY.—Any person who is a law
19 enforcement officer in accordance with section 8152 of
20 this title, without regard to whether the officer is a civilian
21 or a military member, may—

22 “(1) carry firearms;

23 “(2) execute and serve any warrant or other
24 processes issued under the authority of the United
25 States; and

26 “(3) make arrests without warrant for—

1 “(A) any offense against the United States
2 committed in the presence of such officer; or

3 “(B) any felony offense against the United
4 States if such officer has probable cause to be-
5 lieve that the person to be arrested has com-
6 mitted or is committing that felony offense.

7 “(b) DISPOSITION OF PERSONS ARRESTED.—Any
8 person not subject to chapter 47 of this title (the Uniform
9 Code of Military Justice) who is arrested pursuant to au-
10 thority exercised under subsection (a) shall, as soon as is
11 reasonably practicable, be turned over to the appropriate
12 civilian Federal, State, or local authorities for custody and
13 prosecution.

14 “(c) LIMITATIONS.—The powers granted by para-
15 graphs (2) and (3) of subsection (a) shall be exercised
16 only—

17 “(1) on, or when in hot pursuit from, a military
18 installation or facility under the jurisdiction, cus-
19 tody, or control of the Secretary or an installation
20 or facility provided Air Force law enforcement sup-
21 port pursuant to direction of the Secretary of De-
22 fense; and

23 “(2) in accordance with guidelines prescribed by
24 the Secretary of the Air Force and approved by the
25 Secretary of Defense and the Attorney General.

1 **“§ 8154. Integration with other authorities**

2 “Nothing in this chapter may be construed to limit
3 or expand authority contained in chapter 212 of title 18.”.

4 (b) CONFORMING AMENDMENT.—Section 1223 of the
5 Department of Defense Authorization, 1986 (Public Law
6 99–145; 99 Stat. 728), is amended by striking the second
7 sentence.

8 (c) CLERICAL AMENDMENT.—The table of chapters
9 for part I of title 10, United States Code, is amended by
10 adding at the end the following new item:

“820. Law Enforcement 8150.”.

11 **Subtitle E—Decorations and**
12 **Awards**

13 **SEC. 541. AUTHORIZE THE PURCHASE AND PRESENTATION**
14 **OF MEDAL OF HONOR FLAGS TO ALL LIVING**
15 **MEDAL OF HONOR RECIPIENTS AND TO ALL**
16 **LIVING PRIMARY NEXT OF KIN FOR DE-**
17 **CEASED MEDAL OF HONOR RECIPIENTS.**

18 (a) ARMY.—Section 3755 of title 10, United States
19 Code, is amended by striking “after October 23, 2002”
20 and all that follows and inserting “or, if deceased, to the
21 surviving primary next of kin. Such presentation shall be
22 made as expeditiously as possible after the date of the des-
23 ignation of the Medal of Honor Flag by the Secretary of
24 Defense under section 903 of title 36. For purposes of
25 this section, the term ‘primary next of kin’ means, in de-

1 scending order, the surviving spouse, son or daughter, par-
2 ents (mother, father, stepmother, stepfather, mother
3 through adoption, father through adoption, and foster par-
4 ents who stood in loco parentis), brother, sister, half
5 brother and half sister of the deceased veteran as deter-
6 mined by applicable State law.”.

7 (b) NAVY.—Section 6257 of such title is amended by
8 striking “after October 23, 2002” and all that follows and
9 inserting “or, if deceased, to the surviving primary next
10 of kin. Such presentation shall be made as expeditiously
11 as possible after the date of the designation of the Medal
12 of Honor Flag by the Secretary of Defense under section
13 903 of title 36. For purposes of this section, the term ‘pri-
14 mary next of kin’ means, in descending order, the sur-
15 viving spouse, son or daughter, parents (mother, father,
16 stepmother, stepfather, mother through adoption, father
17 through adoption, and foster parents who stood in loco
18 parentis), brother, sister, half brother and half sister of
19 the deceased veteran as determined by applicable State
20 law.”.

21 (c) AIR FORCE.—Section 8755 of such title is amend-
22 ed by striking “after October 23, 2002” and all that fol-
23 lows and inserting “or, if deceased, to the surviving pri-
24 mary next of kin. Such presentation shall be made as expe-
25 ditiously as possible after the date of the designation of

1 the Medal of Honor Flag by the Secretary of Defense
2 under section 903 of title 36. For purposes of this section,
3 the term ‘primary next of kin’ means, in descending order,
4 the surviving spouse, son or daughter, parents (mother,
5 father, stepmother, stepfather, mother through adoption,
6 father through adoption, and foster parents who stood in
7 loco parentis), brother, sister, half brother and half sister
8 of the deceased veteran as determined by applicable State
9 law.”.

10 (d) COAST GUARD.—Section 505 of title 14, United
11 States Code, is amended by striking “after October 23,
12 2002” and all that follows and inserting “or, if deceased,
13 to the surviving primary next of kin. Such presentation
14 shall be made as expeditiously as possible after the date
15 of the designation of the Medal of Honor Flag by the Sec-
16 retary of Defense under section 903 of title 36. For pur-
17 poses of this section, the term ‘primary next of kin’ means,
18 in descending order, the surviving spouse, son or daughter,
19 parents (mother, father, stepmother, stepfather, mother
20 through adoption, father through adoption, and foster par-
21 ents who stood in loco parentis), brother, sister, half
22 brother and half sister of the deceased veteran as deter-
23 mined by applicable State law.”.

1 **Subtitle F—Other Matters**

2 **SEC. 551. ENLISTMENT OATH: WHO MAY ADMINISTER.**

3 (a) ENLISTMENT OATH: WHO MAY ADMINISTER.—
 4 Section 502 of title 10, United States Code, is amended
 5 by striking “This oath may be taken before any commis-
 6 sioned officer of any armed force.” and inserting “This
 7 oath may be taken before the President of the United
 8 States of America, Vice-President, Secretary of Defense,
 9 any commissioned officer or other person designated under
 10 regulations prescribed by the Secretary of Defense.”.

11 (b) ADMINISTRATION OF OATH.—Section 1031 of
 12 such title is amended by striking “Any commissioned offi-
 13 cer of any component of an armed force, whether or not
 14 on active duty, may administer any oath” and inserting
 15 “The President of the United States of America, Vice-
 16 President, Secretary of Defense, any commissioned officer,
 17 or other person designated under regulations prescribed
 18 by the Secretary of Defense, may administer any oath”.

19 **SEC. 552. MILITARY STATUS OF OFFICERS SERVING IN CER-** 20 **TAIN INTELLIGENCE COMMUNITY POSITIONS.**

21 Section 528 of title 10, United States Code, is
 22 amended by adding at the end the following new sub-
 23 sections:

24 “(e) MILITARY STATUS.—Officers of the armed
 25 forces, while serving in positions covered by this section—

1 “(1) shall not be subject to supervision or con-
2 trol by the Secretary of Defense or by any officer or
3 employee of the Department of Defense, except as
4 directed by the Secretary of Defense or his designee
5 concerning reassignment from such position; and

6 “(2) shall not exercise, by reason of the officer’s
7 status as an officer, any supervision or control with
8 respect to any of the military or civilian personnel
9 of the Department of Defense except as otherwise
10 authorized by law.

11 “(f) EFFECT OF APPOINTMENT.—Except as provided
12 in subsection (e), the appointment of an officer of the
13 armed forces to a position covered by this section shall
14 not affect the status, position, rank, or grade of such offi-
15 cer in the armed forces, or any emolument, perquisite,
16 right, privilege, or benefit incident to or arising out of such
17 status, position, rank, or grade.

18 “(g) MILITARY PAY AND ALLOWANCES.—An officer
19 of the armed forces on active duty who is appointed to
20 a position covered by this section shall, while serving in
21 such position and while remaining on active duty, continue
22 to receive military pay and allowances and shall not receive
23 the pay prescribed for such position. Funds from which
24 such pay and allowances are paid shall be reimbursed from
25 funds available to the Director of the Central Intelligence

1 Agency (for positions within the Central Intelligence
 2 Agency), or from funds available to the Director of Na-
 3 tional Intelligence (for positions within the Office of the
 4 Director of National Intelligence).”.

5 **TITLE VI—COMPENSATION AND** 6 **OTHER PERSONNEL BENEFITS**

7 **Subtitle A—Pay and Allowances**

8 **SEC. 601. INCREASE IN GENERAL AND FLAG OFFICER PAY** 9 **CAP.**

10 Section 203(a)(2) of title 37, United States Code, is
 11 amended by striking “level III” and inserting “level II”.

12 **Subtitle B—Bonuses and Special** 13 **and Incentive Pays**

14 **SEC. 611. SPECIAL PAY FOR SELECTED RESERVE HEALTH** 15 **CARE PROFESSIONALS IN CRITICALLY SHORT** 16 **WARTIME SPECIALTIES.**

17 Subsection (a) of section 302g of title 37, United
 18 States Code, is amended by striking “\$10,000” and in-
 19 serting “\$25,000”.

20 **SEC. 612. INCREASE IN SPECIAL PAY AND BONUSES FOR** 21 **NUCLEAR-QUALIFIED OFFICERS.**

22 Section 312b(a)(1) of title 37, United States Code,
 23 is amended by striking “\$20,000” and inserting
 24 “\$30,000”.

1 **SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
2 **ING TO PAYMENT OF OTHER BONUSES AND**
3 **SPECIAL PAYS.**

4 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
5 tion 301b(a) of title 37, United States Code, is amended
6 by striking “December 31, 2006” and inserting “Decem-
7 ber 31, 2007”.

8 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)
9 of such title is amended by striking “December 31, 2007”
10 and inserting “December 31, 2008”.

11 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
12 BERS.—Section 308(g) of such title is amended by strik-
13 ing “December 31, 2006” and inserting “December 31,
14 2007”.

15 (d) ENLISTMENT BONUS.—Section 309(e) of such
16 title is amended by striking “December 31, 2006” and in-
17 serting “December 31, 2007”.

18 (e) RETENTION BONUS FOR MEMBERS QUALIFIED
19 IN A CRITICAL MILITARY SKILL.—Section 323(i) of such
20 title is amended by striking “December 31, 2006” and in-
21 serting “December 31, 2007”.

22 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
23 ICAL SKILLS.—Section 324(g) of such title is amended by
24 striking “December 31, 2006” and inserting “December
25 31, 2007”.

1 (g) CONVERSION TO MILITARY OCCUPATIONAL SPE-
 2 CIALTY TO EASE PERSONNEL SHORTAGE.—Section
 3 326(g) of such title is amended by striking “December 31,
 4 2006” and inserting “December 31, 2007”.

5 **SEC. 614. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
 6 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
 7 **CERS.**

8 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
 9 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
 10 312(e) of title 37, United States Code, is amended by
 11 striking “December 31, 2006” and inserting “December
 12 31, 2007”.

13 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
 14 312b(c) of such title is amended by striking “December
 15 31, 2006” and inserting “December 31, 2007”.

16 (c) NUCLEAR CAREER ANNUAL INCENTIVE
 17 BONUS.—Section 312c(d) of such title is amended by
 18 striking “December 31, 2006” and inserting “December
 19 31, 2007”.

20 **SEC. 615. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
 21 **SPECIAL PAY AUTHORITIES FOR CERTAIN**
 22 **HEALTH CARE PROFESSIONALS.**

23 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
 24 GRAM.—Section 2130a(a)(1) of title 10, United States

1 Code, is amended by striking “December 31, 2006” and
 2 inserting “December 31, 2007”.

3 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
 4 Section 302d(a)(1) of title 37, United States Code, is
 5 amended by striking “December 31, 2006” and inserting
 6 “December 31, 2007”.

7 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
 8 THETISTS.—Section 302e(a)(1) of such title is amended
 9 by striking “December 31, 2006” and inserting “Decem-
 10 ber 31, 2007”.

11 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—
 12 Section 302h(a)(1) of such title is amended by striking
 13 “December 31, 2006” and inserting “December 31,
 14 2007”.

15 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—
 16 Section 302j(a) of such title is amended by striking “De-
 17 cember 31, 2006” and inserting “December 31, 2007”.

18 **SEC. 616. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
 19 **SPECIAL PAYS FOR RESERVE FORCES.**

20 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
 21 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
 22 302g(e) of title 37, United States Code, is amended by
 23 striking “December 31, 2006” and inserting “December
 24 31, 2007”.

1 (b) SELECTED RESERVE REENLISTMENT BONUS.—
2 Section 308b(g) of such title is amended by striking “De-
3 cember 31, 2006” and inserting “December 31, 2007”.

4 (c) SELECTED RESERVE AFFILIATION OR ENLIST-
5 MENT BONUS.—Section 308c(i) of such title is amended
6 by striking “December 31, 2006” and inserting “Decem-
7 ber 31, 2007”.

8 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
9 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
10 308d(c) of such title is amended by striking “December
11 31, 2006” and inserting “December 31, 2007”.

12 (e) READY RESERVE NON-PRIOR SERVICE ENLIST-
13 MENT BONUS.—Section 308g(f) of such title is amended
14 by striking “December 31, 2006” and inserting “Decem-
15 ber 31, 2007”.

16 (f) READY RESERVE ENLISTMENT AND REENLIST-
17 MENT BONUS.—Section 308h(e) of such title is amended
18 by striking “December 31, 2006” and inserting “Decem-
19 ber 31, 2007”.

20 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-
21 tion 308i(f) of such title is amended by striking “Decem-
22 ber 31, 2006” and inserting “December 31, 2007”.

23 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
24 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
25 LECTED RESERVE.—Section 16302(d) of title 10, United

1 States Code, is amended by striking “January 1, 2007”
 2 and inserting “January 1, 2008”.

3 **Subtitle C—Retired Pay and** 4 **Survivor Benefits**

5 **SEC. 621. EXTENSION OF TEMPORARY CONTINUATION OF**
 6 **HOUSING ALLOWANCE FOR DEPENDENTS OF**
 7 **MEMBERS DYING ON ACTIVE DUTY TO**
 8 **SPOUSES WHO ARE MEMBERS OF THE UNI-**
 9 **FORMED SERVICES.**

10 (a) IN GENERAL.—Section 403(l) of title 37, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing new paragraph:

13 “(4) Notwithstanding any other provision of
 14 law, this subsection shall apply to a member of a
 15 uniformed service who is the spouse of the deceased
 16 member. An allowance paid under this subsection is
 17 in addition to any other pay and allowances to which
 18 the member is entitled.”.

19 (b) EFFECTIVE DATE.—The amendments made by
 20 this section shall take effect on October 1, 2006.

21 **SEC. 622. PROHIBIT COURT-ORDERED PAYMENTS BEFORE**
 22 **RETIREMENT BASED ON IMPUTATION OF RE-**
 23 **TIRED PAY.**

24 (a) AUTHORITY.—Section 1408(c)(3) of title 10,
 25 United States Code, is amended—

1 (1) by inserting “(A)” after “(3)”; and

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

4 “(B) A court may not order a member to make
5 payments based upon an imputation of a property
6 interest in future retired pay of any kind to a spouse
7 or former spouse before the date of the member’s ac-
8 tual retirement.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall apply to final court orders or court
11 orders seeking enforcement of prior final decrees issued
12 on or after the date of the enactment of this Act.

13 **SEC. 623. REDUCTION IN DEPARTMENT OF DEFENSE AC-**
14 **CRUAL CONTRIBUTIONS INTO THE MILITARY**
15 **RETIREMENT FUND AND GOVERNMENT CON-**
16 **TRIBUTIONS INTO THE MEDICARE-ELIGIBLE**
17 **RETIREE HEALTH CARE FUND.**

18 (a) RETIREMENT FUND.—(1) Section 1465 of title
19 10, United States Code, is amended—

20 (A) in subsection (b)(1)—

21 (i) by amending subparagraph (A)(ii) to
22 read as follows:

23 “(ii) the total amount of basic pay ex-
24 pected to be paid during that fiscal year for ac-
25 tive duty in the armed forces (other than the

1 Coast Guard) and for full-time National Guard
 2 duty (other than full-time National Guard duty
 3 for training only), but excluding any duty that
 4 would be excluded for active-duty end strength
 5 purposes by section 115(i) of this title.”; and

6 (ii) in subparagraph (B)(ii)—

7 (I) by striking “Ready” and inserting
 8 “Selected”; and

9 (II) by striking “and other than mem-
 10 bers on full-time National Guard duty
 11 other than for training) who are” and in-
 12 serting “) for service”; and

13 (B) in subsection (c)(1)—

14 (i) by amending subparagraph (A) to read
 15 as follows:

16 “(A) a determination (using the aggregate
 17 entry-age normal cost method) of a single level per-
 18 centage of basic pay for active duty in the armed
 19 forces (other than the Coast Guard) and for full-
 20 time National Guard duty (other than full-time Na-
 21 tional Guard duty for training only), but excluding
 22 any duty that would be excluded for active-duty end
 23 strength purposes by subsection 115(i) of this title,
 24 to be determined without regard to section 1413a or
 25 1414 of this title; and”;

1 (ii) in subparagraph (B)—

2 (I) by striking “Ready” and inserting
3 “Selected”; and

4 (II) by striking “and other than mem-
5 bers on full-time National Guard duty
6 other than for training) who are” and in-
7 serting “) for service”.

