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

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

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

The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CONCLUSION OF MORNING BUSINESS

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

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 2863, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. I thank the Chair.

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

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

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

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

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

Senator McCain: Are you planning on troop withdrawals for next year?

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

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

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

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

These benchmarks are crucial to gauging our progress and are vital to achieving our success. They were included in an unclassified document provided to the Congress this last week, the title of which is ''Transitional Readiness Assessment.'' It provides seven different measurements to determine how we are doing in Iraq: first, overall readiness; second, the number of Iraqi personnel; third, their command and control capability; fourth, the level and effectiveness of their training; fifth, the sustainment and logistics of those Iraqi units; sixth, the level of their equipment; and seventh, the quality of their leadership.

It is vitally important that we share our progress or lack thereof in meeting these objectives with the American people. The American people are paying for this conflict with their money and their blood. They deserve to know how we are doing.

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

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

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

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

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

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

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

Guard members who are called to active duty often face what I call a patriot penalty—a pay cut representing the difference between their civilian and Active-Duty pay. As a result, many families struggle to meet their mortgage payments or pay their heating

bills. My amendment would eliminate this patriot penalty and ensure that no one takes a pay cut for serving their country.

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

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

I thank the Chair and my colleagues for their patience.

I call up the amendments numbered 1993, 1940, 1998, and 1933.

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

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

The PRESIDING OFFICER. The Senator from Alaska.

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

Mr. BAYH. By all means.

The PRESIDING OFFICER. Does the Senator object?

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

I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I should notify the Senator from Indiana that these are amendments offered to the Armed Services Committee amendment, and we do not intend to support any amendments to the amendment until we can determine if there is going to be a time agreement on the basic underlying amendment. The full Armed Services Committee bill contains some 80 amendments already and has some 240 other amendments pending.

I object, and I hope the Senator will confer with us on procedures so we might be able to work this out.

The amendment is subject to rule XVI. I do not believe we should take the time of the Senate to agree to the amendments on which we are going to raise a point of order under XVI unless there is a time agreement on the overall amendment offered by the Armed Services Committee.

We will object to any amendments to this amendment, and we will further, at the appropriate time, raise this point of order under rule XVI to the amendment offered by the Senator from Virginia, the chairman of the Armed Services Committee.

Mr. BAYH. Mr. President, I would be pleased to work with my colleagues to clarify the substance of the amendments and to work on the issues regarding any of them.

I have been advised to call up my amendment No. 1933, which is an appropriations amendment.

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

AMENDMENT NO. 1933

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. BAYH] proposes an amendment numbered 1933.

Mr. BAYH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with to give us an opportunity to discuss the substance of the amendment and time consideration.

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

The amendment is as follows:

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

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

SEC. 9014.(a)(1) The amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $360,800,000.

(2) Of the amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'', as increased by paragraph (1)—

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

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

(i) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(ii) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

(b)(1)(A) The amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $5,000,000.

(B) Of the amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', as increased by subparagraph (A), $5,000,000 may be available for the establishment of the ballistics engineering research center under paragraph (2).

(2)(A) The Secretary of Defense shall create a collaborative ballistics engineering research center at two major research institutions.

(B) The purpose of the research center established under subparagraph (A) shall be to advance knowledge and application of ballistics materials and procedures to improve the safety of land-based military vehicles, particularly from hidden improvised explosive devices, including through the training of engineers, scientists, and military personnel in ballistics materials and their use.

Mr. STEVENS. Mr. President, I inform the Senator from Indiana that we would oppose this amendment in any event because the bill already contains an additional $390 million, $30 million more than is already proposed by this amendment, for armored tactical wheeled vehicles.

This bill before us now has $240 million for the up-armored HMMWVs or the armored light tactical vehicles and has $150 million for the armored tactical wheeled vehicles. The Senator's amendment is duplicative of the amendment we have already accepted to the bill, and we cannot add that much more money to the Senator's amendment which is before us, No. 1933.

I urge the Senator to take a look at the RECORD and withdraw the amendment because there we are adding too much to that one section and we could not accept this amendment. It would earmark funding for tactical wheeled vehicles if armory funds are not needed for units deployed in Iraq and Afghanistan. We do not think we should earmark critical force protection equipment funds. Some of this work is done in one place, some in another.

I indicated that we already have added $30 million more than the Senator proposes to add to the bill. We

agree with the Senator in terms of the need, and that is why we have already added money, as I mentioned before.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The amendment numbered 1933 is pending.

The Senator from Indiana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1978

Mr. MCCAIN. Mr. President, I call up amendment No. 1978, which is at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. BIDEN, Mr. GRAHAM, Mr. LEAHY, and Mr. DEWINE, proposes an amendment numbered 1978.

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

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

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

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

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

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

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

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

The Uzbek Government launched a campaign of anti-American propaganda after its massacre, staging rallies to denounce the United States and accusing the United States of fomenting Islamic extremism in the guise of promoting democracy.

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

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

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

This is the same country that Pentagon officials were describing quite recently as a ''very valuable partner and ally in the global war on terror.'' But Uzbekistan is not a valuable partner and ally; it is part of the problem. This week, the European Union announced that it will impose sanctions

against the Uzbek Government for its refusal to accept an international inquiry into the Andijan massacre. This is the kind of response we should be considering to these outrageous actions, not the best way to transfer $23 million in funds from the U.S. Treasury.

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

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

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

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

I am not saying the United States should not pay its bills. What I am saying is that we should demand at least an investigation of what happened in Andijan some months ago when hundreds, if not a thousand, of its citizens innocently gathered to protest the policies of their government: they were fired on and killed in the most wanton fashion.

The Washington Post article reads:

The government of President Islam Karimov, one of the most authoritarian to emerge from the collapse of the Soviet Union, has made a broader strategic decision to move away from the 2002 agreement made with President Bush after the Sept. 11, 2001, attacks and is cooling relations with Europe as well. . . .