8 (2) Section 1466(a) of such title is amended—

9 (A) by amending paragraph (1)(B) to read as
10 follows:

11 “(B) the total amount of basic pay accrued
12 for that month for active duty in the armed
13 forces (other than the Coast Guard) and for
14 full-time National Guard duty (other than full-
15 time National Guard duty for training only),
16 but excluding any duty that would be excluded
17 for active-duty end strength purposes by section
18 115(i) of this title.”; and

19 (B) in paragraph (2)(B)—

20 (i) by striking “Ready” and inserting “Se-
21 lected”; and

22 (ii) by striking “and other than members
23 on full-time National Guard duty other than for
24 training) who are” and inserting “) for serv-
25 ice”.

1 (b) MEDICARE ELIGIBLE RETIREE HEALTH CARE
 2 FUND.—(1) Section 1111(b) of such title is amended by
 3 adding at the end the following new paragraph:

4 “(5) The term ‘members of the uniformed serv-
 5 ices on active duty’ does not include a cadet at the
 6 United States Military Academy, the United States
 7 Air Force Academy, or the Coast Guard Academy;
 8 or a midshipman at the United States Naval Acad-
 9 emy.”.

10 (2) Section 1115 of such title is amended—

11 (A) in subsection (b)—

12 (i) in paragraph (1)(B), by inserting before
 13 the period at the end the following: “, but ex-
 14 cluding any members who would be excluded for
 15 active-duty end strength purposes by section
 16 115(i) of this title”; and

17 (ii) in paragraph (2)(B)—

18 (I) by striking “Ready” and inserting
 19 “Selected”; and

20 (II) by striking “other than members
 21 on full-time National Guard duty other
 22 than for training”; and

23 (B) in subsection (c)(1)—

24 (i) in subparagraph (A), by inserting be-
 25 fore the semicolon the following: “, but exclud-

ing any members who would be excluded for active-duty end strength purposes by section 115(i) of this title”; and

(ii) in subparagraph (B)—

(I) by striking “Ready” and inserting “Selected”; and

(II) by striking “(other than members on full-time National Guard duty other than for training)”.

Subtitle D—Other Matters

SEC. 631. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED SERVICES PERFORMING DUAL EMPLOYMENT.

Section 5534a of title 5, United States Code, is amended by adding at the end the following new sentence: “Such a member also is entitled to accrue annual leave with pay in the manner specified in section 6303(a) of this title for a retired member of the uniformed service.”.

SEC. 632. TECHNICAL MODIFICATION TO THE DEPARTMENT OF DEFENSE’S COMPUTER/ELECTRONIC AC- COMMODATIONS PROGRAM TO ALLOW COM- BAT WOUNDED SERVICE MEMBERS.

Section 1582(a)(1) of title 10, United States Code, is amended by adding at the end of the following new sentence: “The Secretary of Defense may allow members of

1 the armed forces who have sustained severe or debilitating
 2 illnesses or injuries while serving in support of a contin-
 3 gency operation to retain any assistive technology, devices,
 4 or services provided to the member prior to their separa-
 5 tion of military service upon their separation.”.

6 **SEC. 633. PERMANENT AUTHORITY FOR PRESENTATION OF**
 7 **RECOGNITION ITEMS FOR RECRUITMENT**
 8 **AND RETENTION PURPOSES.**

9 Section 2261 of title 10, United States Code, is
 10 amended by striking subsection (d).

11 **TITLE VII—HEALTH CARE**
 12 **PROVISIONS**
 13 **Subtitle A—TRICARE Program**
 14 **Improvements**

15 **SEC. 701. TRICARE COVERAGE FOR FORENSIC EXAMINA-**
 16 **TION FOLLOWING SEXUAL ASSAULTS AND**
 17 **DOMESTIC VIOLENCE.**

18 Section 1079(a) of title 10, United States Code, is
 19 amended by adding at the end the following new para-
 20 graph:

21 “(18) Forensic examinations following a sexual
 22 assault and domestic violence may be provided.”.

1 **SEC. 702. INCREASING TRICARE PROGRAM COST SHARING**
2 **AMOUNTS.**

3 (a) **AUTHORITY.**—Section 1086(b) of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new paragraph:

6 “(5)(A) Notwithstanding paragraphs (1)
7 through (4), and subject to subparagraph (B), the
8 Secretary of Defense shall prescribe regulations to
9 revise the requirements for payments by bene-
10 ficiaries under this subsection, other than Medicare-
11 eligible beneficiaries, in order to reflect increases in
12 health care costs. Such requirements, which may in-
13 clude a revised deductible amount and an enrollment
14 fee, need not be uniform for all such beneficiaries.
15 Any such enrollment fee may be a condition of eligi-
16 bility for health care benefits under chapter 55 of
17 this title.

18 “(B) The revisions required by subparagraph
19 (A) may not result in average annual per person
20 out-of-pocket costs in excess of the average annual
21 per person out-of-pocket costs applicable in fiscal
22 year 1996, indexed to fiscal year 2007 and future
23 fiscal years based on the annual rate of change (in-
24 crease or decrease) in the average premiums under
25 the Federal Employee Health Benefits Program
26 under chapter 89 of title 5.

1 “(C) In this paragraph:

2 “(i) The term ‘Medicare-eligible bene-
3 ficiary’ means a person described in subsection
4 (d).

5 “(ii) The term ‘out-of-pocket costs’ means
6 the portion of the total health care costs (in-
7 cluding deductible amounts, enrollment fees,
8 and other cost sharing) of a beneficiary reliant
9 on the civilian sector component of the
10 TRICARE Program that are not covered by
11 such program.”.

12 (b) TIME FOR PROMULGATION OF REGULATIONS.—
13 The Secretary shall prescribe the regulations required
14 under paragraph (5) of section 1086(b) of title 10, United
15 States Code (as added by subsection (a)), not later than
16 90 days after the date of enactment of this Act.

17 (c) LIMITATION.—Notwithstanding any other provi-
18 sion of this Act, no authority to make payments or collect
19 any new deductible or enrollment fee under this Act shall
20 be effective except to such extent and in such amounts
21 as are provided in advance in appropriation Acts.

1 **Subtitle B—Other Matters**

2 **SEC. 711. RESTRUCTURING THE DENTAL DIVISION OF THE**
 3 **BUREAU OF MEDICINE AND SURGERY.**

4 (a) IN GENERAL.—Section 5138 of title 10, United
 5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) by striking the first sentence; and

8 (B) by striking “Division” and inserting
 9 “Corps” in the second sentence;

10 (2) in subsection (b), by striking “Division”
 11 and inserting “Corps”;

12 (3) in subsection (c), by striking “, that all
 13 such” and all that follows and inserting a period;
 14 and

15 (4) by amending subsection (d) to read as fol-
 16 lows:

17 “(d) The Chief of the Dental Corps shall serve as
 18 the advisor to the Surgeon General/Chief, Bureau of Medi-
 19 cine and Surgery, on all matters relating directly to den-
 20 tistry, including professional standards and policies for
 21 dental practice.”.

22 (b) CLERICAL AMENDMENTS.—(1) The heading of
 23 such section is amended to read as follows:

1 **“§ 5138. Bureau of Medicine and Surgery: Dental**
 2 **Corps; Chief”.**

3 (2) The table of sections at the beginning of chapter
 4 513 of such title is amended by striking the item relating
 5 to section 5138 and inserting the following:

“5138. Bureau of Medicine and Surgery: Dental Corps; Chief.”.

6 **SEC. 712. ESTABLISHMENT OF A HEALTH SAVINGS AC-**
 7 **COUNT CHOICE PILOT PROGRAM FOR DE-**
 8 **PARTMENT OF DEFENSE RETIREES AND**
 9 **THEIR FAMILIES NOT ELIGIBLE FOR MEDI-**
 10 **CARE.**

11 (a) IN GENERAL.—The Secretary of Defense may es-
 12 tablish a pilot program to offer a certain number of non-
 13 Medicare eligible military retirees and family members an
 14 option to enroll in a High Deductible Health Plan
 15 (HDHP) in order to establish a Health Savings Account
 16 (HSA) under section 223 of the Internal Revenue Code
 17 of 1986 (section 223 of title 26, United States Code) in
 18 lieu of TRICARE coverage or care through the Military
 19 Health System. Notwithstanding any other requirements
 20 outlined by the Department of Defense for determining
 21 eligibility in the pilot program, a retiree must have “medi-
 22 cally used” the system between October 1, 2003 and Sep-
 23 tember 30, 2005 to be eligible. All HSA covered members,
 24 retirees and covered family members must not participate

1 in any other health care plan to participate in the pilot
2 program.

3 (b) PLAN ELECTIONS.—Notwithstanding section
4 8914 of title 5, United States Code, the plan participants
5 defined pursuant to subsection (a) shall be eligible to elect
6 any of the High Deductible Health Plan options offered
7 to civilian employees under the Federal Employees Health
8 Benefits (FEHB) Program under the same cost share and
9 plan stipulations as those applicable to civilian employees.

10 (c) CONTRIBUTIONS.—(1) The Secretary of Defense
11 shall be required to pay into the Federal Employees
12 Health Benefits Fund, under arrangements satisfactory to
13 the Office of Personnel Management (“Office”), an
14 amount equal to the sum of—

15 (A) the agency contributions which would be re-
16 quired in the case of an employee enrolled in the
17 same High Deductible Health Plan and level of ben-
18 efits; and

19 (B) an amount, determined under regulations,
20 necessary for administrative expenses.

21 (2) Plan participants as defined pursuant to sub-
22 section (a) shall be required to pay into the Federal Em-
23 ployees Health Benefits Fund, under arrangements satis-
24 factory to the Office, an amount equal to the employee
25 contributions which would be required in the case of an

1 employee enrolled in the same health benefits plan and
2 levels of benefits.

3 (3) The Department of Defense shall reimburse the
4 Office of Personnel Management for costs incurred in the
5 administration of this pilot program.

6 (d) REGULATIONS.—The Secretary of Defense and
7 the Director of Office of Personnel Management shall
8 jointly prescribe regulations to implement this section.
9 Such regulation shall clarify and establish terms and con-
10 ditions for the pilot, including—

11 (1) enrollee participation in the pilot program;

12 (2) how the pilot program shall be monitored
13 and reported upon termination;

14 (3) the process to ensure that other Defense
15 medical coverage is suspended during the enrollee's
16 participation in the pilot program;

17 (4) procedures for premium contributions and
18 administrative expenses to the Federal Employees
19 Health Benefit Fund; and

20 (5) the amount necessary for administrative ex-
21 penses.

22 (e) PILOT PROGRAM PERIOD.—Eligible pilot pro-
23 gram participants may begin to enroll for this option dur-
24 ing the first normal FEHB open season that begins no
25 earlier than 6 months after the date of enactment of this

1 section. After three full FEHB calendar years, the option
2 will not be offered to any new participants, but current
3 participants may remain in the program until the pilot
4 program is subsequently reauthorized, folded into a broad-
5 er program, or terminated. If the pilot program is not re-
6 authorized, the pilot program will automatically terminate
7 after five full calendar years from enactment of this sec-
8 tion.

9 (f) PARTICIPANTS LEAVING THE PILOT PROGRAM.—

10 All terms and conditions as provided in chapter 89 of title
11 5, United States Code, involving a change in health cov-
12 erage for other FEHB participants will apply to members
13 of this pilot program, including when a member may drop
14 coverage. A participant who terminates participation in
15 this plan voluntarily or non-voluntarily may request rein-
16 statement of the current Defense military health benefits
17 the participant would be eligible for at that time, but at
18 no time will that participant be eligible to return to this
19 HSA pilot program under the FEHB Program.

20 (g) PROHIBITION AGAINST THE USE OF MILITARY
21 TREATMENT FACILITIES AND ENROLLMENT UNDER
22 TRICARE.—Covered participants under this chapter who
23 are provided coverage under the pilot program shall not
24 be eligible to receive care at a military treatment facility
25 or to enroll in a health care plan under the TRICARE

1 program or utilize Department of Defense pharmacy bene-
2 fits during their participation in the pilot program.

3 (h) DEFINITIONS.—In this section:

4 (1) The terms “high deductible health plan”
5 and “health savings account” have the same mean-
6 ing established under section 223 of the Internal
7 Revenue Code of 1986 (section 223 of title 26,
8 United States Code).

9 (2) The term “Federal Employee Health Bene-
10 fits Program” has the same meaning established
11 under chapter 89 of title 5, United States Code.

12 (3) The term “medically used” means use, by
13 a person eligible for the health care benefit estab-
14 lished under chapter 55 of title 10, United States
15 Code, of at least two outpatient visits for physician
16 services (not including prescription drugs) or one in-
17 patient admission.

1 **TITLE VIII—ACQUISITION POL-**
 2 **ICY, ACQUISITION MANAGE-**
 3 **MENT, AND RELATED MAT-**
 4 **TERS**

5 **Subtitle A—Acquisition Policy and**
 6 **Management**

7 **SEC. 801. EXPANDED USE OF RESERVE COMPONENT MEM-**
 8 **BERS TO PERFORM DEVELOPMENTAL AND**
 9 **OPERATIONAL TESTING AND NEW EQUIP-**
 10 **MENT TRAINING.**

11 (a) REIMBURSEMENT.—The Secretary of the Army
 12 may transfer from funds available to support an acquisi-
 13 tion program in the amount necessary to reimburse the
 14 appropriate reserve component military personnel account
 15 for costs charged to that account for military pay and al-
 16 lowances in connection with the demonstration program
 17 described in subsection (b).

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

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

1 (B) the use of appropriations available for
2 multi-year research, development, testing and eval-
3 uation and procurement to reimburse reserve compo-
4 nents for the pay, allowances, and expenses incurred
5 when such members perform duties to conduct ac-
6 quisition, logistics, and new equipment training ac-
7 tivities in connection with the demonstration pro-
8 gram.

9 (2) Nothing in this section authorizes a deviation
10 from established Reserve and National Guard personnel
11 and training procedures.

12 (c) LIMITATION ON AMOUNT.—Not more than
13 \$10,000,000 may be transferred under this section during
14 each year of the demonstration program.

15 (d) MERGER OF TRANSFERRED FUNDS.—Funds
16 transferred to an account under this section shall be
17 merged with other sums in the account and shall be avail-
18 able for the same period and purposes as the sums with
19 which merged.

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

23 (f) TERMINATION.—The demonstration program
24 under this section shall terminate on September 30, 2010.

1 **SEC. 802. MINIMUM ANNUAL PURCHASE FOR CIVIL RE-**
 2 **SERVE AIR FLEET CONTRACTS.**

3 (a) IN GENERAL.—Chapter 931 of title 10, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing new section:

6 **“§ 9515. Minimum annual purchase for Civil Reserve**
 7 **Air Fleet contracts**

8 “(a) IN GENERAL.—The Secretary of Defense is au-
 9 thorized to award to air carriers participating in the Civil
 10 Reserve Air Fleet (CRAF) program annual airlift con-
 11 tracts with a minimum purchase amount determined in
 12 accordance with this section.

13 “(b) MINIMUM ANNUAL CONTRACT AWARDS.—Such
 14 contract minimum purchase amount shall be based on
 15 forecast needs but may not be for more than eighty per-
 16 cent of the annual average expenditures of airlift for the
 17 prior 5-year period. Unusually high demand years, such
 18 as during a conflict, will normally be omitted to obtain
 19 a more accurate forecast. Award amounts shall be divided
 20 among the carriers or carrier teaming arrangements pro-
 21 portional to the commitments to the CRAF program.

22 “(c) SUBSIDY.—Should any of the amounts set aside
 23 for the annual minimum airlift purchase not be utilized
 24 to purchase actual transportation from the carriers to
 25 whom awarded, such remainder will be transferred to the
 26 carrier prior to the first day of the following fiscal year.

1 Proportional adjustment shall be made for periods when
 2 services from the air carrier are unavailable for usage by
 3 the Department of Defense, such as refused business, sus-
 4 pended operations, or when the air carrier is placed in
 5 non-use status pursuant to section 2640 of this title for
 6 safety issues. If purchases of transportation services ex-
 7 ceed minimum contract amounts for that carrier or
 8 teaming arrangement, no subsidy will be provided.

9 “(d) MERGER OF FUNDS.—Amounts available to the
 10 Services for transportation equal to the proportional share
 11 of usage by each Service shall be transferred to the trans-
 12 portation working capital fund to fund contract award.
 13 Each Service shall be entitled to obtain transportation of
 14 equal value or transfer that entitlement to other Services
 15 or DOD units. Such transferred value shall be merged
 16 with the appropriations of the receiving unit.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 at the beginning of such chapter is amended by adding
 19 at the following new item:

“9515. Minimum annual purchase for Civil Reserve Air Fleet contracts.”.