The move follows tough criticism from Washington—

I might say not the Pentagon—

and the European Union over Uzbekistan's crackdown on protests in May in the Andijan province, where human rights and opposition groups say hundreds died. Uzbekistan has charged that terrorists initiated the violence.

As tensions deepen, Karimov is shifting his strategic alliance toward Russia and China. . . . In July, Tashkent banned U.S. troops and warplanes from what is known as the [K2 airbase] which was used for counterterrorism, military and humanitarian missions.

The European Union is not renowned to take the lead on some issues. I am proud that the European Union imposed sanctions on Uzbekistan today seeking to punish, according to the New York Times, October 3, 2005:

. . . seeking to punish the Central Asian nation for its refusal to allow an international investigation into the bloody crackdown of an uprising in May in the northeastern city of Andijon.

The sanctions against Uzbekistan impose an embargo on exports of arms and equipment that might be used for internal repression and suspend meetings between the European Union and Uzbekistan that were aimed at accelerating the former Soviet state's rapprochement with the West. They will also forbid the travel of Uzbek officials directly involved [in] the crackdown to the 25 European Union states.

Survivors and independent organizations claim—

This is survivors, their actual statements—

and independent organizations claim that hundreds of people were killed, almost all of them unarmed. Uzbekistan, an autocratic state that had been an ally with the Bush administration's counter-terrorism efforts, has argued that the crackdown was a necessary counter-terrorism operation, and said only 187 people, principally Islamic terrorists, were killed. It has stubbornly resisted calls for an open investigation of its crackdown of the uprising.

As criticism over the violence mounted in the spring and summer, Uzbekistan sharply shifted its foreign policy, aligning itself more closely with Russia and China and trimming its relations with the West. In July, it ordered the United States to leave an airbase it has been using since 2001, an eviction now scheduled for early next year.

Last month, Uzbekistan hosted a small joint military exercise with Russian troops, signaling its new allegiances.

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

A fundamental pillar of this administration's policy and previous administrations is the adherence to principles of respect for human rights, rule of law, and fundamental freedoms, all of which are routinely violated by this thug Karimov and his government.

Mr. President, I ask unanimous consent that the New York Times article, the Washington Post article I just cited, an article from Defense News, an article from Reuters, and an article entitled ''Andijan Show Trial Proceedings'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 3, 2005.]

EUROPEAN UNION IMPOSES SANCTIONS ON UZBEKISTAN

(By C.J. Chivers)

MOSCOW.—European Union nations imposed sanctions on Uzbekistan today, seeking to punish the Central Asian nation for its refusal to allow an international investigation into the bloody crackdown of an uprising in May in the northeastern city of Andijon.

The sanctions against Uzbekistan impose an embargo on exports of arms and equipment that might be used for internal repression and suspend meetings between the European Union and Uzbekistan that were aimed at accelerating the former Soviet state's rapprochement with the West. They will also forbid the travel of Uzbek officials directly involved in the crackdown to the 25 European Union states.

The decision followed months of diplomatic tension between much of the West and Uzbekistan after a prison break and antigovernment demonstration on May 13. The demonstration, which survivors said included several thousand people, was scattered by gunfire from Uzbek troops and armored vehicles.

Survivors and independent organizations claim that hundreds of people were killed, almost all of them unarmed. Uzbekistan, an autocratic state that had been an ally with the Bush administration's counterterrorism efforts, has argued that the crackdown was a necessary counter-terrorism operation, and said only 187 people, principally Islamic terrorists, were killed. It has stubbornly resisted calls for an open investigation of its crackdown of the uprising.

As criticism over the violence mounted in the spring and summer, Uzbekistan sharply shifted its foreign policy, aligning itself more closely with Russia and China and trimming its relations with the West. In July, it ordered the United States to leave an airbase that it has been using since 2001, an eviction now scheduled for early next year. Last month, Uzbekistan hosted a small joint military exercise with Russian troops, signaling its new allegiances.

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

The trade ban covers weapons and ammunition, as well as dozens of items that could be used in crackdowns and police work, including helmets and certain types of body armor, vehicles equipped with armor, leg irons, shackles, tear gas, water cannons, riot shields, fingerprint equipment, search lights, equipment for intercepting or jamming communications and night vision goggles.

The sanctions also suspended scheduled meetings under the so-called Partnership and Cooperation Agreement, the blueprint that since 1999 has helped develop the European Union's political relations with Uzbekistan and guide economic relations in trade, transport, customs, postal services, telecommunications and other areas.

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

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

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

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

''There are no restrictions on weapons supplies to Uzbekistan,'' Russia's defense minister, Sergei Ivanov, said last week in anticipation of the embargo, according to the

Interfax news agency. ''We will continue to develop further relations with Uzbekistan.''

The potential effects of the travel restrictions to Western Europe are also uncertain.

The Uzbek president, Islam A. Karimov, and the nation's interior minister, Col. Gen. Zakirdzhon Almatov, were in Andijon during the uprising, and survivors have accused them of ordering and directing the violence against the crowd.

But the European Union has not yet drawn up a public list of officials it suspects of involvement in the violence, so it was not immediately clear which officials might face the travel restrictions. A European Union spokesman said the list will be compiled now that the sanctions have been approved.

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[From the Washington Post, Sept. 30, 2005]

UZBEKS STOP WORKING WITH U.S. AGAINST TERRORISM

(By Robin Wright)

After cutting off U.S. access to a key military base, Uzbekistan has also quietly terminated cooperation with Washington on counterterrorism, a move that could affect both countries' ability to deal with al Qaeda and its allies in Central Asia and neighboring Afghanistan, U.S. officials said.

The government of President Islam Karimov, one of the most authoritarian to emerge from the collapse of the Soviet Union, has made a broader strategic decision to move away from the 2002 agreement made with President Bush after the Sept. 11,2001, attacks and is cooling relations with Europe as well, the officials said.

The move follows tough criticism from Washington and the European Union over Uzbekistan's crackdown on protests in May in Andijan province, where human rights and opposition groups say hundreds died. Uzbekistan has charged that terrorists initiated the violence.

As tensions deepen, Karimov is shifting his strategic alliance toward Russia and China, the officials said. In July, Tashkent banned U.S. troops and warplanes from the Karshi-Khanabad air base, which was used for counterterrorism, military and humanitarian missions.

Because of the internal Uzbek crackdown, the European Union laid the groundwork yesterday for a vote expected on Monday to impose new sanctions on Uzbekistan for failing to allow an independent international inquiry of the Andijan incidents. The measures include an embargo on arms and any equipment that could be used for internal repression, and visa restrictions for any Uzbek official linked to the violence, European diplomats said.

Senior officials from the State Department, the Pentagon and the National Security Council held three hours of talks with Karimov on Tuesday to express US. concern about Uzbek human rights violations and the deterioration in relations between the two countries.

''We do want to cooperate, but it has to be across the board, not just on counterterrorism and security but also to support democratic and market reforms,'' Assistant Secretary of State Daniel Fried said yesterday in a telephone interview from Kazakhstan. He called the recent Uzbek decision to cut back on counterterrorism cooperation ''very disappointing. ''

A spokesman from the Uzbek Embassy in Washington said his nation is still cooperating with the United States but would not comment further.

The E.U. has been pressuring Washington to impose similar sanctions, but the Bush administration wants to give Karimov one last chance to renew cooperation. ''The United States is going to look very closely at whether Karimov responds to our message, and, if not, we will draw conclusions,'' Fried said. ''We're not talking about six months. My purpose was not to drag out the process.''

The Bush administration has concluded that Karimov fears democracy more than terrorism, officials said. The biggest threat to his government is the Islamic Movement of Uzbekistan, which a State Department report says has been involved in attacks on U.S. forces in Afghanistan and has plotted attacks on U.S. diplomatic facilities in Central Asia. Aligned with al Qaeda, it seeks to overthrow Karimov and create an Islamic government, the report says.

The Uzbek issue is gaining more attention on Capitol Hill. Reps. William D. Delahunt (D–Mass.) and Lloyd Doggett (D–Tex.) held a news conference yesterday to urge the White House to end all Pentagon payments to Tashkent and to go to the United Nations to bring the Uzbek leader to justice.

Karimov ''inflicts immeasurable pain and misery on his own people and then evicts us from a strategic military facility—and the Pentagon's idea of a penalty is the gift of millions of U.S. tax dollars,'' Delahunt said. The Pentagon recently agreed to pay $23 million for past use of the K–2 air base.

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[From Defense News, Sept. 28, 2005]

U.S. TO LEAVE UZBEK AIR BASE: OFFICIAL)

(By Agence France-Presse)

The U.S. military will vacate a military air base it had been using in Uzbekistan without further discussion, as demanded by the Uzbek authorities, a senior U.S. official confirmed on Sept. 27. ''We intend to leave the base without further discussion,'' Dan Fried, assistant secretary of state for European and Eurasian affairs, told reporters after meeting here with Uzbek President Islam Karimov.

Fried also confirmed Washington would pay Uzbekistan 23 million dollars for the past use of Karshi-Khanabad air base, also known as K–2, despite objections by members of the U.S. Congress. Uzbekistan in July gave the U.S. military six months to end operations at K–2, effectively severing a partnership that sprang up in 2001 on the eve of the U.S. military campaign to oust the Taliban in Afghanistan.

Uzbek lawmakers ratified the eviction notice last month. The base was a crucial staging area for U.S. forces operating in northern Afghanistan, and after the war became a hub for flights carrying supplies for U.S. and NATO forces in the country.

The eviction notice came after Washington called for an international investigation into last May's crackdown in the eastern city of Andijan that the government said left 187 people dead but which human rights groups said amounted to a massacre of civilians. Fried admitted to differences with Karimov during his meeting with the Uzbek leader.

''We did not agree on all issues and made it clear we support civil society and NGOs around the world just like foreign NGOs can operate in the U.S.,'' he said. Several international non-governmental organizations accuse the Uzbek authorities of having killed hundreds of unarmed civilians in Andijan. Fried said his visit came after a difficult period in U.S.-Uzbek relations, ''which included human rights issues and Andijan events. ''

He said his message to Uzbek officials was to determine a basis on which U.S.-Uzbek relations and cooperation could move ahead, provided such notions as democracy, human rights and political reforms were taken into account. He also denied allegations by one of 15 alleged Islamist insurgents on trial over the Andijan bloodshed that the U.S. embassy had provided funding to his group.

''The assertions about helping Islamic insurgents are ludicrous and no credible,'' he said. Fried was scheduled to meet representatives of Uzbek civil society groups on Wednesday, and was later due to visit Kazakhstan and Kyrgyzstan for talks on bilateral and regional issues, including the fight against terrorism, officials said.

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[From Reuters Foundation, Sept. 30, 2005]

CENTRAL ASIA: WEEKLY NEWS WRAP

(Source: IRIN)

ANKARA.—The trial of 15 men accused of plotting to overthrow the Uzbek government in the eastern city of Andijan entered its second week in the Uzbek capital, Tashkent.

Upwards of 1,000 civilians may have been killed in Andijan on 13 May, according to some rights groups, when security forces opened fire on protesters demonstrating against the government of Uzbek President Islam Karimov, who has ruled Central Asia's most populous state since the collapse of the former Soviet Union in 1991.

Despite international pressure, Tashkent has rejected all requests for an independent international inquiry, placing the official death toll at 187.