20 **SEC. 803. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**
 21 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

22 Section 806 of the Bob Stump National Defense Au-
 23 thorization Act for Fiscal Year 2003 (Public Law 107–
 24 314; 116 Stat. 2607; 10 U.S.C. 2302 note), as amended
 25 by section 811 of the Ronald W. Reagan National Defense

1 Authorization Act for Fiscal Year 2005 (Public Law 108–
2 375), is further amended—

3 (1) in subsection (a), by inserting “or utiliza-
4 tion of services” after “items”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)(B), by inserting “or
7 services” after “items”;

8 (B) in paragraph (2)—

9 (i) by inserting “or utilizing services”
10 after “items”;

11 (ii) in subparagraph (A), by inserting
12 “or service” after “item”;

13 (iii) in subparagraph (B), by inserting
14 “or the utilization of a service” after
15 “item”; and

16 (iv) in subparagraph (C), by inserting
17 “or utilization” after “deployment”;

18 (3) in subsection (c)—

19 (A) by inserting “or service” after “equip-
20 ment” each place it appears;

21 (B) by striking “combat capability” each
22 place it appears;

23 (C) by striking “casualties” and inserting
24 “fatalities” each place it appears;

1 (D) in paragraph (1), by inserting “below
 2 the Under Secretary of Defense (Acquisition,
 3 Technology and Logistics)” after “delegation”;
 4 and

5 (E) by amending paragraph (4) to read as
 6 follows:

7 “(4) The Secretary of Defense shall notify the
 8 congressional defense committees within 15 days
 9 after the end of each quarter of the fiscal year with
 10 regard to each determination made under paragraph
 11 (1) during that quarter. For each determination,
 12 such notice shall identify—

13 “(A) the equipment and services being ac-
 14 quired;

15 “(B) the amount being expended for each
 16 acquisition; and

17 “(C) the source of funds for each acqui-
 18 sition.”; and

19 (4) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) by inserting “or service” after
 22 “equipment” each place it appears;

23 (ii) in subparagraph (B), by striking
 24 “or”; and

1 (iii) in subparagraph (C), by striking
 2 the period and inserting “; or”; and
 3 (B) by adding at the end the following new
 4 subparagraph:
 5 “(D) domestic source or content restric-
 6 tions that would inhibit or impede the rapid ac-
 7 quisition of the equipment or service.”.

8 **SEC. 804. UNIFIED COMBATANT COMMAND FOR JOINT**
 9 **WARFIGHTING EXPERIMENTATION: ACQUISITION AUTHORITY.**
 10

11 Section 167a of title 10, United States Code, is
 12 amended—

13 (1) in subsection (a), by striking “and acquire”
 14 and inserting “, acquire and sustain”; and
 15 (2) by striking subsection (f).

16 **SEC. 805. QUALITY CONTROL IN PROCUREMENT OF SHIP**
 17 **CRITICAL SAFETY ITEMS AND RELATED**
 18 **SERVICES.**

19 (a) **QUALITY CONTROL POLICY.**—The Secretary of
 20 Defense shall prescribe in regulations a quality control
 21 policy for the procurement of ship critical safety items and
 22 the procurement of modifications, repair, and overhaul of
 23 such items.

1 (b) CONTENT OF REGULATIONS.—The policy set
2 forth in the regulations shall include the following require-
3 ments:

4 (1) That the head of the design control activity
5 for ship critical safety items establish processes to
6 identify and manage the procurement, modification,
7 repair, and overhaul of ship critical safety items.

8 (2) That the head of the contracting activity for
9 a ship critical safety item enter into a contract for
10 the procurement, modification, repair, or overhaul of
11 such item only with a source on a Qualified Manu-
12 facturers List or a source approved by the design
13 control activity in accordance with section 2319 of
14 title 10, United States Code.

15 (3) That the ship critical safety items delivered,
16 and the services performed with respect to ship crit-
17 ical safety items, meet all technical and quality re-
18 quirements specified by the design control activity.

19 (c) DEFINITIONS.—In this section, the terms “ship
20 critical safety item” and “design control activity” have the
21 meanings given such terms in section 2319(g) of title 10,
22 United States Code, as amended by subsection (d).

23 (d) CONFORMING AMENDMENTS.—Section 2319 of
24 title 10, United States Code, is amended—

1 (1) in subsection (c)(3), by inserting “or ship”
 2 after “aviation”; and

3 (2) in subsection (g)—

4 (A) by redesignating paragraph (2) as
 5 paragraph (3);

6 (B) by inserting after paragraph (1) the
 7 following new paragraph (2):

8 “(2) The term ‘ship critical safety item’ means
 9 any ship part, assembly, or support equipment con-
 10 taining a critical characteristic whose failure, mal-
 11 function, or absence may cause a catastrophic or
 12 critical failure resulting in loss or serious damage to
 13 the ship, or unacceptable risk of personal injury or
 14 loss of life.”; and

15 (C) in paragraph (3) (as redesignated)—

16 (i) by inserting “or ship” after “avia-
 17 tion” the first place it appears; and

18 (ii) by inserting “or the seaworthiness
 19 of a ship system or equipment” after
 20 “equipment”.

21 **SEC. 806. EXTENSION OF SPECIAL TEMPORARY CONTRACT**

22 **CLOSEOUT AUTHORITY.**

23 Section 804 of the National Defense Authorization
 24 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
 25 1541), as amended by section 852 of the Ronald W.

1 Reagan National Defense Authorization Act for Fiscal
 2 Year 2005 (Public Law 108–375; 118 Stat. 2021), is fur-
 3 ther amended in subsection (d) by striking “September
 4 30, 2006” and inserting “September 30, 2007”.

5 **SEC. 807. DEFENSE ACQUISITION CHALLENGE PROGRAM.**

6 Section 2359b of title 10, United States Code, is
 7 amended by striking subsection (j).

8 **Subtitle B—United States Defense**
 9 **Industrial Base Provisions**

10 **SEC. 811. REPEAL OF THE MILITARY SYSTEM BREAKOUT**
 11 **LIST.**

12 Section 813 of the National Defense Authorization
 13 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
 14 1543) is repealed.

15 **Subtitle C—National Defense**
 16 **Stockpile**

17 **SEC. 821. REVISION OF LIMITATIONS ON REQUIRED DIS-**
 18 **POSALS OF CERTAIN MATERIALS IN NA-**
 19 **TIONAL DEFENSE STOCKPILE.**

20 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR
 21 FISCAL YEAR 1997.—Section 3303 of the National De-
 22 fense Authorization Act for Fiscal Year 1997 (Public Law
 23 104–201; 110 Stat. 2855; 50 U.S.C. 98d note), as amend-
 24 ed by section 3402(f) of the National Defense Authoriza-
 25 tion Act for Fiscal Year 2000 (Public Law 106–65; 113

1 Stat. 973), and section 3304(c) of the National Defense
2 Authorization Act for Fiscal Year 2002 (Public Law 107–
3 107; 115 Stat. 1390), is further amended—

4 (1) in subsection (a), by striking paragraph (2)
5 and inserting the following new paragraph:

6 “(2) \$720,000,000 during the twelve-fiscal year
7 period ending September 30, 2008.”; and

8 (2) in subsection (b)(2), by striking “10-fiscal
9 year period” and inserting “12-fiscal year period”.

10 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR
11 FISCAL YEAR 1998.—Section 3305(a)(5) of the National
12 Defense Authorization Act for Fiscal Year 1998 (Public
13 Law 105–85; 111 Stat. 2057; 50 U.S.C. 98d note), as
14 amended by section 3305 of the National Defense Author-
15 ization Act for Fiscal Year 2002 (Public Law 107–107;
16 115 Stat. 1390), is further amended by striking “2006”
17 and inserting “2008”.

18 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
19 FISCAL YEAR 1999.—Section 3303(a) of the Strom Thur-
20 mond National Defense Authorization Act for Fiscal Year
21 1999 (Public Law 105–261; 112 Stat. 2263; 50 U.S.C.
22 98d note), as amended by section 3302 of the Ronald W.
23 Reagan National Defense Authorization Act for Year
24 2005 (Public Law 108–375; 118 Stat. 2193), and section
25 3302(a) of the National Defense Authorization Act for

1 Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3545),
 2 is further amended—

3 (1) by striking “and” at the end of paragraph
 4 (5); and

5 (2) by striking paragraph (6) and inserting the
 6 following new paragraphs:

7 “(6) \$1,000,000,000 by the end of fiscal year
 8 2013; and

9 “(7) \$1,365,000,000 by the end of fiscal year
 10 2014.”.

11 **Subtitle D—Other Matters**

12 **SEC. 831. CLARIFICATION OF JURISDICTION OF THE** 13 **UNITED STATES DISTRICT COURTS TO HEAR** 14 **BID PROTEST DISPUTES INVOLVING MARI-** 15 **TIME CONTRACTS.**

16 Section 1491 of title 28, United States Code, is
 17 amended by adding at the end the following new sub-
 18 section:

19 “(d) Jurisdiction over any actions described under
 20 subsection (b)(1) arising out of a maritime contract or a
 21 proposed maritime contract shall be governed by this sec-
 22 tion, and shall not be subject to the jurisdiction of the
 23 District Courts of the United States under the Act of
 24 March 9, 1920, as amended (41 Stat. 525, as amended,
 25 46 U.S.C. 741–752) or the Act of March 3, 1925, as

1 amended (43 Stat. 1112, as amended, 46 U.S.C. 781–
2 790).”.

3 **TITLE IX—DEPARTMENT OF DE-**
4 **FENSE ORGANIZATION AND**
5 **MANAGEMENT**

6 **Subtitle A—General Department of**
7 **Defense Management Matters**

8 **SEC. 901. UNITED STATES MARINE BAND AND UNITED**
9 **STATES MARINE DRUM AND BUGLE CORPS.**

10 (a) IN GENERAL.—Section 6222 of title 10, United
11 States Code, is amended to read as follows:

12 **“§ 6222. United States Marine Band and United**
13 **States Marine Drum and Bugle Corps:**
14 **composition; appointment and promotion**

15 “(a) The band of the Marine Corps shall be composed
16 of one director, two assistant directors, and other per-
17 sonnel in such numbers and grades as the Secretary of
18 the Navy determines to be necessary.

19 “(b) The Drum and Bugle Corps of the Marine Corps
20 shall be composed of one commanding officer and other
21 personnel in such numbers and grades as the Secretary
22 of the Navy determines to be necessary.

23 “(c) The Secretary shall prescribe regulations for the
24 appointment and promotion of members of the Marine
25 Band and members of the Marine Drum and Bugle Corps

1 and the President may from time to time appoint them
 2 to grades not above the grade of captain. The President's
 3 authority to appoint members to grades not above captain
 4 under this section may be delegated only to the Secretary
 5 of Defense without further re-delegation. The President,
 6 by and with the advice and consent of the Senate, may
 7 from time to time appoint members to grades above the
 8 grade of captain.

9 “(d) Unless otherwise entitled to higher retired grade
 10 and retired pay, a member who holds, or has held, an ap-
 11 pointment under this section is entitled, when retired, to
 12 be retired in, and with retired pay based on, the highest
 13 grade held under this section in which the Secretary deter-
 14 mines that he served satisfactorily.

15 “(e) The Secretary may revoke any appointment of
 16 a member of the Marine Band or Marine Drum and Bugle
 17 Corps. When a member's appointment to a commissioned
 18 grade under this section terminates, the member is enti-
 19 tled, at his option—

20 “(1) to be discharged from the Marine Corps;

21 or

22 “(2) to revert to the grade and status he held
 23 at the time of his designation.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
 25 for chapter 565 of such title is amended by striking the

1 item relating to section 6222 and inserting the following
 2 new item:

“6222. United States Marine Band and United States Marine Drum and Bugle
 Corps: composition; appointment and promotion.”.

3 **SEC. 902. ELIMINATION OF DUPLICATIVE VOTING ASSIST-**
 4 **ANCE INSTALLATION VISITS.**

5 Section 1566 of title 10, United States Code, is
 6 amended—

7 (1) by striking subsection (d); and

8 (2) by redesignating subsections (e), (f), (g),
 9 (h) and (i) as subsections (d), (e), (f), (g), and (h),
 10 respectively.

11 **Subtitle B—Space Activities**

12 **SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**
 13 **FOR PROVISION OF SPACE SURVEILLANCE**
 14 **NETWORK SERVICES TO NON-UNITED STATES**
 15 **GOVERNMENT ENTITIES.**

16 Section 2274(i) of title 10, United States Code, is
 17 amended by striking “shall be conducted during the three-
 18 year period beginning on a date specified by the Secretary
 19 of Defense, which date shall be not later than 180 days
 20 after the date of the enactment of this section” and insert-
 21 ing “may be conducted through September 30, 2009”.

1 **SEC. 912. DESIGNATION OF SUCCESSOR ORGANIZATIONS**
 2 **FOR THE DISESTABLISHED INTERAGENCY**
 3 **GLOBAL POSITIONING EXECUTIVE BOARD.**

4 Section 8 of the Commercial Space Transportation
 5 Competitiveness Act of 2000 (Public Law 106–405; 114
 6 Stat. 1753) is amended by striking “the Interagency Glob-
 7 al Positioning System Executive Board, including an Ex-
 8 ecutive Secretariat to be housed at the Department of
 9 Commerce” and inserting “the National Space-Based Po-
 10 sitioning, Navigation, and Timing Executive Committee,
 11 the National Space-Based Positioning, Navigation, and
 12 Timing Coordination Office, and the National Space-
 13 Based Positioning, Navigation, and Timing Advisory
 14 Board, or successor organizations”.

15 **Subtitle C—Intelligence-Related**
 16 **Matters**

17 **SEC. 921. PERMANENT AUTHORITY FOR DEFENSE INTEL-**
 18 **LIGENCE COMMERCIAL ACTIVITIES.**

19 Section 431(a) of title 10, United States Code, is
 20 amended by striking the last sentence.

21 **SEC. 922. DEFENSE INFORMATION SYSTEMS AGENCY.**

22 Section 193(f)(1) of title 10, United States Code, is
 23 amended to read as follows:

24 “(1) The Defense Information Systems Agen-
 25 cy.”.

1 **SEC. 923. PROTECTION OF INFORMATION REGARDING**
2 **WEAPONS OF MASS DESTRUCTION.**

3 (a) PROHIBITION FROM DISCLOSURE UNDER FREE-
4 DOM OF INFORMATION ACT.—Information in the posses-
5 sion of the Department of Defense concerning weapons of
6 mass destruction, as defined in subsection (d) of this sec-
7 tion, shall not be disclosed under section 552 of title 5,
8 United States Code (commonly referred to as the Freedom
9 of Information Act (FOIA)) for the period of time the sen-
10 sitivity of the information can be reasonably confirmed.
11 Any information controlled under the Atomic Energy Act
12 of 1954, as amended, is exempt from the provisions of this
13 Act. This exemption shall be implemented in a manner
14 so as to not unduly restrict the public's current level of
15 access to environmental impact statements, records con-
16 cerning healthcare activities, or other information essen-
17 tial to inform official decision-making concerning the
18 health and safety of the public.

19 (b) REQUIREMENT FOR SAFEGUARDING.—The De-
20 partment of Defense shall safeguard information con-
21 cerning weapons of mass destruction commensurate with
22 the sensitivity of the information concerned and shall take
23 all reasonable actions to ensure parties outside the Federal
24 government with whom the Department shares such infor-
25 mation safeguard it in the same manner.

1 (c) APPLICATION OF STATE OR LOCAL DISCLOSURE
2 LAWS.—Information subject to this section that the De-
3 partment has provided to State and local authorities shall
4 not be made available pursuant to any State or local law
5 requiring disclosure of information or records.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “weapon of mass destruction” has
8 the same meaning as given in the Defense Against
9 Weapons of Mass Destruction Act of 1996 (50
10 U.S.C. 2302).

11 (2) The term “information concerning weapons
12 of mass destruction” means information that—

13 (A) would assist in developing, producing,
14 or using weapons of mass destruction or in
15 evading the detection or the monitoring of the
16 development, production, use, or presence of
17 weapons of mass destruction; or

18 (B) would disclose a vulnerability to the ef-
19 fects of a weapon of mass destruction.

20 Examples of such information could include informa-
21 tion that remains current and sensitive, such as but
22 not limited to, formulas and design descriptions of
23 lethal and incapacitating materials; maps, designs,
24 security/emergency response plans, and vulnerability
25 assessments for facilities containing weapons of

1 mass destruction materials; studies of the effects
2 and possible methods of weaponization of weapons of
3 mass destruction materials; design details, capabilities,
4 ties, and application of detection, surveillance, countermeasures,
5 and measurement equipment or plans;
6 United States Government evaluations of response
7 plans of State and local governments; and evaluation
8 of weapons of mass destruction dispersal systems or
9 methods.

10 (e) REPORTING.—Ninety days following the one-year
11 anniversary of the effective date of this section, the Department
12 of Defense will provide to the Department of
13 Justice and the Office of Management and Budget a report
14 detailing the number of FOIA requests received for
15 information covered under this section, a description of
16 the information requested, and specific actions taken as
17 a result of the request.

18 **SEC. 924. AUTHORITY FOR THE NATIONAL SECURITY AGENCY**
19 **TO COLLECT SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF INFORMATION ASSURANCE PRODUCTS.**

22 The National Security Agency Act of 1959 (50
23 U.S.C. 402 note) is amended by adding at the end the
24 following new section:

1 “SEC. 20. The Director may collect charges for evalu-
 2 ating, certifying, or validating information assurance
 3 products under the National Information Assurance Pro-
 4 gram or successor program. Such charges may be based
 5 upon fixed prices or costs. The appropriation or fund bear-
 6 ing the cost of the service may be reimbursed, or the Di-
 7 rector may require advance payment subject to such ad-
 8 justment on completion of the work as may be agreed
 9 upon. Amounts collected are hereby made available for the
 10 National Information Assurance Program.”.