The 15 men have pleaded guilty to trying to overthrow the Uzbek government and create an Islamic state in a violent uprising that prosecutors maintain was stoked by Western media. More than 100 people face charges that include murder, fomenting mass arrest and an attempted coup.

On Monday, three defendants testified they had trained at military camps in neighbouring Kyrgyzstan, further backing Tashkent's claim of a conspiracy that included foreign fighters and funding, one AFP report said.

''We were given money by the U.S. embassy to achieve our goals,'' Tavakkalbek Hojiyev, one of the alleged insurgents, reportedly told the court.

But human rights groups, who have repeatedly called for international pressure, maintain the well orchestrated trial was merely a concerted effort to bury the truth.

On Thursday, the European Union (EU) answered those calls by announcing it would impose ''smart sanctions'' on Tashkent following its refusal to allow for an international inquiry.

The decision, to be approved by EU foreign ministers on Monday, marks a hardening stance by the international community against Tashkent, Britain's Telegraph newspaper reported. Criticism of the Uzbek authorities from Washington has already led to the U.S. being ordered to remove its airbase at Karshi-Khanabad, in the southeast, the report added.

Once a staunch ally in America's wars against terror, relations between the two countries have soured over Andijan. On Monday, the U.S. vowed not to trade democratic principle for continued use of the base, the AFP reported.

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

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

Despite a lack of military equipment, Tajik border guards had proved they could protect their 1,206 km border on their own, following the departure of Russian troops in the area in June, the president claimed. The country has become a major route for drugs

smuggled to Europe and Russia from Afghanistan.

One day earlier, U.S. Ambassador to Tajikistan Richard Hoagland and Minister of Foreign Affairs Talbak Nazarov signed a Letter of Agreement for U.S. $9 million to assist the country's border guards. According to an embassy statement, the funding would provide infrastructure improvements, border outpost development, transportation and other necessary equipment for the guards.

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

Staying in Tajikistan, Tajik authorities on Tuesday confirmed the arrest of a Russian citizen who allegedly belonged to the outlawed Islamic Movement of Uzbekistan (IMU), the AP said.

Blamed for a series of armed incursions into Uzbekistan in 1999–2001, as well as other attacks, the IMU has been designated by the U.S. State Department as a terrorist organisation, the report added.

Kyrgyzstan's parliament on Tuesday turned down six of 16 candidates proposed by President Kurmanbek Bakiyev to form a new cabinet, including his close ally Roza Otunbayeva, who was nominated to head the foreign ministry.

According to the AP, many lawmakers, many of whom were holdovers from the era of Bakiyev's ousted predecessor, Askar Akayev, also rejected the appointment of Bakiyev's nominees for the cabinet's chief of staff as well as culture, labour and transport ministers and the head of the migration service.

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

Meanwhile in Kazakhstan, Reporters Without Borders (RSF) on Wednesday condemned the action of the Kazakh printing press Vremia Print in unilaterally terminating contracts to print seven opposition newspapers without explanation on Monday.

''It is unacceptable that the Kazakh public is being deprived of independent and opposition news in the run-up to the 4 December presidential elections,'' the press watchdog group said. ''We call on President Nursultan Nazarbayev to respect press diversity, especially at such a crucial moment in the country's political life.''

Print media had proven the only source of independent news in Central Asia's largest state, as all TV stations were controlled by Nazarbayev associates, RSF claimed.

Lastly in Turkmenistan, the Turkmen Initiative for Human Rights announced that all Russian schools which used to operate had been transformed into Turkmen schools. Yet, one class with Russian as the language of instruction would remain in each of the schools.

With Russian schools being closed and demand for Russian instruction exceeding available places, only those children whose parents held Russian citizenship or a migrant status to Russia would be allowed to attend, the Vienna-based group noted on Tuesday.

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ANDIJON SHOW TRIAL PROCEEDINGS: TESTIMONY OF HOSTAGES, ACCUSATIONS AGAINST THE U.S. AND PRESS

UZBEKISTAN: DEFENDANTS IN ANDIJON TRIAL REITERATE GUILT, BLAME OTHERS

PRAGUE.—The defendants allegedly behind the May uprising in the eastern Uzbek town of Andijon are confessing to the charges and saying foreign countries instigated the revolt.

One of the defendants, Tavakalbek Hojiev, said yesterday that the U.S. Embassy in Tashkent financially supported the uprising. He did not provide any evidence but said he was informed about the fact by another man—Qobiljon Parpiev—whom the Uzbek government has accused of helping instigate the violence.

''He [Parpiev] told me that the U.S. Embassy has allocated the money [for the uprising.]'' Hojiev said. ''And if our action in Andijon would not succeed we had to leave for Kyrgyzstan. He said that this was the plan. According to this plan, we left for Kyrgyzstan.''

Parpiev was among the protesters who seized the regional administration building in Andijon on 13 May. He escaped when Uzbek forces opened fire on protesters, and fled the country.

Hojiev said the aim of foreign countries allegedly assisting the revolt was to overthrow the Uzbek government by provoking a ''colored revolution.''

U.S. State Department spokesman Sean McCormack, speaking yesterday at a news briefing in Washington, denied any links between the U.S. Embassy in Tashkent and the Andijon unrest.

''With respect to Andijon, we continue to support an independent, international inquiry,'' McCormack said. ''As for Embassy involvement in this tragic incident, this has come up before and there's just no basis for it.''

Three defendants—all ethnic Uzbeks with Kyrgyz citizenship—said yesterday that they received training at a camp in Kyrgyzstan. One of them, identified as Burkhanov, said one of the instructors was a red-haired, blue-eyed Chechen named Mamed who taught them how to operate weapons and dig trenches.