11 **TITLE X—GENERAL PROVISIONS**

12 **Subtitle A—Financial Matters**

13 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE**
 14 **BUDGET REQUEST FOR PROCUREMENT OF**
 15 **RESERVE EQUIPMENT.**

16 Section 114(e) of title 10, United States Code, is re-
 17 pealed.

18 **SEC. 1002. REPEAL OF REQUIREMENT FOR TWO-YEAR**
 19 **BUDGET CYCLE FOR THE DEPARTMENT OF**
 20 **DEFENSE.**

21 Section 1405 of the Department of Defense Author-
 22 ization Act, 1986 (31 U.S.C. 1105 note) is repealed.

1 **SEC. 1003. ACCEPTANCE AND RETENTION OF REIMBURSE-**
2 **MENT FROM NON-FEDERAL SOURCES TO DE-**
3 **FRAY DEPARTMENT OF DEFENSE CON-**
4 **FERENCE COSTS.**

5 (a) IN GENERAL.—Chapter 101 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 2016. Conference funding**

9 “(a) IN GENERAL.—The Secretary of Defense may,
10 directly or by contract, collect fees from individual or com-
11 mercial participants in a conference, seminar, exhibition,
12 symposium or similar meeting (hereinafter referred to col-
13 lectively as a ‘conference’) conducted by and in the inter-
14 ests of the Department of Defense. Fees for a conference
15 shall be established at rates no greater than necessary to
16 defray the estimated costs of the conference.

17 “(b) CREDITING OF RECEIPTS.—(1) Amounts re-
18 ceived by the Department under this section shall be cred-
19 ited to the appropriation from which the conference costs
20 were paid. Amounts received in excess of actual costs in-
21 curred shall be deposited into the Treasury as miscella-
22 neous receipts.

23 “(2) Amounts received by a contractor under this sec-
24 tion may be used to pay for the expenses of a conference,
25 to reimburse the Department for conference costs, or to

1 defray other authorized costs under a conference con-
 2 tract.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of such chapter is amended by adding
 5 at the end the following new item:

“2016. Conference funding.”.

6 **SEC. 1004. INCREASED FLEXIBILITY IN THE USE OF JOINT**
 7 **STAFF EXERCISE FUNDS.**

8 Section 166 of title 10, United States Code, is
 9 amended—

10 (1) in subsection (b)(1), by inserting “, includ-
 11 ing some service expenses” after “Joint exercises”;
 12 and

13 (2) by adding at the end the following new sub-
 14 section:

15 “(d) FUNDING OF EXERCISES.—The funding author-
 16 ized in this section may include the following:

17 “(1) exercise-related expenses of the Armed
 18 Forces, to include self-deploying watercraft owned by
 19 the military departments;

20 “(2) port support activity costs, to include
 21 transportation and port handling; and

22 “(3) the breakout and operation of
 23 prepositioned watercraft and lighterage for joint lo-
 24 gistics over the shore exercises.

1 Any amounts provided by the Chairman of the Joint
 2 Chiefs of Staff during any fiscal year out of such funds
 3 shall be in addition to amounts otherwise available for that
 4 activity for that fiscal year.”.

5 **SEC. 1005. RETENTION AND USE OF PROCEEDS OF SALES**
 6 **OF M109 HOWITZERS UNDER THE ARMS EX-**
 7 **PORT CONTROL ACT TO PROCURE M109-**
 8 **BASED VEHICLES.**

9 Section 114(c)(2) of title 10, United States Code, is
 10 amended—

11 (1) by striking “and” at the end of subpara-
 12 graph (A);

13 (2) by striking the period at the end of sub-
 14 paragraph (B) and inserting “; and”; and

15 (3) by adding at the end the following new sub-
 16 paragraph:

17 “(C) from the sale of M109 howitzers from
 18 stock of the Department of Defense that have
 19 been identified by the Secretary of the Army
 20 and that are neither excess defense articles nor
 21 defense articles intended to be replaced—

22 “(i) shall be deposited into the Pro-
 23 curement of Weapons and Tracked Combat
 24 Vehicles, Army appropriations account and
 25 shall be available—

1 “(I) to purchase a defense article
 2 that has a function similar to the
 3 M109 howitzer sold; or

4 “(II) to procure or upgrade
 5 M109-based vehicles, including resup-
 6 ply and command and control vehi-
 7 cles.

8 “(ii) Such amounts shall be available
 9 for obligation in the fiscal year following
 10 the fiscal year in which they are received,
 11 and for three years thereafter.

12 “(iii) The authority of this subpara-
 13 graph shall expire on September 30,
 14 2012.”.

15 **Subtitle B—Naval Vessels and** 16 **Shipyards**

17 **SEC. 1011. AUTHORITY TO REQUEST TRANSFER TO FOR-** 18 **EIGN NATIONS BY VESSEL CLASS.**

19 Section 7307(a) of title 10, United States Code, is
 20 amended by inserting “or vessel of that class” after “that
 21 vessel”.

**Subtitle C—Counter-Drug
Activities**

**SEC. 1021. EXTENSION OF AUTHORITY TO PROVIDE DE-
PARTMENT OF DEFENSE SUPPORT FOR
COUNTER-DRUG ACTIVITIES OF OTHER GOV-
ERNMENTAL AGENCIES.**

Section 1004(a) of the National Defense Authoriza-
tion Act for Fiscal Year 1991 (Public Law 101–510; 10
U.S.C. 374 note), as amended by section 1021 of the Na-
tional Defense Authorization Act for Fiscal Year 2002
(Public Law 107–107; 115 Stat. 1212), is further amend-
ed by striking “2002 through 2006” and inserting “2006
through 2011”.

**SEC. 1022. USE OF FUNDS FOR UNIFIED COUNTERDRUG
AND COUNTERTERRORISM CAMPAIGN IN CO-
LOMBIA.**

Section 1021 of the Ronald W. Reagan National De-
fense Authorization Act for Fiscal Year 2005 (Public Law
108–375; 118 Stat. 2042) is amended—

(1) in subsection (a)(1), by striking “2005 and
2006” and inserting “2007 and 2008”; and

(2) in subsection (c), by striking “2005 and
2006” and inserting “2007 and 2008”.

1 **SEC. 1023. EXPANSION AND EXTENSION OF AUTHORITY TO**
 2 **PROVIDE ADDITIONAL SUPPORT FOR**
 3 **COUNTER DRUG ACTIVITIES.**

4 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR
 5 FISCAL YEAR 1997.—Section 1033 of the National De-
 6 fense Authorization Act for Fiscal Year 1998 (Public Law
 7 105–85; 111 Stat. 1881), as amended by section 1021 of
 8 the National Defense Authorization Act for Fiscal Year
 9 2004, (Public Law 108–136, 117 Stat. 1593) is further
 10 amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by striking “shall
 13 consult with” and inserting “will seek concur-
 14 rence of”; and

15 (B) in paragraph (2), by striking “2006”
 16 and inserting “2011”;

17 (2) in subsection (b), by adding at the end of
 18 the following new paragraphs:

19 “(10) The Government of Azerbaijan.

20 “(11) The Government of Kazakhstan.

21 “(12) The Government of Kyrgyzstan.

22 “(13) The Government of Niger.

23 “(14) The Government of Mauritania.

24 “(15) The Government of Mali.

25 “(16) The Government of Chad.

26 “(17) The Government of Indonesia.

1 “(18) The Government of Philippines.

2 “(19) The Government of Thailand.

3 “(20) The Government of Malaysia.

4 “(21) The Government of Guatemala.

5 “(22) The Government of Belize.

6 “(23) The Government of Panama.”.

7 (3) in subsection (c)(2), by inserting “, vehicles,
8 aircraft, and detection, interception, monitoring and
9 testing equipment” after “boats”; and

10 (4) in subsection (e)(2)—

11 (A) by striking “\$40,000,000” and insert-
12 ing “\$80,000,000”; and

13 (B) by striking “2006” and inserting
14 “2011”.

15 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR
16 FISCAL YEAR 1997.—Section 1031(b) of the National De-
17 fense Authorization Act for Fiscal Year 1997 (Public Law
18 104–201; 110 Stat. 2637) is amended—

19 (1) by amending paragraph (3) to read as fol-
20 lows:

21 “(3) The transfer of nonlethal components, ac-
22 cessories, attachments, parts (including ground sup-
23 port equipment), firmware, and software, and re-
24 lated repair equipment related to the equipment in
25 paragraph (2).”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(5) The sustainment, including individual and
4 crew served weapons and ammunition, of
5 counterdrug security forces.”.

6 **SEC. 1024. DEPARTMENT OF DEFENSE SUPPORT FOR**
7 **COUNTER DRUG ACTIVITIES.**

8 Section 1021(a) of the National Defense Authoriza-
9 tion Act for Fiscal Year 2002 (Public Law 107–107; 115
10 Stat. 1212), is amended by striking “2002 through 2006”
11 and inserting “2007 through 2011”.

12 **Subtitle D—Matters Related to**
13 **Homeland Security**

14 **SEC. 1031. DUTIES RELATING TO DEFENSE AGAINST WEAP-**
15 **ONS OF MASS DESTRUCTION.**

16 Section 12310(c)(1) of title 10, United States Code,
17 is amended—

18 (1) by striking “or” at the end of subparagraph
19 (A);

20 (2) by striking the period at the end of sub-
21 paragraph (B) and inserting “; or”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(C) the intentional or unintentional re-
25 lease of nuclear, biological, radiological, or toxic

1 or poisonous chemical materials likely to result
2 in catastrophic loss of life or property.”.

3 **SEC. 1032. REPEAL OF CERTAIN LAWS PERTAINING TO THE**
4 **JOINT COMMITTEE FOR THE REVIEW OF**
5 **COUNTERPROLIFERATION PROGRAMS.**

6 (a) JOINT COMMITTEE FOR THE REVIEW OF
7 COUNTERPROLIFERATION PROGRAMS OF THE UNITED
8 STATES.—Section 1605 of the National Defense Author-
9 ization Act for Fiscal Year 1994 (title XVI of Public Law
10 103–160; 22 U.S.C. 2751 note) is repealed.

11 (b) REPORTS ON COUNTERPROLIFERATION ACTIVI-
12 TIES AND PROGRAMS.—Section 1503 of the National De-
13 fense Authorization Act for Fiscal Year 1995 (title XV
14 of Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

15 **SEC. 1033. EXPANSION OF OPERATIONS OF CIVIL SUPPORT**
16 **TEAMS.**

17 (a) IN GENERAL.—Section 12310(c) of title 10,
18 United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) by amending subparagraph (A) to read
21 as follows:

22 “(A) the use or threatened use of a weapon of
23 mass destruction (as defined in section 12304(i)(2)
24 of this title) in the United States, Canada, or the
25 United Mexican States;”;

1 (B) in subparagraph (B)—

2 (i) by inserting “, in Canada, or the
3 United Mexican States” after “United
4 States”; and

5 (ii) by striking the period at the end
6 and inserting a semicolon; and

7 (C) by adding at the end the following new
8 subparagraphs:

9 “(C) the intentional or unintentional release of
10 nuclear, biological, radiological, or toxic or poisonous
11 chemical materials in the United States, Canada, or
12 the United Mexican States that results, or could re-
13 sult, in catastrophic loss of life or property; or

14 “(D) a natural or manmade disaster in the
15 United States, Canada, or the United Mexican
16 States that results, or could result, in catastrophic
17 loss of life or property.”;

18 (2) by amending paragraph (3) to read as fol-
19 lows:

20 “(3)(A) A Reserve may perform duties described in
21 subparagraphs (1)(A), (1)(B), and (1)(C)—

22 “(i) only while assigned to a reserve component
23 civil support team; and

1 “(ii) if performing those duties in Canada or
 2 the United Mexican States, only after being ordered
 3 to active duty under this title.

4 “(B) A Reserve may perform the duties described in
 5 subparagraph (1)(D)—

6 “(i) only while assigned to a reserve component
 7 civil support team;

8 “(ii) only with the approval of the Secretary of
 9 Defense; and

10 “(iii) if performing those duties in Canada or
 11 the United Mexican States, only after being ordered
 12 to active duty under this title.

13 “(C) Any duties described in paragraph (1) that are
 14 performed in Canada or the United Mexican States may
 15 occur, with consultation of the Secretary of State, at any
 16 distance beyond the United States borders with those
 17 countries as appropriate authorities in those countries
 18 may consent.”; and

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

21 “(7) In this subsection, the term ‘United States’
 22 means each of the several States, the District of Columbia,
 23 Puerto Rico, Guam, and the Virgin Islands.”.

24 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 25 Such subsection is further amended—

1 (1) by amending the heading to read as follows:

2 “(c) OPERATIONS RELATING TO DEFENSE AGAINST
3 WEAPONS OF MASS DESTRUCTION, TERRORIST ATTACKS,
4 AND NATURAL OR MANMADE DISASTERS.—”;

5 (2) in paragraph (5), by striking “rapid assess-
6 ment element team” and inserting “civil support
7 team”; and

8 (3) in paragraph (6)(B), by striking “para-
9 graph (3)(B)” and inserting “paragraph (3)”.

10 **Subtitle E—Other Matters**

11 **SEC. 1041. HARMONIZING THE DEFINITION OF NATIONAL** 12 **SECURITY SYSTEM WITHIN THE DEPART-** 13 **MENT OF DEFENSE.**

14 (a) DEFENSE BUSINESS SYSTEMS.—Section
15 2222(j)(6) of title 10, United States Code, is amended by
16 striking “in section 2315 of this title” and inserting “by
17 section 3542(b)(2) of title 44”.

18 (b) INFORMATION TECHNOLOGY.—Section
19 2223(c)(3) of such title is amended by striking “section
20 11103 of title 40” and inserting “section 3542(b)(2) of
21 title 44”.

22 (c) PROCUREMENT OF AUTOMATIC DATA PROC-
23 ESSING EQUIPMENT AND SERVICES.—Section 2315 of
24 such title is amended to read as follows:

1 “For the purposes of subtitle III of title 40, the term
 2 ‘national security systems’ has the meaning given that
 3 term by section 3542(b)(2) of title 44.”.

4 **SEC. 1042. AMENDMENT TO DELEGATION AUTHORITY FOR**
 5 **ASSISTANCE IN COMBATING TERRORISM.**

6 Section 127b of title 10, United States Code, is
 7 amended—

8 (1) in subsection (c)—

9 (A) in paragraph (1)(B), by inserting “, or
 10 to a subcombatant commander designated by a
 11 combatant commander and approved by the
 12 designated Under Secretary of Defense under
 13 subparagraph (A)” after “combatant com-
 14 mand”; and

15 (B) in paragraph (2), by striking “\$2,500”
 16 and inserting “\$10,000”; and

17 (2) in subsection (f)(2)(C)—

18 (A) by inserting “and” at the end of clause

19 (i);

20 (B) by striking clause (ii); and

21 (C) by redesignating clause (iii) as clause

22 (ii).

1 **SEC. 1043. DEFENSE ECONOMIC ADJUSTMENT PROGRAM:**
 2 **RESEARCH AND TECHNICAL ASSISTANCE.**

3 Section 2391 of title 10, United States Code, is
 4 amended by inserting after subsection (b) the following
 5 new subsection (c):

6 “(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1)
 7 The Secretary of Defense may make grants, conclude co-
 8 operative agreements, and enter into contracts in order
 9 to conduct research and technical assistance in support
 10 of activities under this section or Executive Order 12788,
 11 as amended.

12 “(2) A grant, cooperative agreement, or contract
 13 under this subsection may be with or to a Federal agency,
 14 a State or local government, or any private entity.”.

15 **SEC. 1044. CLARIFICATION OF GOVERNMENT STANDING**
 16 **UNDER THE LANHAM ACT TO TAKE A CIVIL**
 17 **ACTION FOR FALSE DESIGNATIONS OF ORI-**
 18 **GIN, FALSE DESCRIPTIONS AND FALSE REP-**
 19 **RESENTATIONS.**

20 Section 43(a) of the Trademark Act of 1946 (15
 21 U.S.C. 1125(a)) is amended—

22 (1) in paragraph (1), by striking “any person
 23 who believes that he or she is or is likely” and in-
 24 serting “by any person, including the United States
 25 when the United States is a consumer or the owner

1 of a trademark, who believes that he, she, or it is
 2 or is likely”; and

3 (2) in paragraph (2)—

4 (A) by inserting “the United States,” after
 5 “includes”; and

6 (B) by striking “Any” and inserting “The
 7 United States, any”.