''Three of us were brought to a firing range in Teke (a village in the Osh region of Kyrgyzstan),'' Burkhanov said. ''When we arrived, there were three strangers besides people we already knew. We greeted them and (alleged militant) Akrom Mamadaliev introduced them to us. One of them was named Mamed. lie had red hair, blue eyes, and a beard. Then Akrom Mamadaliev told that man (Mamed) and another man to train us. Then we stepped into a room and Mamed showed us how to disassemble and assemble [a weapon].''

Kyrgyz authorities have refuted any efforts to link Kyrgyzstan to the events in Andijon.

FORMER HOSTAGES TESTIFY IN UZBEK UPRISING TRIAL

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

Former hostage Rakhimjon Kurbonov, a van driver, said he was shot in the back and the leg when rebels used him as a human shield. He also said he had been beaten up by relatives of some of the 23 religious businessmen whose trial on extremism charges sparked the uprising.

Former hostage Bakhtiyor Murodov, a government official, said he was severely beaten and tortured by rebels and urged judges to sentence the defendants to death for ''betraying humanity and their motherland.''

Another ex-hostage, Oibek Tojiboev, said the rebels had threatened to soak the hostages in petrol and set them on fire.

Dilshodbek Usmonov, a police officer, told court on Wednesday he had been taken hostage by ''a crowd of armed plainclothes men.''

Usmonov also accused some journalists who entered regional government headquarters seized by the rebels to talk to their leaders of ignoring ''wounded and bloodied hostages.''

''What kind of journalists are they?'' he asked. ''They don't care about the suffering of ordinary people.''

UZBEK ''VICTIMS'' URGE CAPITAL PUNISHMENT FOR TERROR SUSPECTS

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

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

According to him, terrorists tried to take as many hostages as possible. ''At first they wanted to exchange us for their supporters held in prison, but they later decided to use us as 'human shields' against law-enforcement officers,'' Mansurov said.

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

''They said they were acting in the name of religion and [to protect their] business interests, but their goals were completely different. They cannot be forgiven. I ask the court to give them capital punishment,'' he said.

DEFENDANTS PIN THE BLAME ON THE AMERICANS AND JOURNALISTS

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

The United States was first accused in the trial in Tashkent by defendant Tavakkol Khodzhiyev on Monday. Khodzhiyev told the Supreme Court that the revolt in Andizhan had been financed by the U.S. Embassy. ''We got money from the U.S. Embassy,'' Khodzhiyev confessed. ''The Americans intended to provoke a ''color revolution'' and disrupt the constitutional system of Uzbekistan.'' Dwelling on the so called conspiracy, defendants could not say how much the Americans had invested in the coup d'etat and concentrated on its details instead. According to defendant Husanzhon Turabekov, one Kelly (a citizen of the United States) was in contact with the Akramians. She drove a red Jeep and was always accompanied by human rights activists and journalists. Matlyuba Azamatova of Uzbekistan, BBC reporter in the Ferghana Valley, was usually with the American. Turabekov said that Azamatova and experts on human rights had become the main agitators and instigators. ''When the Andizhan khokimijat was overrun, they made speeches in the square all day long, condemning the powers-that-be and urging rebels to hold on. They said that help was coming.''

Pleading guilty and demanding capital punishment for themselves at the very first meeting of the Supreme Court, the defendants became prosecutors. They go on confessing and exposing the anti-Uzbek conspiracy of Washington, International terrorism, journalists, and human rights activists. The defendants maintain that they are treated properly in prison and that they are

shocked by how outrageously media outlets and human rights activists spread lies about the Uzbek regime. The prosecution, Deputy Prosecutor General Anvar Nabiyev, had appraised the media in a similar manner when the trial was just beginning. Nabiyev called journalists ''jackals'' and ''carrion eaters''. The deputy prosecutor general put on the list of enemies of Uzbekistan IWPR Tashkent Division Director Galima Bukharbayeva, Ferghana. Ru correspondent Aleksei Volosevich, RL correspondent Andrei Babitsky, and Amazatova. According to Nabiyev, they had depicted terrorists as freedom fighters and promoters of democracy. BBC got the worst of it. Nabiyev announced that its correspondents had ''shamelessly spread prejudiced lies on what was happening on the orders from certain external forces.''

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

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

One of the defendants, Tavakkalbek Hojiyev, said yesterday that the U.S. Embassy in Tashkent financially supported the uprising.

Mr. President, here is the old Stalinist trial where they beat the defendant into submission, have him confess, and then blame the U.S. Embassy in Tashkent, and we are going to give them 23 million bucks?

As I said:

. . . that the U.S. Embassy in Tashkent financially supported the uprising. He did not provide any evidence but said he was informed about the fact by another man . . . whom the Uzbek government has accused of helping instigate the violence.

''He told me that the U.S. Embassy has allocated the money [for the uprising,]'' Hojiyev said. ''And if our action in Andijon would not succeed we had to leave for Kyrgystan. He said that this was the plan. . . .

Parpiev was among the protesters who seized the regional administration building in Andijon on 13 May. He escaped when Uzbek forces fired on protesters. . . .

It goes on and on. It is the age-old Stalinist tactic: Take somebody, torture them, and force them to confess. And they are blaming the United States of America.

This is the Karimov Government that we are going to give $23 million and that is now alleging that the United States of America not only was responsible for this uprising in Andijon, but the ''colored revolutions'' all over the world—Lebanon, Georgia, Kyrgyzstan, Ukraine.

Former hostages and other witnesses testified Wednesday in the trial of 15 alleged participants in a May uprising that was brutally suppressed by Uzbek government troops. . . .Former hostage Rakhimjon Kurbonov, a van driver, said he was shot in the back and leg when rebels used him as a human shield. He also said he had been beaten up by relatives of some of the 23 religious businessmen. . . .

On and on and on.