8 **TITLE XI—CIVILIAN PERSONNEL** 9 **MATTERS**

10 **SEC. 1101. PERMIT CONTINUED APPLICATION OF SENIOR**
 11 **EXECUTIVE SERVICE PROVISIONS FOR CER-**
 12 **TAIN NONCAREER SENIOR EXECUTIVE SERV-**
 13 **ICE MEMBERS AND CHIEFS OF MISSION**
 14 **AFTER APPOINTMENT TO NON-SENIOR EXEC-**
 15 **UTIVE SERVICE OR CHIEF OF MISSION POSI-**
 16 **TIONS.**

17 (a) SENIOR EXECUTIVE SERVICE.—Section 3392(c)
 18 of title 5, United States Code, is amended—

19 (1) in paragraph (1)—

20 (A) by inserting “, or a noncareer ap-
 21 pointee who has served under a noncareer ap-
 22 pointment for at least 180 days without a break
 23 in service,” after “a career appointee”; and

1 (B) by striking “the career appointee”
2 both places it appears and inserting “the career
3 or noncareer appointee”;

4 (2) in paragraph (2), by inserting “, or any
5 noncareer appointee who has served under a non-
6 career appointment for at least 180 days without a
7 break in service,” after “any career appointee”; and

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

10 “(3) An employee who makes an election under
11 paragraph (1) or (2) will be subject to the provisions
12 of section 207(c)(2)(i) of title 18.”.

13 (b) CHIEF OF MISSION.—Section 302 of the Foreign
14 Service Act of 1980 (22 U.S.C. 3942), is amended by add-
15 ing at the end the following new subsection:

16 “(c) If a chief of mission who has served under an
17 appointment pursuant to subsection (a)(1) for at least 180
18 days without a break in service is appointed by the Presi-
19 dent, by and with the advice and consent of the Senate,
20 to a civilian position in the executive branch which is not
21 in the Senior Executive Service, or a subsequent appoint-
22 ment pursuant to subsection (a)(1), and the rate of basic
23 pay payable for which is equal to or greater than the rate
24 payable for level V of the Executive Schedule, the ap-
25 pointee may elect to continue to have the provisions of

1 section 401 apply as if the appointee remained in the chief
 2 of mission position from which he was appointed. Such
 3 provisions shall apply in lieu of the provisions which would
 4 otherwise apply so long as the appointee continues to serve
 5 under such Presidential appointment.”.

6 **SEC. 1102. PAYMENT OF FULL REPLACEMENT VALUE FOR**
 7 **PERSONAL PROPERTY CLAIMS OF CIVILIANS.**

8 Section 2636a(a) of title 10, United States Code, is
 9 amended by inserting “and Department of Defense civil-
 10 ian employees” after “members of the armed forces”.

11 **SEC. 1103. FLEXIBILITY IN PAYING ANNUITY TO FEDERAL**
 12 **RETIREEES WHO RETURN TO WORK.**

13 Section 9902(j) of title 5, United States Code, is
 14 amended to read as follows:

15 “(j) PROVISIONS RELATING TO REEMPLOYMENT.—

16 (1) The Secretary of Defense may, under procedures and
 17 criteria prescribed under paragraph (2), waive the applica-
 18 tion of the provisions of section 8344 or 8468 of this title
 19 on a case-by-case or group basis for employment of an
 20 annuitant in a position in the Department of Defense.

21 “(2) The Secretary shall prescribe procedures for the
 22 exercise of any authority under this subsection, including
 23 criteria for any exercise of authority and procedures for
 24 a delegation of authority.

1 “(3) An employee as to whom a waiver under this
2 subsection is in effect shall not be considered an employee
3 for purposes of subchapter III of chapter 83, or chapter
4 84 of this title.”.

5 **SEC. 1104. REPEAL OF LIMITATION ON APPOINTMENT OF**
6 **RETIRED MEMBERS OF THE ARMED FORCES**
7 **TO POSITIONS IN THE DEPARTMENT OF DE-**
8 **FENSE.**

9 Section 3326 of title 5, United States Code, is re-
10 pealed.

11 **SEC. 1105. EXPAND POOL OF JOBS THAT COUNT FOR CRED-**
12 **IT UNDER SERVICE AGREEMENTS REQUIRED**
13 **BY THE NATIONAL SECURITY EDUCATION**
14 **PROGRAM.**

15 Section 802(b)(2) of the David L. Boren National Se-
16 curity Education Act of 1991 (50 U.S.C. 1902(b)(2)) is
17 amended to read as follows:

18 “(2)(A) will begin work not later than three
19 years after the recipient’s completion of degree study
20 during which scholarship assistance was provided
21 under the program, in accordance with regulations
22 issued by the Secretary of Defense, in coordination
23 with the relevant Executive departments and agen-
24 cies—

1 “(i) for no less than one year in a position
2 certified by the Secretary of Defense, in coordi-
3 nation with the Secretaries of State and Home-
4 land Security and the Director of National In-
5 telligence, as appropriate, as contributing to
6 U.S. national security in the Department of De-
7 fense, any element of the Intelligence Commu-
8 nity, the Department of Homeland Security, or
9 the Department of State;

10 “(ii) for no less than one year in a position
11 in a Federal agency or office that is identified
12 by the Secretary under subsection (g) of this
13 section as having national security responsibil-
14 ities if the recipient demonstrates to the Sec-
15 retary that no position is available in the agen-
16 cies set forth in clause (i); or

17 “(iii) for no less than one academic year in
18 a position in the field of education in a dis-
19 cipline related to the study supported by Na-
20 tional Security Education Program if the recipi-
21 ent demonstrates to the Secretary that no posi-
22 tion is available in the entities set forth in
23 clauses (i) or (ii); or

24 “(B) will begin work not later than two years
25 after the recipient’s completion or termination of

1 study for which fellowship assistance was provided
2 under the program, in accordance with regulations
3 issued by the Secretary of Defense, in coordination
4 with the relevant Executive departments and agen-
5 cies—

6 “(i) for no less than one year in a position
7 certified by the Secretary of Defense, in coordi-
8 nation with the Secretaries of State and Home-
9 land Security and the Director of National In-
10 telligence, as appropriate, as contributing to
11 U.S. national security in the Department of De-
12 fense, any element of the Intelligence Commu-
13 nity, the Department of Homeland Security, or
14 the Department of State;

15 “(ii) for no less than one year in a position
16 in a Federal agency or office that is identified
17 by the Secretary under subsection (g) of this
18 section as having national security responsibil-
19 ities if the recipient demonstrates to the Sec-
20 retary that no position is available in the agen-
21 cies set forth in clause (i); or

22 “(iii) for no less than one academic year in
23 a position in the field of education in a dis-
24 cipline related to the study supported by Na-
25 tional Security Education Program if the recipi-

ent demonstrates to the Secretary that no position is available in the entities set forth in clauses (i) or (ii).”.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS Subtitle A—Assistance and Training

SEC. 1201. LOGISTIC SUPPORT OF ALLIED FORCES FOR COMBINED OPERATIONS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

“§ 127c. Logistic support of allied forces for combined operations

“(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, subject to the limitations of subsections (b) and (c) and notwithstanding any other provision of law, may use funds available to the Department of Defense for operations and maintenance to provide logistic support, supplies, and services, as defined in section 2350(1) of this title, to allied forces participating in combined operations with the armed forces of the United States.

“(b) LIMITATIONS.—The authority conferred in subsection (a) is limited to—

1 “(1) combined operations during a period of ac-
2 tive hostilities, a contingency, or a non-combat oper-
3 ation (including operations in support of the provi-
4 sion of humanitarian or foreign disaster assistance,
5 country stabilization operations, or peacekeeping op-
6 erations under chapter VI or VII of the Charter of
7 the United Nations); and

8 “(2) circumstances in which the Secretary of
9 Defense determines the allied forces to be provided
10 logistic support, supplies, and services under this
11 section are essential to the success of the combined
12 operation, and would not be able to participate in
13 the combined operation but for the provision of such
14 logistic support, supplies, and services.

15 “(c) LIMITATION ON VALUE.—The value of logistic
16 support, supplies, and services (including airlift and sea-
17 lift) provided under this section may not exceed
18 \$100,000,000 in any fiscal year. A maximum of an addi-
19 tional \$20,000,000 per year may be provided during the
20 periods in subsection (b) or at other times to allied forces
21 to ensure interoperability of their logistical support sys-
22 tems with those of the United States to facilitate future
23 combined operations.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by inserting

1 after the item relating to section 127b the following new
 2 item:

“127c. Logistic support of allied forces for combined operations.”.

3 **SEC. 1202. CHANGE TO ACQUISITION AND CROSS SERV-**
 4 **ICING AGREEMENTS DEFINITION TO ALLOW**
 5 **LOAN OF SIGNIFICANT MILITARY EQUIP-**
 6 **MENT.**

7 Section 2350(1) of title 10, United States Code, is
 8 amended by inserting before the period at the end the fol-
 9 lowing: “, except that such items of significant military
 10 equipment may be provided for temporary use, not to ex-
 11 ceed one year, to armed forces of nations participating in
 12 combined operations with United States Forces for per-
 13 sonnel protection or to aid in personnel survivability, if
 14 the Secretary of Defense, with the concurrence of the Sec-
 15 retary of State, determines in writing that it is in the best
 16 interests of the United States to provide such support”.

17 **SEC. 1203. EXPANSION OF HUMANITARIAN AND CIVIC AS-**
 18 **SISTANCE TO INCLUDE DEVELOPING COMMU-**
 19 **NICATIONS AND INFORMATION CAPACITY.**

20 Section 401 of title 10, United States Code, is
 21 amended—

22 (1) in subsection (c), by adding at the end the
 23 following new paragraph:

24 “(5) Expenses covered by paragraph (1) include com-
 25 munications or information systems equipment or supplies

1 that are to be transferred or otherwise furnished to a for-
 2 eign country in furtherance of the provision of assistance
 3 under this section.”; and

4 (2) in subsection (e), by adding at the end the
 5 following new paragraph:

6 “(6) Restoring or developing the capacity of the host
 7 nation’s information and communications technology
 8 where required to support other humanitarian and civic
 9 assistance currently being provided, including activities re-
 10 lating to the furnishing of education, training, and tech-
 11 nical assistance with respect to information and commu-
 12 nications technology.”.

13 **Subtitle B—Reports**

14 **SEC. 1211. RELIEF OF REQUIREMENT TO SUBMIT CERTAIN** 15 **ANNUAL REPORTS TO CONGRESS REGARD-** 16 **ING ALLIED CONTRIBUTIONS TO THE COM-** 17 **MON DEFENSE.**

18 (a) REPEAL OF CERTAIN REPORTS ON ALLIED CON-
 19 TRIBUTIONS TO THE COMMON DEFENSE.—Section 1003
 20 of the Department of Defense Authorization Act, 1985
 21 (Public Law 98–525; 98 Stat. 2576) is amended by strik-
 22 ing subsections (c) and (d).

23 (b) REPEAL OF COST-SHARING REPORT.—Section
 24 1313 of the National Defense Authorization Act for Fiscal

1 Year 1995 (Public Law 103–337; 108 Stat. 2894) is
2 amended—

3 (1) by striking subsection (c); and

4 (2) by redesignating subsections (d) and (e) as
5 subsections (c) and (d), respectively.

6 **Subtitle C—Other Matters**

7 **SEC. 1221. EXCLUSION OF PETROLEUM, OIL AND LUBRI-**
8 **CANTS FROM THE LIMITATIONS ON THE**
9 **AMOUNT OF LIABILITIES THE UNITED**
10 **STATES MAY ACCRUE UNDER ACQUISITION**
11 **AND CROSS-SERVICING AGREEMENTS.**

12 Section 2347 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(d) The monetary limitations contained in this sec-
16 tion shall not apply to the sale, purchase or exchange of
17 petroleum, oil and lubricants.”.

1 **TITLE** **XIII—COOPERATIVE**
 2 **THREAT REDUCTION WITH**
 3 **STATES OF THE FORMER SO-**
 4 **VIET UNION**

5 **SEC. 1301. TEMPORARY AUTHORITY TO WAIVE LIMITATION**
 6 **FUNDING FOR CHEMICAL WEAPONS DE-**
 7 **STRUCTION FACILITY IN RUSSIA.**

8 Section 1303(b) of the Ronald W. Reagan National
 9 Defense Authorization Act for Fiscal Year 2005 (Public
 10 Law 108–375; 118 Stat. 2094) is amended by striking
 11 “shall expire on December 31, 2006, and no waiver shall
 12 remain in effect after that date” and inserting “shall ex-
 13 pire upon completion of the chemical weapons destruction
 14 facility currently under construction”.

15 **DIVISION B—MILITARY CON-**
 16 **STRUCTION AUTHORIZA-**
 17 **TIONS**

18 **SEC. 2001. SHORT TITLE.**

19 This division may be cited as the “Military Construc-
 20 tion Authorization Act for Fiscal Year 2007”.

21 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 22 **ACQUISITION PROJECTS.**

23 (a) **INSIDE THE UNITED STATES.**—Using amounts
 24 appropriated pursuant to the authorization of appropria-
 25 tions in section 2104(a)(1), the Secretary of the Army

1 may acquire real property and carry out military construc-
 2 tion projects for the installations or locations inside the
 3 United States, and in the amounts set forth in the fol-
 4 lowing table:

Army: Inside the United States

State	Installation or location	Amount
Alaska	Fort Richardson	\$72,300,000
California	Fort Irwin	\$10,000,000
Colorado	Fort Carson	\$24,000,000
Georgia	Fort Gillem	\$15,000,000
	Fort Stewart/Hunter Army Air Field.	\$95,300,000
Hawaii	Schofield Barracks	\$54,500,000
Kansas	Fort Leavenworth	\$15,000,000
	Fort Riley	\$37,200,000
Kentucky	Blue Grass Army Depot	\$3,500,000
	Fort Campbell	\$115,400,000
Missouri	Fort Leonard Wood	\$17,000,000
New York	Fort Drum	\$209,200,000
North Carolina	Fort Bragg	\$89,000,000
	Sunny Point (Military Ocean Terminal).	\$46,000,000
Oklahoma	McAlester Army Ammunition Plant.	\$3,050,000
Texas	Fort Hood	\$75,000,000
Utah	Dugway Proving Ground	\$14,400,000
Virginia	Fort Belvoir	\$58,000,000
Washington	Fort Lewis	\$502,600,000
	Total	\$1,456,450,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2104(a)(2), the Secretary of the Army
 8 may acquire real property and carry out military construc-
 9 tion projects for the installations or locations outside the
 10 United States, and in the amounts set forth in the fol-
 11 lowing table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	\$157,632,000
	Vilseck	\$19,000,000
Italy	Vicenza	\$223,000,000
Japan	Okinawa	\$7,150,000
Korea	Camp Humphreys	\$77,000,000
	Yongpyong	\$7,400,000
	Total	\$491,182,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(3), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for unspecified installations or locations in
6 the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation or location	Amount
Classified	Unspecified Worldwide	\$34,800,000
	Total	\$34,800,000

SEC. 2102. FAMILY HOUSING.

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2104(a)(6)(A), the Secretary of the
11 Army may construct or acquire family housing units (in-
12 cluding land acquisition and supporting facilities) at the
13 installations or locations, for the purposes, and in the
14 amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Fort Richardson	162 Units	\$70,000,000
	Fort Wainwright	234 Units	\$132,000,000
Arizona	Fort Huachuca	119 Units	\$32,000,000
Arkansas	Pine Bluff Arsenal	10 Units	\$2,900,000
Wisconsin	Fort McCoy	13 Units	\$4,900,000
		Total	\$241,800,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(6)(A), the Secretary of the Army may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of family housing units in an amount not
7 to exceed \$16,332,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2104(a)(6)(A),
13 the Secretary of the Army may improve existing military
14 family housing units in an amount not to exceed
15 \$336,859,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
18 are hereby authorized to be appropriated for fiscal years
19 beginning after September 30, 2006, for military con-

1 struction, land acquisition, and military family housing
2 functions of the Department of the Army in the total
3 amount of \$3,331,582,000 as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2101(a),
6 \$1,150,450,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2101(b),
9 \$491,182,000.

10 (3) For the military construction projects at
11 unspecified worldwide locations authorized by section
12 2101(c), \$34,800,000.

13 (4) For unspecified minor military construction
14 projects authorized by section 2805 of title 10,
15 United States Code, \$23,000,000.

16 (5) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$212,830,000.

19 (6) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$594,991,000.

23 (B) For support of military family housing
24 (including the functions described in section

1 2833 of title 10, United States Code),
2 \$676,829,000.

3 (7) For the construction of increment 2 of a
4 barracks complex at Fort Drum, New York, author-
5 ized by section 2101(a) of the Military Construction
6 Authorization Act for Fiscal Year 2006 (division B
7 of Public Law 109–163; 119 Stat. 3485),
8 \$16,500,000.

9 (8) For the construction of increment 2 of a
10 barracks complex at Fort Bragg, North Carolina,
11 authorized by section 2101(a) of the Military Con-
12 struction Authorization Act for Fiscal Year 2006
13 (division B of Public Law 109–163; 119 Stat.
14 3485), \$37,000,000.

15 (9) For the construction of increment 2 of a
16 barracks complex at Fort Bragg, North Carolina,
17 authorized by section 2101(a) of the Military Con-
18 struction Authorization Act for Fiscal Year 2006
19 (division B of Public Law 109–163; 119 Stat.
20 3485), \$50,000,000.