Yesterday, the U.S. Department of State denounced the accusations that the U.S. Embassy in Uzbekistan had allegedly orchestrated and financed the May revolt in Andijon. Defendants standing trial for participation in the revolt announced the conspiracy against the Uzbek authorities had been arranged by the Americans, journalists, and human rights activists.

This is an echo of the days of the Cold War, Mr. President. This is when the Stalinists were in charge.

Finally:

Upwards of 1,000 civilians may have been killed in Andijon on 13 May, according to some human rights groups, when security forces opened fire on protesters demonstrating against the government of President Islam Karimov, who has ruled Central Asia's most populous state since the collapse of the Soviet Union in 1991.

Despite international pressure, Tashkent has rejected all requests for an independent international inquiry, placing the official death toll at 187.

The 15 men—

Guess what—

have pleaded guilty . . .

Is that a surprise that the defendants have all pleaded guilty, condemning themselves to life sentences or death?

The 15 men have pleaded guilty to trying to overthrow the Uzbek Government and create an Islamic state in a violent uprising that prosecutors maintain was stoked by Western media. More than 100 people face charges that include murder, fomenting mass arrest and an attempted coup.

Mr. President, I will curtail my remarks and just say to my friend from Alaska—I know he has a very busy agenda—if I were able to authorize on an appropriations bill—which I am not—I would say at the completion of a thorough investigation of the massacre of Andijon. I cannot do that because this is an appropriations bill, so the amendment basically says no money shall be spent in 2006.

My whole purpose in this is to have the investigation by an international organization, find out who is guilty, and recognize we are dealing with a very brutal, repressive, old-time Stalinist regime.

I thank the chairman for his courtesy.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MCCAIN. At a time to be determined by the distinguished chairman.

The ACTING PRESIDENT pro tempore. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I thank the Senator from Arizona. Mr. President, I ask unanimous consent that there be 4 minutes equally divided on this amendment before the vote when it does occur.

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

Mr. STEVENS. I say to the Senator, I will be pleased to work with the Senator from Arizona to amend this so even though it might be legislation, it urge, at least, an investigation that the Senator has mentioned. Perhaps we can work it out before the time for the vote.

Mr. MCCAIN. I yield the floor.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator's amendment No. 1978 not be subject to a second-degree amendment, but would be subject to an amendment by the Senator from Arizona should he wish to amend the amendment.

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

Mr. MCCAIN. I thank the Senator.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF HARRIET MIERS

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

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

The reason that we must proceed in the manner that we did in the Roberts hearing is that the Supreme Court is the final guardian of the rights and liberties of all Americans. With so much at stake, we should not rush to judgment about this or any other nominee.

But even at this early stage of the confirmation process, I will say that I am impressed by what I know about Harriet Miers. She overcame difficult family circumstances to become the managing partner of a successful 400-lawyer Dallas law firm. That is a big law firm. She was the first woman president of the Dallas Bar Association and then the first woman President of the Texas State bar association.

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

Mr. President, I have been told that about 45 percent of all Justices who served on the Supreme Court have had no judicial experience before they were chosen by a President. I think that speaks volumes about the need to diversify the Supreme Court.

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

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

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

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

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

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

In the press conference today, just a few hours ago, President Bush said, ''Harriet Miers knows the kind of judge I am looking for.'' But if she is confirmed, I say Ms. Miers must become the kind of judge the American people are looking for—a judge committed to fundamental rights and freedom.

I look forward to the Judiciary Committee's process which will help the American people learn more about this nominee and help the Senate determine whether she deserves a lifetime seat on the historic Supreme Court. But I remind the Senate that the nomination of Harriet Miers will not reach the floor for some time, and we are going to cooperate fully, as I have indicated, as we did with Judge Roberts. The Democrats want the process to move forward expeditiously but fairly.

After we get back from the week-long recess that will start this Friday, we will have 5 weeks. We have a lot of things to do during that 5-week period. We have many pressing pieces of legislation that need to be dealt with in this period of time.

After the failures of Katrina—I should not say the failures of Katrina, Katrina did pretty well on its own as a storm, but what happened afterward was failure. And I must say that we now have a string of scandals hovering over the Capitol. It is more important than ever that we get to work on all the many things we have to do. The American people are tired of business as usual in Washington and want us to come together to get things done. They want a change. They want reform. They want a new direction. And that is what Democrats will be looking for in the months ahead.

We believe it is time for all of us to unite because America can do better.

Together, we can reform the culture of corruption and cronyism that is spreading throughout the Nation's Capitol, a culture that led to Michael Brown at FEMA and the failure of Katrina and the Republican scandals we are now reading about.

Together, we can come together to help working families who are being pinched at the gas pump. In the short term we can investigate price gouging, and in the long run we can move our country closer to energy independence by the year 2020.

Together, we can meet our obligation to keep America strong and secure. We can make a real commitment to finding out what went wrong during Katrina and fixing it. And we can pass the Department of Defense authorization bill to protect our fighting men and women in uniform representing our great country. We can insist that the President provide our troops with a clear strategy and paths for success in Iraq. Yesterday I spoke to a marine major who spent 8 months in Iraq in combat. The cities he worked to clear of terrorists and insurgents are not clear anymore.

In addition to that—a clear path for success in Iraq that the President must give us because certainly the mission has not been accomplished—we also have to confront the health care crisis—and it is a crisis. We have to confront it by bringing down costs and helping over 40 million uninsured Americans get the care they need.

Together, we can show the American people that we understand our budget priorities must change following the worst natural disaster in our Nation's history and that we understand it is not time to cut Medicaid, a program that was set up years ago to protect the poorest of the poor with their medical problems.

We can't cut education. Why would we do that? So the administration can spend more on tax breaks for multi- interests and multimillionaires? In calling for spending cuts, the President talked like a fiscal conservative, but in his 5 years in office, he has spent like a fiscal wreck. While our deficits were mounting, he had no problem spending trillions of dollars on tax breaks for

the few. But now, in the wake of this disaster, when the Federal Government begins to help rebuild the lives of Americans who have lost everything, he says he is interested in fiscal discipline. Yet whose benefits would he cut?

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

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

This morning, the President was also asked about relief efforts and whether families are getting what they need. He said things are going ''pretty good.'' But anyone who has seen the news would question that is the case.

On Sunday, newspapers all over the country had different titles. But the Washington Post ran an article titled, ''Housing Promises Made to Evacuees Have Fallen Short.'' That is an understatement. This article talks about tens of thousands of evacuees still living in hotel rooms, if they are lucky, and facing the possibility of eviction in less than 2 weeks. That is not pretty good.

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

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

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

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

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

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

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

The bill clerk proceeded to call the roll.

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

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

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

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

NOMINATION OF HARRIET MIERS

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

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

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

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

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

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

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

In these duties, she has grappled with the challenging issues that face not only the White House but our entire country these days. She is an accomplished lawyer who has won the respect of Republicans and Democrats alike. She understands the role of a judge is not to legislate from the bench but to interpret the law. She will bring to the Supreme Court her broad experiences in the worlds of government and the law. She is well qualified to join our Nation's highest court and the President, after unprecedented consultation with the great majority of us in the Senate, has made an outstanding nomination. She will make a fine addition

to the Supreme Court, and I look forward to her confirmation.

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

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

AMENDMENT NO. 1943

Mr. REED. I ask to call up amendment No. 1943.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 1943.

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. ____. (a) ADDITIONAL AMOUNTS FOR INCREASED PERSONNEL STRENGTHS FOR ARMY AND MARINE CORPS FOR FISCAL YEAR 2006.—

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

(2) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby increased by $31,431,000.

(3) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $121,397,000.

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

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

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

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

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

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

(4) OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby reduced by $31,431,000.

(5) OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby reduced by $121,397,000.

Mr. REED. I also ask unanimous consent to add Senator HAGEL as a cosponsor of the amendment.

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

Mr. REED. Madam President, I rise to offer an amendment which would move funding for the end-strength increases included in this bill from emergency funding to regular funding, thereby increasing the top lines of the Army and Marine Corps budgets.

Let me first begin by commending Chairman STEVENS and Senator INOUYE for including the end-strength numbers, the increase in this legislation. There are no more dedicated individuals committed to the welfare and the efficiency of our military forces than Senator STEVENS and Senator INOUYE, and they have raised the end-strength numbers of the Army by 40,000, and they have raised the end-strength numbers of the Marine Corps by 3,000, and this was over the request included in the President's budget.

I think it is patently clear that additional personnel are necessary, and I am pleased to see that this is the conclusion of the Appropriations Committee. But simply raising the end-strength number, in my view, is not enough. I believe we also have to pay for these troops in a very straightforward fashion—not through emergency supplementals but through the regular budget process. If we do not start doing this now, I believe the Army and the Marine Corps will begin to pay a far greater price in the future as supplemental funding may diminish, but still the needs for an increased end strength persist.

There is an obvious need for increased end strength. On January 24, 2004, Army Chief of Staff General Schoomaker announced he had received emergency authority to temporarily increase the size of the Army by 30,000 soldiers for the following 4 years. At that time the leaders of the Department of Defense were working on a couple of assumptions.

First, they were working with a plan formulated in the fall of 2003 that calculated the numbers of forces in Iraq in mid-2005 to be approximately 40,000 troops. Remember, at that time the Pentagon was predicting our force levels in Iraq would be 40,000 troops. In the fall of 2005, at this moment, we have approximately 139,000 Army troops in Iraq, together with 25,000 marines—far above the predicted level of troops necessary, in the Pentagon's view 2 years ago, to conduct these operations.

Now this number of about 130,000 troops, Army troops and significant Marine Corps forces, has been steady or even higher from the period of March 2003, the time of the invasion, to today.

In addition, General Schoomaker recently told the Associated Press he is planning for over 100,000 troops to remain in Iraq through fiscal year 2009.

I think this is very prudent and I commend General Schoomaker for doing that which I think is necessary, of publicly stating that we at least have to assume for planning purposes a commitment of that number.

This initial assumption of 40,000 troops in place in Iraq by 2005 is clearly inadequate. It has been overtaken by events. Again I think this argues for not a temporary increase in troops but a permanent increase in end strength and regular funding.

The second point I make is that in addition to our obligations in Iraq, which require significant forces—and to have the forces in Iraq, we have to have many more forces in the Army and Marine Corps training and getting ready to go and recover—in addition to that, Secretary Rumsfeld was ambitiously moving forward on a transformation of the Army to increase the number of brigades from 33 to 48 and replace 10,000 military slots with civilian slots, significantly reducing the number of soldiers in support positions. This is a very difficult and in some cases dynamic experience. We have an army at war and an army in transformation simultaneously, but the Army is doing a magnificent job in both cases.

Secretary Rumsfeld argued that this transformation would initially cause a spike requiring again a temporary increase of 30,000 soldiers, but then within 4 years his projection was that spike would be eliminated. However, under the Army's own analysis and even if all anticipated efficiencies are widely successful, if we get the transformation of military positions and civilian positions, we are able to form these brigades to perform as they were expected to perform, and all these efficiencies are squeezed out of this transformation, the Army has suggested we will not be back down to pre-911 end strength of 482,400 until fiscal year 2011, 6 years from now.

Now that is not right. You have two demands, our commitment in Iraq and our transformation process, that drive up end strength numbers, not in the short term but actually over many years, and we know this right now.

Third, the Pentagon could not have anticipated in some cases their involvement in natural disasters such as

Hurricane Katrina which is creating demand for forces, particularly National Guard forces. As we understand, the National Guard is the first responders. They have in some respects a dual capacity. They serve the Governors of States, as the State militia, as a State force, and then they have a Federal role. So these demands on military forces right now, including individual units, including demands in the planning process, are a third issue that is increasing end strength numbers and, I would argue, also argue strongly for regularly paying for these forces.