21 (10) For the construction of increment 2 of a
22 barracks complex at Fort Bragg, North Carolina,
23 authorized by section 2101(a) of the Military Con-
24 struction Authorization Act for Fiscal Year 2006

1 (division B of Public Law 109–163; 119 Stat.
2 3485), \$31,000,000.

3 (11) For the construction of phase 2 of the De-
4 fense Access Road at Fort Belvoir, Virginia, author-
5 ized by section 2101(a) of the Military Construction
6 Authorization Act for Fiscal Year 2006 (division B
7 of Public Law 109–163; 119 Stat. 3486),
8 \$13,000,000.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
10 PROJECTS.—Notwithstanding the cost variations author-
11 ized by section 2853 of title 10, United States Code, and
12 any other cost variation authorized by law, the total cost
13 of all projects carried out under section 2101 of this Act
14 may not exceed the sum of the following:

15 (1) The total amount authorized to be appro-
16 priated under paragraphs (1), (2), and (3) of sub-
17 section(a).

18 (2) \$306,000,000 (the balance of the amount
19 authorized under section 2101(a) for construction of
20 a Brigade Complex for Fort Lewis, Washington).

21 **TITLE XXII—NAVY**

22 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 23 **ACQUISITION PROJECTS.**

24 (a) INSIDE THE UNITED STATES.—Using amounts
25 appropriated pursuant to the authorization of appropria-

tions in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma ...	\$5,966,000
California	Marine Corps Base, Camp Pendleton.	\$112,554,000
	Miramar	\$2,968,000
	North Island	\$21,535,000
	Twentynine Palms	\$8,217,000
Florida	Naval Air Station, Pensacola	\$13,486,000
Georgia	Marine Corps Logistics Base, Albany.	\$62,000,000
	Navy Submarine Base, Kings Bay	\$20,282,000
Hawaii	Naval Base, Pearl Harbor	\$48,338,000
Maryland	Naval Air Station, Patuxent River	\$16,316,000
	Suitland	\$11,780,000
North Carolina	Marine Corps Air Station, New River.	\$21,500,000
	Marine Corps Base, Camp Lejeune	\$160,904,000
South Carolina	Marine Corps Air Station, Beaufort	\$22,225,000
Virginia	Marine Corps Base, Quantico	\$30,628,000
	Naval Station, Norfolk	\$75,476,000
Washington	Naval Air Station, Whidbey Island	\$57,653,000
	Naval Submarine Base, Bangor	\$13,507,000
	Total	\$705,335,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Diego Garcia	Diego Garcia	\$37,473,000
Italy	Sigonella	\$13,051,000
	Total	\$50,524,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(3), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for unspecified installations or locations in the
6 amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or location	Amount
Various Locations	Helicopter Support Facility	\$12,185,000
	Hockmuth Hall Addition	\$1,400,000
	Total	\$13,585,000

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2204(a)(6)(A), the Secretary of the
11 Navy may construct or acquire family housing units (in-
12 cluding land acquisition and supporting facilities) at the
13 installations or locations, for the purposes and in the
14 amount set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
California	Marine Corps Logistics Base Barstow.	74 Units	\$27,851,000
Guam	Naval Station, Guam	176 Units	\$98,174,000
		Total	\$126,025,000

1 (b) PLANNING AND DESIGN.—Using amounts appropriate pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$2,600,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$176,446,000.

16 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing

1 functions of the Department of the Navy in the total
2 amount of \$2,085,371,000, as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2201(a),
5 \$814,471,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2201(b),
8 \$50,524,000.

9 (3) For military construction projects at un-
10 specified worldwide locations authorized by section
11 2201(c), \$23,744,000.

12 (4) For unspecified minor military construction
13 projects authorized by section 2805 of title 10,
14 United States Code, \$8,939,000.

15 (5) For architectural and engineering services
16 and construction design under section 2807 of title
17 10, United States Code, \$67,861,000.

18 (6) For military family housing functions:

19 (A) For construction and acquisition, plan-
20 ning and design, and improvement of military
21 family housing and facilities, \$305,071,000.

22 (B) For support of military family housing
23 (including functions described in section 2833
24 of title 10, United States Code), \$509,126,000.

1 (7) For the construction of incremented heli-
2 copter hangar replacement at Jacksonville, Florida,
3 authorized by section 2201(a) of the Military Con-
4 struction Authorization Act for Fiscal Year 2006
5 (division B of Public Law 109–163; 119 Stat.
6 3489), \$43,250,000.

7 (8) For the construction of Alpha/Bravo
8 wharves improvements at Naval Station Guam, Mar-
9 ianas Islands, authorized by section 2201(b) of the
10 Military Construction Authorization Act for Fiscal
11 Year 2006 (division B of Public Law 109–163; 119
12 Stat. 3490), \$29,772,000.

13 (9) For the construction of increment 2 of re-
14 cruit training barracks infrastructure upgrade at
15 Recruit Training Command, Great Lakes, Illinois,
16 authorized by section 2201(a) of the Military Con-
17 struction Authorization Act for Fiscal Year 2006
18 (division B of Public Law 109–163; 119 Stat.
19 3490), \$23,589,000.

20 (10) For the construction of increment 2 of the
21 Wesley Brown Field House at the United States
22 Naval Academy, Annapolis, Maryland, authorized by
23 section 2201(a) of the Military Construction Author-
24 ization Act of Fiscal Year 2006 (division B of Public
25 Law 109–163; 119 Stat. 3490), \$26,685,000.

1 (11) For the construction of increment 2 of
2 wharf upgrades at Yokosuka, Japan, authorized by
3 section 2201(b) of the Military Construction Author-
4 ization Act of Fiscal Year 2006 (division B of Public
5 Law 109–163; 119 Stat. 3490), \$44,360,000.

6 (12) For the construction of increment 2 of the
7 ship repair pier 3 replacement at Naval Station Nor-
8 folk, Virginia, authorized by section 2201(a) of the
9 Military Construction Authorization Act of Fiscal
10 Year 2006 (division B of Public Law 109–163; 119
11 Stat. 3490), \$30,939,000.

12 (13) For the construction of increment 2 of the
13 Bachelor Enlisted Quarters Homeport Ashore Pro-
14 gram at Naval Station Everett, Washington, author-
15 ized by section 2201(a) of the Military Construction
16 Authorization Act of Fiscal Year 2006 (division B of
17 Public Law 109–163; 119 Stat. 3490), \$20,917,000.

18 (14) For the construction of phase 2 of the rec-
19 lamation/conveyance at Marine Corps Base Camp
20 Pendleton, California, authorized by section 2201(a)
21 of the Military Construction Authorization Act of
22 Fiscal Year 2006 (division B of Public Law 109–
23 163; 119 Stat. 3490), \$33,290,000.

24 (15) For the construction of the next increment
25 of the outlying landing field facilities at Wash-

1 ington County, North Carolina, authorized by sec-
 2 tion 2201(a) of the Military Construction Authoriza-
 3 tion Act of Fiscal Year 2005 (division B of Public
 4 Law 108–375; 118 Stat. 2100), \$7,926,000.

5 (16) For the construction of increment 3 of the
 6 limited area production and storage complex at
 7 Naval Submarine Base Bangor, Washington, author-
 8 ized by section 2201(a) of the Military Construction
 9 Authorization Act of Fiscal Year 2005 (division B of
 10 Public Law 108–375; 118 Stat. 2100), \$14,274,000.

11 (17) For the construction of increment 4 of pier
 12 11 replacement at Naval Station Norfolk, Virginia,
 13 authorized by section 2201(a) of the Military Con-
 14 struction Authorization Act for Fiscal Year 2004
 15 (division B of Public Law 108–136; 117 Stat.
 16 1704), \$30,633,000.

17 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
 18 **CERTAIN FISCAL YEAR 2004 AND 2005**
 19 **PROJECTS.**

20 (a) FISCAL YEAR 2004 INSIDE THE UNITED STATES
 21 PROJECT.—The table in section 2201(a) of the Military
 22 Construction Authorization Act for Fiscal Year 2004 (di-
 23 vision B of Public Law 108–136; 117 Stat. 1704), as
 24 amended by section 2205 of the Military Construction Au-

1 thorization Act for Fiscal Year 2006 (division B of Public
2 Law 109–163; 119 Stat. 3492), is further amended—

3 (1) in the item relating to Various Locations,
4 CONUS, by striking “\$56,360,000” and inserting
5 “\$193,260,000”; and

6 (2) by striking the amount identified as the
7 total in the amount column and inserting
8 “\$1,489,424,000”.

9 (b) FISCAL YEAR 2005 INSIDE THE UNITED STATES
10 PROJECT.—The table in section 2201(a) of the Military
11 Construction Authorization Act for Fiscal Year 2005 (di-
12 vision B of Public Law 108–375; 118 Stat. 2105), as
13 amended by section 2206 of the Military Construction Au-
14 thorization Act for Fiscal Year 2006 (division B of Public
15 Law 109–163; 119 Stat. 3493), is further amended—

16 (1) by striking the item relating to Navy Out-
17 lying Landing Field, Washington County; and

18 (2) by striking the amount identified as the
19 total in the amount column and inserting
20 “\$825,479,000”.

21 (c) CONFORMING AMENDMENTS.—(1) Section
22 2204(b)(6) of the Military Construction Authorization Act
23 for Fiscal Year 2004 (division B of Public Law 108–136;
24 117 Stat. 1706) is amended by striking “\$28,750,000”
25 and inserting “\$165,650,000”.

(2) Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107) is amended—

(A) in subsection (a), by adding at the end the following new paragraph:

“(10) For the construction of increment 2 of Various Locations, CONUS, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), \$30,000,000”; and

(B) in subsection (b), by striking paragraph (3).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alaska	Eielson Air Force Base	\$38,300,000
	Elmendorf Air Force Base	\$56,100,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Arizona	Davis-Monthan Air Force Base	\$4,600,000
California	Beale Air Force Base	\$28,000,000
	Travis Air Force Base	\$73,900,000
Colorado	Buckley Air Force Base	\$10,700,000
	Schriever Air Force Base	\$21,000,000
Delaware	Dover Air Force Base	\$26,400,000
Florida	Eglin Air Force Base	\$19,350,000
	Hurlburt Field	\$32,950,000
	MacDill Air Force Base	\$71,000,000
	Tyndall Air Force Base	\$1,800,000
Georgia	Robins Air Force Base	\$38,600,000
Hawaii	Hickam Air Force Base	\$28,538,000
Illinois	Scott Air Force Base	\$20,000,000
Kentucky	Fort Knox	\$3,500,000
Maryland	Andrews Air Force Base	\$29,000,000
Nevada	Indian Springs Air Force Auxiliary Field.	\$49,923,000
New Jersey	McGuire Air Force Base	\$15,500,000
Oklahoma	Altus Air Force Base	\$1,500,000
South Carolina	Shaw Air Force Base	\$22,200,000
Texas	Fort Bliss	\$8,500,000
	Lackland Air Force Base	\$13,200,000
Utah	Hill Air Force Base	\$53,400,000
Virginia	Langley Air Force Base	\$57,700,000
Wyoming	Francis E Warren Air Force Base	\$11,000,000
	Total	\$736,661,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	\$53,150,000
Guam	Andersen Air Force Base	\$80,800,000
Korea	Kunsan Air Base	\$46,700,000

Air Force: Outside the United States—Continued

Country	Installation or location	Amount
	Osan Air Base	\$2,156,000
	Total	\$182,806,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(4), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for unspecified installations or locations in
6 the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Unspec- ified.	Common Battlefield Airman Train- ing Complex.	\$14,200,000
Worldwide Classified	Global Hawk Aircraft Maintenance & Operations Complex.	\$26,000,000
	Classified Project	\$3,377,000
	Classified—Special Evaluation Pro- gram.	\$4,600,000
	Classified	\$1,700,000
	Total	\$49,877,000

SEC. 2302. FAMILY HOUSING.

8 (a) CONSTRUCTION AND ACQUISITION.—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2304(a)(5)(A), the Secretary of the
11 Air Force may construct or acquire family housing units
12 (including land acquisition and supporting facilities) at the
13 installations or locations, for the purposes, and in the
14 amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Alaska	Eielson Air Force Base ...	129 Units	\$87,414,000
Idaho	Mountain Home Air Force Base.	457 Units	\$107,800,000
Missouri	Whiteman Air Force Base.	116 Units	\$39,270,000
Montana	Malmstrom Air Force Base.	493 Units	\$140,252,000
North Carolina.	Seymour Johnson Air Force Base.	56 Units	\$22,956,000
North Dakota.	Minot Air Force Base	575 Units	\$171,188,000
Texas	Dyess Air Force Base	199 Units	\$49,215,000
Germany	Ramstein Air Base	101 Units	\$73,488,000
	Spangdahlem Air Base ...	60 Units	\$39,294,000
United Kingdom.	Royal Air Force Lakenheath.	74 Units	\$35,282,000
		Total	\$766,159,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(6)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of family housing units in an amount not
7 to exceed \$13,202,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(a)(6)(A),
13 the Secretary of the Air Force may improve existing mili-

1 tary family housing units in an amount not to exceed
2 \$403,727,000.

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
4 **FORCE.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2006, for mili-
7 tary construction, land acquisition, and military family
8 housing functions of the Department of the Air Force in
9 the total amount of \$3,094,357,000, as follows:

10 (1) For military construction projects inside the
11 United States authorized by section 2301(a),
12 \$736,661,000.

13 (2) For military construction projects outside
14 the United States authorized by section 2301(b),
15 \$182,806,000.

16 (3) For the military construction projects at
17 unspecified worldwide locations authorized by section
18 2301(c), \$49,877,000.

19 (4) For unspecified minor military construction
20 projects authorized by section 2805 of title 10,
21 United States Code, \$15,000,000.

22 (5) For architectural and engineering services
23 and construction design under section 2807 of title
24 10, United States Code, \$87,504,000.

25 (6) For military family housing functions:

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$1,183,138,000.

4 (B) For support of military family housing
5 (including functions described in section 2833
6 of title 10, United States Code), \$755,071,000.

7 (7) For the construction of phase 2 of the C-
8 17 maintenance complex at Elmendorf Air Force
9 Base, Alaska, authorized by section 2301(a) of the
10 Military Construction Authorization Act for Fiscal
11 Year 2006 (division B of Public Law 109-163; 119
12 Stat. 3494), \$30,000,000.

13 (8) For the construction of phase 2 of the main
14 base runway at Edwards Air Force Base, California,
15 authorized by section 2301(a) of the Military Con-
16 struction Authorization Act for Fiscal Year 2006
17 (division B of Public Law 109-163; 119 Stat.
18 3494), \$31,000,000.

19 (9) For the construction of phase 2 of the
20 CENTCOM Joint Intelligence Center at MacDill Air
21 Force Base, Florida, authorized by section 2301(a)
22 of the Military Construction Authorization Act for
23 Fiscal Year 2006 (division B of Public Law 109-
24 163; 119 Stat. 3494), \$23,300,000.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Fort Knox, Kentucky	\$18,108,000
Defense Logistics Agency.	Marine Corps Air Station Yuma, Arizona.	\$8,715,000
	Beale Air Force Base, California	\$9,000,000
	Defense Distribution Depot, New Cumberland, Pennsylvania.	\$8,900,000
	Fort Belvoir, Virginia	\$5,500,000
	Naval Air Station Whidbey Island, Washington.	\$26,000,000
	Augusta, Georgia	\$340,836,000
National Security Agency.	Fort Meade, Maryland	\$4,517,000
	Marine Corps Base Camp Pendleton, California.	\$24,400,000
Special Operations Command.	Fort Carson, Colorado	\$26,100,000
	Hurlburt Field, Florida	\$14,482,000
	MacDill Air Force Base, Florida	\$27,300,000
	Fort Campbell, Kentucky	\$24,500,000
	Fort Bragg, North Carolina	\$60,144,000
	Marine Corps Base Camp Lejeune, North Carolina.	\$51,600,000
	Naval Air Base Little Creek, Virginia.	\$22,000,000
	Fort Richardson, Alaska	\$37,200,000
Tri-Care Management Activity.	Fort Irwin, California	\$6,050,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Jacksonville, Florida	\$16,000,000
	MacDill Air Force Base, Florida	\$87,000,000
	Naval Base Pearl Harbor, Hawaii	\$7,700,000
	Naval Hospital Great Lakes, Illinois.	\$20,000,000
	Fort Detrick, Maryland	\$550,000,000
	Fort Drum, New York	\$9,700,000
	Fort Hood, Texas	\$18,000,000
	Total	\$1,423,752,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Education Activity.	Camp Ederle, Italy	\$31,460,000
	Vicenza, Italy	\$15,750,000
	Osan Air Base, Korea	\$4,589,000
	Naval Station Rota, Spain	\$23,048,000
Defense Logistics Agency.	Okinawa, Japan	\$5,000,000
	Wake Island	\$2,600,000
Missile Defense Agency.	Kwajalien Atoll, Kwajalien	\$7,592,000
National Security Agency.	Royal Air Force Menwith Hall Station, United Kingdom.	\$1,398,000
Special Operations Command.	Qatar	\$44,500,000
Tri-Care Management Activity.	Vicenza, Italy	\$52,000,000
	Total	\$187,937,000

1 **SEC. 2402. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2404(a)(9)(A), the Secretary of the
 5 Defense may construct or acquire family housing units
 6 (including land acquisition and supporting facilities) at the
 7 installations or locations, for the purposes, and in the
 8 amounts set forth in the following table:

Defense Agencies: Family Housing

State	Installation or loca- tion	Purpose	Amount
Virginia	Richmond International Airport.	25 Units	\$7,840,000
		Total	\$7,840,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2404(a)(9)(A), the Secretary of the Defense may
 12 carry out architectural and engineering services and con-
 13 struction design activities with respect to the construction
 14 or improvement of family housing units in an amount not
 15 to exceed \$484,000.

16 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

17 Using amounts appropriated pursuant to the author-
 18 ization of appropriations in section 2404(a)(6), the Sec-
 19 retary of Defense may carry out energy conservation

1 projects under section 2865 of title 10, United States
2 Code, in the amount of \$60,000,000.

3 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
4 **FENSE AGENCIES.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2006, for mili-
7 tary construction, land acquisition, and military family
8 housing functions of the Department of Defense (other
9 than the military departments) in the total amount of
10 \$7,085,455,000, as follows:

11 (1) For military construction projects inside the
12 United States authorized by section 2401(a),
13 \$669,034,000.

14 (2) For military construction projects outside
15 the United States authorized by section 2401(b),
16 \$217,175,000.

17 (3) For unspecified minor military construction
18 projects under section 2805 of title 10, United
19 States Code, \$21,672,000.

20 (4) For contingency construction projects of the
21 Secretary of Defense under section 2804 of title 10,
22 United States Code, \$10,000,000.

23 (5) For architectural and engineering services
24 and construction design under section 2807 of title
25 10, United States Code, \$172,150,000.

1 (6) For Energy Conservation projects author-
2 ized by section 2403, \$60,000,000.

3 (7) For base closure and realignment activities
4 funded through the account created pursuant to sec-
5 tion 2906 of, and authorized by, the Defense Base
6 Closure and Realignment Act of 1990 (part A of
7 title XXIX of Public Law 101–510, as amended; 10
8 U.S.C. 2687 note), \$191,220,000.

9 (8) For base closure and realignment activities
10 funded through the account created pursuant to sec-
11 tion 2906A of, and authorized by, the Defense Base
12 Closure and Realignment Act of 1990 (part A of
13 title XXIX of Public Law 101–510, as amended; 10
14 U.S.C. 2687 note), \$5,626,223,000.

15 (9) For military family housing functions:

16 (A) For construction and acquisition, plan-
17 ning and design, and improvement of military
18 family housing and facilities, \$8,808,000.

19 (B) For support of military family housing
20 (including functions described in section 2833
21 of title 10, United States Code), \$48,506,000.

22 (C) For credit to the Department of De-
23 fense Family Housing Improvement Fund es-
24 tablished by section 2883(a)(1) of title 10,
25 United States Code, \$2,500,000.

1 (10) For the construction of NSA/CSS Hawaii
2 replacement at Kunia, Hawaii, authorized by section
3 2401(a) of the Military Construction Authorization
4 Act of Fiscal Year 2006 (division B of Public Law
5 109–163; 119 Stat. 3497), \$47,016,000.

6 (11) For the construction of increment 2 of the
7 classified material conversion facility at Fort Meade,
8 Maryland, authorized by section 2401(a) of the Mili-
9 tary Construction Authorization Act of Fiscal Year
10 2006 (division B of Public Law 109–163; 119 Stat.
11 3497), \$11,151,000.

12 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 2006 PROJECT.**

14 The table in section 2401(a) of the Military Construc-
15 tion Authorization Act for Fiscal Year 2006 (division B
16 of Public Law 109–163; 119 Stat. 3497) is amended
17 under the agency heading relating to National Security
18 Agency, in the item relating to Kunia, Hawaii, by striking
19 “\$305,000,000” in the amount column and inserting
20 “\$350,490,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2006, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$220,985,000.

1 **TITLE XXVI—CHEMICAL DEMILI-**
2 **TARIZATION CONSTRUCTION,**
3 **DEFENSE**

4 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
5 **ICAL DEMILITARIZATION.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2006, for mili-
8 tary construction and land acquisition for Chemical De-
9 militarization in the total amount of \$130,993,000, as fol-
10 lows:

11 (1) For the construction of phase 8 of a muni-
12 tions demilitarization facility at Pueblo Chemical Ac-
13 tivity, Colorado, authorized by section 2401(a) of the
14 Military Construction Authorization Act for Fiscal
15 Year 1997 (division B of Public Law 104–201; 110
16 Stat. 2775), as amended by section 2406 of the Mili-
17 tary Construction Authorization Act for Fiscal Year
18 2000 (division B of Public Law 106–65; 113 Stat.
19 839), and section 2407 of the Military Construction
20 Authorization Act for Fiscal Year 2003 (division B
21 of Public Law 107–314; 116 Stat. 2697),
22 \$41,836,000.

23 (2) For the construction of phase 7 of a muni-
24 tions demilitarization facility at Blue Grass Army
25 Depot, Kentucky, authorized by section 2401(a) of

the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2697), \$89,157,000.

TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of facilities for the reserve components, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$473,197,000; and

(B) for the Army Reserve, \$166,487,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, \$48,408,000.

(3) For the Department of the Air Force-

(A) for the Air National Guard of the United States, \$125,788,000; and

(B) for the Air Force Reserve, \$44,936,000.

TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZA- TIONS

SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVIII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land ac-

1 quisation, family housing projects and facilities, and con-
2 tributions to the North Atlantic Treaty Organization Se-
3 curity Investment Program (and authorizations of appro-
4 priations therefor), for which appropriated funds have
5 been obligated before the later of—

6 (1) October 1, 2009; or

7 (2) the date of the enactment of an Act author-
8 izing funds for fiscal year 2010 for military con-
9 struction projects, land acquisition, family housing
10 projects and facilities, or contributions to the North
11 Atlantic Treaty Organization Security Investment
12 Program.

13 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
14 **FISCAL YEAR 2004 PROJECTS.**

15 (a) EXTENSION.—Notwithstanding section 2701 of
16 the Military Construction Authorization Act for Fiscal
17 Year 2004 (division B of Public Law 108–136; 117 Stat.
18 1704), authorizations set forth in the tables in subsection
19 (b), as provided in sections 2101, 2301, 2302, 2401, and
20 2701 of that Act, shall remain in effect until October 1,
21 2007, or the date of the enactment of an Act authorizing
22 funds for military construction for fiscal year 2008, which-
23 ever is later.

24 (b) TABLES.—The tables referred to in subsection (a)
25 are as follows:

Army: Extension of 2004 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Fort Wainwright	Multi-purpose Training Range Complex.	\$47,000,000
Hawaii	Helemano Military Reservation.	Land Easement.	\$1,400,000
Massachusetts.	Natick Soldier System Center.	Thermal Test Facility.	\$5,500,000
Virginia	Fort Belvoir	NGIC Land Acquisition.	\$7,000,000
	Fort Lee	Fire & Emergency Services Center (Ph 2).	\$3,850,000
Italy	Aviano	Joint Deployment Facility (Ph 1).	\$15,500,000

Air Force: Extension of 2004 Project Authorizations

State	Installation or location	Project	Amount
California	Travis Air Force Base	Replace Family Housing (56 units).	\$12,723,000
Delaware	Dover Air Force Base	Replace Family Housing (112 units).	\$19,601,000
Florida	Eglin Air Force Base	Replace Family Housing (279 units).	\$32,166,000
Hawaii	Hickam Air Force Base ..	Expand Strategic Airlift Parking Ramp.	\$10,102,000
Texas	Dyess Air Force Base	Replace Family Housing (116 units).	\$19,973,000
	Randolph Air Force Base	Replace Family Housing (96 units).	\$13,754,000

**Defense Wide: Extension of 2004 Project
Authorizations**

Agency	Installation or location	Project	Amount
Defense Logistics Agency.	Hickam AFB, Hawaii	Replace Hydrant Fuel System.	\$14,100,000

**Army National Guard: Extension of 2004 Project
Authorizations**

State	Installation or location	Project	Amount
New Mexico	Albuquerque	Readiness Center, Add/Alt (ADRS).	\$2,533,000
Pennsylvania	Fort Indiantown Gap	Multi-purpose Training Range.	\$15,338,000

1 SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN
2 FISCAL YEAR 2003 PROJECTS.

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2003 (division B of Public Law 107–314; 116 Stat.
6 2681), authorizations set forth in the tables in subsection
7 (b), as provided in section 2302 of that Act, shall remain
8 in effect until October 1, 2006, or the date of the enact-
9 ment of an Act authorizing funds for military construction
10 for fiscal year 2007, whichever is later.

11 (b) TABLES.—The tables referred to in subsection (a)
12 are as follows:

Air Force: Extension of 2003 Project Authorizations

State	Installation or location	Project	Amount
Florida	Eglin Air Force Base	Replace Family Housing (134 units).	\$15,906,000
	Eglin Air Force Base	Replace Housing Office.	\$597,000
Mississippi ...	Keesler Air Force Base ...	Replace Family Housing (117 units).	\$16,505,000
Texas	Randolph Air Force Base	Replace Family Housing (112 units).	\$14,311,000
	Randolph Air Force Base	Replace Family Housing Maintenance Facility.	\$447,000

**TITLE XXIX—GENERAL
PROVISIONS**

**Subtitle A—Military Construction
Program and Military Family
Housing Changes**

SEC. 2901. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by inserting after section 2809 the following new section:

1 **“§ 2810. Authority to use operation and maintenance**
2 **funds for construction projects outside**
3 **the United States**

4 “(a) IN GENERAL.—The Secretary of Defense may
5 obligate appropriated funds available for operation and
6 maintenance to carry out a construction project outside
7 the United States that the Secretary determines meets
8 each of the following conditions:

9 “(1) The construction is necessary to meet ur-
10 gent military operational requirements involving the
11 use of the armed forces in support of a declaration
12 of war, the declaration by the President of a na-
13 tional emergency under section 201 of the National
14 Emergencies Act (50 U.S.C. 1621), or a contingency
15 operation.

16 “(2) The requirement is of a temporary nature,
17 such that there is no intention of using the construc-
18 tion after the operational requirements have been
19 satisfied.

20 “(3) The level of construction is the minimum
21 necessary to meet the temporary operational require-
22 ments.

23 “(b) LIMITATION ON USE OF AUTHORITY.—(1) The
24 total cost of the construction projects carried out under
25 this section shall not exceed \$200,000,000 in any fiscal
26 year.

1 “(2) The Secretary of Defense may waive the limita-
 2 tion imposed by paragraph (1) if the Secretary determines
 3 that the obligation of operation and maintenance funds
 4 for construction projects in excess of the amount specified
 5 in such paragraph is vital to the national security.

6 “(3) Upon use of the waiver authority granted by
 7 paragraph (2), the Secretary shall notify the Office of
 8 Management and Budget of the amounts of operation and
 9 maintenance funds obligated in excess of \$200,000,000
 10 along with a description of the projects so funded.

11 “(c) RELATION TO OTHER AUTHORITIES.—The au-
 12 thority provided by this section, and the limited authority
 13 provided by section 2805(c) of this title, are the only au-
 14 thorities available to the Secretary of Defense and the Sec-
 15 retaries of the military departments to use appropriated
 16 funds available for operation and maintenance to carry out
 17 construction projects.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of such chapter is amended by inserting
 20 after the item relating to section 2809 the following new
 21 item:

“2810. Authority to use operation and maintenance funds for construction
 projects outside the United States.”.

1 **SEC. 2902. PILOT PROJECTS FOR ACQUISITION OR CON-**
2 **STRUCTION OF MILITARY UNACCOMPANIED**
3 **HOUSING.**

4 Section 2881a of title 10, United States Code, is
5 amended—

6 (1) in subsection (d)(2), by striking “90” and
7 inserting “30”;

8 (2) in subsection (e)(2), by striking “90” and
9 inserting “30”; and

10 (3) in subsection (f), by striking “2007” and
11 inserting “2009”.

12 **SEC. 2903. AUTHORIZE USE OF OPERATION AND MAINTENANCE FUNDS TO CARRY OUT MINOR CON-**
13 **STRUCTION NECESSARY TO REPLACE DAM-**
14 **AGED OR DESTROYED FACILITIES.**

16 Section 2854 of title 10, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(c) The Secretary concerned may spend from appro-
20 priations available for operations and maintenance
21 amounts necessary to carry out a construction project
22 under this section costing not more than \$7,500,000.”.

1 **SEC. 2904. ALTERNATIVE USE OF PROCEEDS FROM THE**
2 **SALE OF MILITARY FAMILY HOUSING IN SUP-**
3 **PORT OF THE MILITARY HOUSING PRIVAT-**
4 **IZATION INITIATIVE.**

5 (a) TRANSFER FLEXIBILITY.—Section 2831 of title
6 10, United States Code, is amended—

7 (1) in subsection (b), by striking “There” and
8 inserting “Except as provided in subsection (e),
9 there”;

10 (2) by redesignating subsections (e) and (f) as
11 subsections (f) and (g), respectively; and

12 (3) by inserting after subsection (d) the fol-
13 lowing new subsection (e):

14 “(e) The Secretary concerned may transfer funds re-
15 ceived under paragraph (3) of subsection (b) to the De-
16 partment of Defense Family Housing Improvement Fund
17 established under subsection (a) of section 2883 of this
18 title.”.

19 (b) EXPANSION OF CREDITS AND NOTIFICATION RE-
20 QUIREMENT.—Section 2883 of such title is amended—

21 (1) in subsection (c), by adding at the end of
22 paragraph (1) the following new subparagraph:

23 “(G) Subject to subsection (f), any amounts
24 from the proceeds of handling or disposal of family
25 housing of a military department transferred to that
26 Fund pursuant to section 2831(e) of this title.”; and

1 (2) in subsection (f), by inserting “, (1)(G)”
 2 after “Fund under paragraph (1)(B)”.

3 **SEC. 2905. UPDATING FOREIGN CURRENCY FLUCTUATION**
 4 **ADJUSTMENT FOR MILITARY FAMILY HOUS-**
 5 **ING LEASES IN FOREIGN COUNTRIES.**

6 Section 2828(e)(5)(A) of title 10, United States
 7 Code, is amended by striking “for foreign currency fluctua-

8 tions from October 1, 1987” and inserting “at the be-

9 ginning of each fiscal year, for foreign currency fluctua-

10 tions during the previous fiscal year”.

11 **SEC. 2906. MILITARY UNACCOMPANIED HOUSING: LOCAL**
 12 **COMPARABILITY OF FLOOR AREAS.**

13 (a) IN GENERAL.—Section 2856 of title 10, United
 14 States Code, is amended to read as follows:

15 **“§ 2856. Military unaccompanied housing: local com-**
 16 **parability of floor areas**

17 “‘In the construction, acquisition, and improvement of
 18 military unaccompanied housing, the Secretary concerned
 19 shall ensure that the floor areas of such housing in a par-

20 ticular locality (as designated by the Secretary concerned

21 for purposes of this section) do not exceed the floor areas

22 of similar housing in the private sector in that locality.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
 24 at the beginning of chapter 169 of such title is amended

1 by striking the item related to section 2856 and inserting
 2 the following:

“2856. Military unaccompanied housing: local comparability of floor areas.”.

3 **SEC. 2907. FLEXIBLE FINANCING OF HOUSING PRIVATIZA-**
 4 **TION INITIATIVE.**

5 Section 2883(d) of title 10, United States Code, is
 6 amended by adding at the end the following new para-
 7 graph:

8 “(4) Notwithstanding the requirement in paragraphs
 9 (1) and (2) for authority in an appropriation Act to ex-
 10 pend amounts in the Funds, amounts credited to the
 11 Funds under paragraphs (1)(C), (1)(D), (2)(C), and
 12 (2)(D) in subsection (c) may be used to carry out or facili-
 13 tate the carrying out of a transaction as authorized by
 14 section 2872 after the end of the 30-day period beginning
 15 on the date the Secretary of Defense submits written no-
 16 tice of, and justification for, the use of such amounts to
 17 the appropriate committees of Congress or, if earlier, the
 18 end of the 14-day period beginning on the date on which
 19 a copy of the notice and justification is provided in an
 20 electronic medium pursuant to section 480 of this title.”.

21 **SEC. 2908. STREAMLINING MILITARY CONSTRUCTION**
 22 **THRESHOLDS.**

23 (a) **EMERGENCY CONSTRUCTION.**—Section
 24 2803(c)(1) of title 10, United States Code, is amended
 25 by striking “\$45,000,000” and inserting “\$60,000,000”.

1 (b) MINOR CONSTRUCTION THRESHOLDS.—Section
 2 2805 of such title is amended—

3 (1) in subsection (a)(1)—

4 (A) by striking “\$1,500,000” and inserting
 5 “\$3,000,000”; and

6 (B) by striking the third sentence;

7 (2) in subsection (b)(1), by striking “\$750,000”
 8 and inserting “\$1,500,000 (\$3,000,000 for a med-
 9 ical facility)”;

10 (3) in subsection (c)(1)—

11 (A) in subparagraph (A)—

12 (i) by striking “\$1,500,000” and in-
 13 serting “\$3,000,000”;

14 (ii) by inserting “for a medical facility
 15 or” after “project”; and

16 (iii) by striking “or” at the end; and

17 (B) in subparagraph (B)—

18 (i) by striking “\$750,000” and insert-
 19 ing “\$1,500,000”; and

20 (ii) by striking the period at the end
 21 and inserting “; or”; and

22 (4) by adding at the end the following new sub-
 23 paragraph:

24 “(C) \$2,000,000, in cases where the disposal of
 25 obsolete facilities as part of the project results in a

1 reduction in facility value at least equal to the value
 2 of the new facility. The approving official must cer-
 3 tify the demolition (or disposal by other means) of
 4 the offsetting facility.”.

5 **SEC. 2909. INCREASED LEASE AMOUNT FOR TWO HOUSING**
 6 **UNITS FOR UNITED STATES SPECIAL OPER-**
 7 **ATIONS COMMAND SOUTH.**

8 Section 2828(b) of title 10, United States Code, is
 9 amended—

10 (1) in paragraph (2)—

11 (A) by striking “paragraphs (3) and (4)”
 12 and inserting “paragraphs (3), (4), and (5)”;
 13 and

14 (B) by striking “paragraph (5)” and in-
 15 serting “paragraph (6)”;

16 (2) in paragraph (3), by striking “paragraph
 17 (5)” and inserting “paragraph (6)”;

18 (3) in paragraph (4)(B), by striking “para-
 19 graph (6)” and inserting “paragraph (7)”;

20 (4) by redesignating paragraphs (5) and (6) as
 21 paragraphs (6) and (7), respectively;

22 (5) by inserting after paragraph (4) the fol-
 23 lowing new paragraph (5):

24 “(5)(A) The Secretary of the Army may lease not
 25 more than two housing units in the vicinity of Homestead,

1 Florida, for key and essential personnel, as designated by
 2 the Secretary, for the United States Special Operations
 3 Command South for which the expenditure for the rental
 4 of such units (including the costs of utilities, maintenance,
 5 and operation, including security enhancements) exceeds
 6 the expenditure limitations in paragraphs (2) and (3).

7 “(B) The total amount of both leases under this para-
 8 graph may not exceed \$70,000 per year, as adjusted from
 9 time to time under paragraph (7).

10 “(C) The term of any lease under this paragraph may
 11 not exceed 5 years.”; and

12 (6) in paragraph (7), as redesignated, by strik-
 13 ing “paragraph (4)” and inserting “paragraphs (4)
 14 and (5)”.

15 **Subtitle B—Real Property and** 16 **Facilities Administration**

17 **SEC. 2911. REPEAL REQUIREMENT TO DETERMINE THE** 18 **AVAILABILITY OF SUITABLE ALTERNATIVE** 19 **HOUSING FOR ACQUISITION IN LIEU OF CON-** 20 **STRUCTION OF NEW FAMILY HOUSING.**

21 (a) IN GENERAL.—Section 2823 of title 10, United
 22 States Code, is repealed.

23 (b) CLERICAL AMENDMENT.—The table of sections
 24 at the beginning of chapter 169 of such title is amended
 25 by striking the item related to section 2823.

1 **SEC. 2912. CLARIFICATION OF POTENTIAL RECIPIENTS OF**
2 **PLANNING GRANTS.**

3 Section 2391(d)(1) of title 10, United States Code,
4 is amended by adding at the end the following new sen-
5 tence: “For purposes of subsection (b)(1)(D) of this sec-
6 tion, a ‘military installation’ may also include a military
7 facility owned and operated by a State, the District of Co-
8 lumbia, the Commonwealth of Puerto Rico, Guam, or the
9 Virgin Islands even though not under the jurisdiction of
10 a military department, if the military facility is subject
11 to significant use for training by the armed forces.”.

12 **SEC. 2913. CONSOLIDATION OF EASEMENT PROVISIONS.**

13 (a) CONSOLIDATION OF EASEMENT PROVISIONS.—
14 (1) Section 2668 of title 10, United States Code, is in-
15 serted after section 2671 of such title.

16 (2) Section 2672, as redesignated by paragraph (1),
17 is amended—

18 (A) by amending the heading to read as follows:

19 **“§ 2672. Easements: Rights-of-way”;**

20 (B) in subsection (a)—

21 (i) by inserting “(a) TYPES OF EASE-
22 MENTS.—” after “(a)”; and

23 (ii) in the matter preceding paragraph (1),
24 by striking “to a State, Territory, Common-
25 wealth, or possession, or political subdivision
26 thereof, or to a citizen, association, partnership,

1 or corporation of a State, Territory, Common-
 2 wealth, or possession.”;

3 (iii) in paragraph (2), by striking “oil pipe
 4 lines” and inserting “gas, water, sewer, and oil
 5 pipe lines”; and

6 (iv) in paragraph (13), by striking “, ex-
 7 cept a purpose covered by section 2669 of this
 8 title”;

9 (C) in subsection (b), by inserting “LIMITATION
 10 ON SIZE.—” after “(b)”;

11 (D) in subsection (c), by inserting “TERMI-
 12 NATION.—” after “(c)”;

13 (E) in subsection (d), by inserting “NOTICE TO
 14 DEPARTMENT OF THE INTERIOR.—” after “(d)”;
 15 and

16 (F) in subsection (e), by inserting “DISPOSI-
 17 TION OF CONSIDERATION.—” after “(e)”.

18 (b) REPEAL OF SECTION 2669.—Section 2669 of
 19 such title is repealed.

20 (c) CONFORMING AMENDMENT.—The table of sec-
 21 tions at the beginning of chapter 159 of such title is
 22 amended—

23 (1) by striking the items related to sections
 24 2668 and 2669; and

1 (2) by inserting after the item relating to sec-
2 tion 2671 the following new item:

“2672. Easements: rights-of-way.”.

3 **SEC. 2914. CONSOLIDATION OF PROVISIONS RELATING TO**
4 **TRANSFER OF REAL PROPERTY WITHIN THE**
5 **DEPARTMENT OF DEFENSE AND TO OTHER**
6 **FEDERAL AGENCIES.**

7 (a) RENUMBERING OF 10 U.S.C. 2696.—Section
8 2696 of title 10, United States Code, is amended—

9 (1) in subsection (a), by striking “(a) SCREEN-
10 ING REQUIREMENT.” and inserting “(c) GENERAL
11 SCREENING REQUIREMENTS.—(1) SCREENING RE-
12 QUIREMENT.”;

13 (2) by redesignating subsections (b), (d), and
14 (e) as paragraphs (2), (3), and (4), respectively;

15 (3) in paragraph (2), as redesignated—

16 (A) by redesignating paragraphs (1) and
17 (2) as subparagraphs (A) and (B), respectively;
18 and

19 (B) in subparagraph (A), as redesign-
20 nated—

21 (i) by striking “subsection (a)” and
22 inserting “paragraph (1)”; and

23 (ii) by redesignating subparagraphs
24 (A), (B), and (C) as clauses (i), (ii), and
25 (iii), respectively; and

1 (4) in paragraph (3), as redesignated, by strik-
 2 ing “subsection (b)(1)” and inserting “paragraph
 3 (2)(A)”.

4 (b) TRANSFERS BETWEEN THE ARMED FORCES.—
 5 Such section is further amended by inserting a new sub-
 6 section (a) as follows:

7 “(a) TRANSFERS BETWEEN THE ARMED FORCES.—
 8 (1) If either of the Secretaries concerned requests it and
 9 the other approves, real property may be transferred,
 10 without compensation, from one armed force to another.

11 “(2) No agency or official of the executive branch of
 12 the Federal Government may establish any regulation,
 13 program, or policy or take any other action which pre-
 14 cludes, directly or indirectly, the Secretaries concerned
 15 from exercising the authority provided in this sub-
 16 section.”.

17 (c) TRANSFER AND RENUMBERING OF 10 U.S.C.
 18 2693.—(1) The text of section 2693 of such title is trans-
 19 ferred to section 2696 and inserted after subsection (a).

20 (2) Subsection (b) of section 2696, as redesignated,
 21 is amended—

22 (A) by redesignating subsections (a) and (b) as
 23 paragraphs (1) and (2), respectively;

24 (B) in paragraph (1), as redesignated—

1 (i) by striking “(a) Except as provided in
 2 subsection (b)” and inserting “(b) DEPART-
 3 MENT OF JUSTICE CORRECTIONAL OPTIONS
 4 PROGRAM.—(1) GENERAL.—Except as provided
 5 in paragraph (2)”; and

6 (ii) by redesignating paragraphs (1), (2),
 7 and (3) as subparagraphs (A), (B), and (C), re-
 8 spectively; and
 9 (C) in paragraph (2), as redesignated—

10 (i) by striking “(b) The provisions” and in-
 11 serting “(2) EXCEPTIONS.—The provisions”;
 12 and

13 (ii) by redesignating paragraphs (1) and
 14 (2) as subparagraphs (A) and (B), respectively.

15 (d) CLERICAL AMENDMENTS.—(1) The heading for
 16 section 2696 of such title is amended to read as follows:

17 **“§ 2696. Transfers and Disposals: Interchanges and**
 18 **screening requirements”.**

19 (2) The table of sections at the beginning of chapter
 20 159 of such title is amended—

21 (A) by striking the item relating to section
 22 2693; and

23 (B) by amending the item relating to section
 24 2696 to read as follows:

“2696. Transfers and Disposals: Interchanges and screening requirements.”.

1 (e) CONFORMING AMENDMENTS.—Section 2571(a)
 2 of such title 10 is amended—

3 (1) by striking “and real estate”;

4 (2) by striking “**PROPERTY**” in the section
 5 heading and inserting “**SUPPLIES**”; and

6 (3) in the table of sections at the beginning of
 7 chapter 153 of such title, by amending the item re-
 8 lating to section 2571 to read as follows:

“2571. Interchange of supplies and services.”.

9 **SEC. 2915. EXTENDING LEASE TERMS FOR STRUCTURES**
 10 **AND REAL PROPERTY RELATING TO STRUC-**
 11 **TURES IN FOREIGN COUNTRIES THAT ARE**
 12 **NEEDED FOR PURPOSES OTHER THAN FAM-**
 13 **ILY HOUSING.**

14 Section 2675(a) of title 10, United States Code, is
 15 amended by striking “five” and inserting “ten”.

16 **SEC. 2916. PREVENTING ENCROACHMENT.**

17 Section 2684a(h) of title 10, United States Code, is
 18 amended—

19 (1) by striking “FUNDING.—(1)” and inserting
 20 “CONSIDERATION.—Consideration for an agreement
 21 under this section may take the following forms—
 22 (1)”; and

23 (2) by adding at the end the following new
 24 paragraph:

1 “(3) Notwithstanding title 40 and the McKin-
 2 ney Vento Homeless Assistance Act, land under the
 3 Secretary’s jurisdiction and determined to be excess
 4 to the needs of the Department of Defense may be
 5 used by way of exchange to enter into agreements
 6 under this section, provided the excess lands are lo-
 7 cated within the same State as the installation that
 8 is the subject of the agreement. Prior to using ex-
 9 cess lands for exchange under this section, the Sec-
 10 retary concerned shall request the concurrence of the
 11 Office of Management and Budget, and the Sec-
 12 retary of the Interior in the case of lands withdrawn
 13 from the public domain, using a process developed
 14 by the Secretary of Defense.”.

15 **SEC. 2917. AUTHORITY TO GRANT RESTRICTIVE EASE-**
 16 **MENTS.**

17 (a) AUTHORITY TO GRANT RESTRICTIVE EASE-
 18 MENTS.—Chapter 159 of title 10, United States Code, is
 19 amended by inserting after section 2671 adding the fol-
 20 lowing new section:

21 **“§ 2672a. Easements: restrictive**

22 “(a) CONSERVATION EASEMENTS.—(1) If the Sec-
 23 retary of a military department finds that it will not be
 24 against the public interest, he may grant, upon such terms
 25 as he considers advisable, a restrictive easement—

1 “(A) to—

2 “(i) a State or local government; or

3 “(ii) a qualified organization, as that term
4 is used in section 170(h) of the Internal Rev-
5 enue Code of 1986 (26 U.S.C. 170(h));

6 “(B) for a conservation purpose consistent with
7 section 170(h)(4)(A)(iv) of that Act (26 U.S.C.
8 170(h)(4)(A)(iv));

9 “(C) over, in, and upon any real property that
10 is to be transferred by deed by that department;

11 “(D) restricting future uses of the property.

12 “(2) An easement under paragraph (1) shall not be
13 granted if the Secretary determines that—

14 “(A) the conservation of the property can be ef-
15 fectively achieved through the application of State
16 law by units of State or local government;

17 “(B) the jurisdiction that encompasses the
18 property authorizes such an easement; and

19 “(C) the Secretary can give or assign to a third
20 party the responsibility for monitoring and enforcing
21 such an easement.

22 “(b) ENVIRONMENTAL EASEMENTS.—(1) If the Sec-
23 retary of a military department finds that it will not be
24 against the public interest, he may grant, upon such terms
25 as he considers advisable, a restrictive easement—

1 “(A) to a State or local government;

2 “(B) over, in, and upon any real property that
3 is to be transferred by deed by that department;

4 “(C) restricting future uses of the property to
5 ensure the continued effectiveness of any environ-
6 mental restoration function on the property con-
7 ducted pursuant to chapter 160 of this title.

8 “(c) LIMITATIONS.—(1) No easement granted under
9 this section may apply to more land than is necessary for
10 the effectiveness of the easement.

11 “(2) Easements granted under this section shall be
12 without consideration from the recipient.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 2671 the following new
16 item:

“2671a. Easements: restrictive.”.

17 **Subtitle C—Base Closure and** 18 **Realignment**

19 **SEC. 2921. MODIFICATION OF DEPOSIT REQUIREMENTS IN**
20 **CONNECTION WITH LEASE PROCEEDS RE-**
21 **CEIVED AT MILITARY INSTALLATIONS AP-**
22 **PROVED FOR CLOSURE OR REALIGNMENT**
23 **AFTER JANUARY 1, 2005.**

24 Section 2667(d)(5) of title 10, United States Code,
25 is amended to read as follows:

1 “(5) Money rentals received by the United States
 2 from a lease under subsection (f) at a military installation
 3 to be closed or realigned under a base closure law, the
 4 date of approval of which is—

5 “(A) before January 1, 2005, shall be deposited
 6 into the account established under section 2906(a)
 7 of the Defense Base Closure and Realignment Act of
 8 1990 (part A of title XXIX of Public Law 101–510;
 9 10 U.S.C. 2687 note); or

10 “(B) after January 1, 2005, shall be deposited
 11 into the account established under section 2906A(a)
 12 of such Act.”.

13 **Subtitle D—Other Matters**

14 **SEC. 2931. REVITALIZATION OF DEPARTMENT OF DEFENSE** 15 **LABORATORIES.**

16 (a) IN GENERAL.—Section 2805 of title 10, United
 17 States Code, is amended—

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

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

22 “(d) LABORATORY REVITALIZATION.—(1) For the
 23 revitalization of laboratories owned by the United States
 24 and under the jurisdiction of the Secretary concerned, the
 25 Secretary may spend from appropriations available—

1 “(A) for operation and maintenance amounts
 2 necessary to carry out an unspecified minor military
 3 construction project costing not more than
 4 \$1,500,000; or

5 “(B) for military construction not otherwise au-
 6 thorized by law amounts necessary to carry out an
 7 unspecified minor military construction project cost-
 8 ing not more than \$3,000,000.

9 “(2) For projects conducted pursuant to this sub-
 10 section, \$1,500,000 shall be the amount applied for pur-
 11 poses of subsection (b)(1).

12 “(3) For purposes of this subsection, a laboratory in-
 13 cludes—

14 “(A) a research, engineering, and development
 15 center;

16 “(B) a test and evaluation activity; and

17 “(C) any buildings, structures, or facilities lo-
 18 cated at and supporting such centers or activities.”.

19 (b) **STYLISTIC AND CLERICAL AMENDMENTS.**—Such
 20 section is further amended—

21 (1) in subsection (a), by inserting “**MILITARY**
 22 **CONSTRUCTION FUNDING.**—” after “(a)”;

23 (2) in subsection (b), by inserting “**NOTIFICA-**
 24 **TIONS.**—” after “(b)”;

1 (3) in subsection (c), by inserting “OPERATION
2 AND MAINTENANCE FUNDING.—” after “(c)”; and

3 (4) in subsection (e), as redesignated by sub-
4 section (a) of this section, by inserting “LIMITA-
5 TIONS.—” after “(e)”.

6 **SEC. 2932. THRESHOLD FOR MEDICAL FACILITY PROJECTS.**

7 Section 2805(a) of title 10, United States Code, is
8 amended—

9 (1) in paragraph (1), by striking “paragraph
10 (2)” and inserting “paragraphs (2) and (3)”;

11 (2) by adding at the end the following new
12 paragraph:

13 “(3) For an unspecified minor military construction
14 project for a medical facility, the cost limitation for pur-
15 poses of paragraph (1) is the expenditure threshold for
16 a major medical facility project under section
17 8104(a)(3)(A) of title 38.”.

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