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

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

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

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

But the Department of Defense is caught up in this cycle of asking for supplementals, running out of money and asking for another supplemental.

Again, I think with respect to this issue of predictable increases in end strength of several years, we can avoid that through regular funding.

Another problem with supplementals is the growing concern and uneasiness of the American public with respect to funding some of our operations.

Congress, to date, has appropriated $218 billion for the war in Iraq.

That does not go unnoticed by the American people.

All of this funding has been through supplementals—in effect, deficit spending.

The Congressional Budget Office points out that we will run a deficit in 2005 of about $331 billion—again, a fact not escaping the American public.

This deficit number does not include the significant costs associated with Hurricane Katrina and Hurricane Rita.

In an AP poll conducted 2 weeks ago, 42 percent of those polled stated that they preferred to pay for this hurricane relief by cutting spending in Iraq.

That is potentially an ominous note with respect to the priority that the American people are suggesting in this poll.

Only 14 percent, by the way, were willing to continue to add to the Federal debt to pay for our operations overseas and our operations in the gulf coast with respect to recovery from Katrina and Rita.

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

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

If these supplementals can't resolve the personnel costs of additional troops, the Army will have to look for $3.5 billion within their budget, and the Marine Corps would have to look at $400 million.

These are significant numbers for these services.

This could put excruciating pressure upon our military forces that are already under excruciating pressure, and we can see that reflected in many different dimensions.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Alaska.

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

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

Our subcommittee doesn't disagree with the intent of the Senator's amendment. It is our feeling that right now it would cause much disruption because of the way we have handled these funds since the beginning of the Afghanistan and Iraq wars and the war on terror.

Senator REED's amendment would move funding for additional Army and Marine Corps end strength from the emergency portion of this bill to the regular portion of the bill, and it would not have a corresponding offset.

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

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

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

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

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

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

That would be a major reduction.

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

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

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

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

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

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

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

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

I hope he will not pursue this amendment.

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

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

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

I also filed a second amendment, which represented 80 amendments which had been reconciled by the Senator from Michigan and myself and placed into the amendment to constitute a managers' amendment.

In other words, we agree as managers that they should be accepted subject to a unanimous consent agreement, which is the conventional way of handling a managers' amendment.

I now have with me today a third amendment, which represents another

16 amendments that the Senator from Michigan and I have agreed upon should be eventually added to our bill.

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

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

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

Mr. President, I have had the opportunity to consult with the distinguished manager and the ranking member. I have advised him of steps that I would like to take at this time.

I now ask that amendment No. 1955, which is the authorization bill, be called up for the purpose of sending to the desk a modification to that amendment.

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

AMENDMENT NO. 1955

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1955.

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

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

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

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

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 1955), as modified, is as follows:

At the end, add the following:

**SEC. 1. SHORT TITLE.**

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

TABLE OF CONTENTS.—The table of contents for the Act is as follows:

For purposes of this Act the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

## TITLE I—PROCUREMENT

### Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

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

(1) For aircraft, $2,800,880,000.

(2) For missiles, $1,265,850,000.

(3) For weapons and tracked combat vehicles, $1,692,549,000.

(4) For ammunition, $1,830,672,000.

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

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

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

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

(2) For weapons, including missiles and torpedoes, $2,749,441,000.

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

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

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

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

**SEC. 103. AIR FORCE.**

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

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

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

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

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

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

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

### Subtitle B—Army Programs

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

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

**SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR MODERNIZED TARGET ACQUISITION DESIGNATION/PILOT NIGHT VISION SENSORS FOR AH–64D APACHE ATTACK HELICOPTERS.**

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

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

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

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

### Subtitle C—Navy Programs

**SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERATION DESTROYER (DD(X)) THROUGH A SINGLE NAVAL SHIPYARD.**

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

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

(c) WINNER-TAKE-ALL ACQUISITION STRATEGY DEFINED.—In this section, the term ''winner-take-all acquisition strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

**SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN–78 AIRCRAFT CARRIER.**

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

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

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

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $325,447,000 shall be available for design, advance procurement, advance construction, detail design, and construction with respect to the LHA Replacement (LHA(R)) ship.

(b) AMOUNTS AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEARS 2007 AND 2008.—Amounts authorized to be appropriated for fiscal years 2007 and 2008 for shipbuilding and conversion, Navy, shall be available for construction with respect to the LHA Replacement ship.

(c) CONTRACT AUTHORITY.—

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

(2) DETAIL DESIGN AND CONSTRUCTION.—The Secretary may enter into a contract during fiscal year 2006 for the detail design and construction of the LHA Replacement ship.

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

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

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

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

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

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

### Subtitle D—Air Force Programs

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

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

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

**SEC. 132. PROHIBITION ON RETIREMENT OF KC–135E AIRCRAFT.**

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

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

In addition to providing funds for a tanker acquisition program as specified in section 8132 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat, 1001), funds in the Tanker Replacement Transfer Fund established by that section may be used for the modernization of existing aerial refueling tankers if the modernization of such tankers is consistent with the results of the analysis of alternatives for meeting the aerial refueling requirements of the Air Force as required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413).

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

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

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

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

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

Any C–130J/KC–130J aircraft procured after fiscal year 2005 (including C–130J/KC–130J aircraft procured through a multiyear contract continuing in force from a fiscal year before fiscal year 2006) shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

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

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

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

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

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

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

**Subtitle E—Defense-Wide Programs**

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

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

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

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

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

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

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

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

(c) COMPTROLLER GENERAL REVIEW.—

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

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

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

(C) update the March 2003 Comptroller General report entitled Defense Acquisition, Advanced SEAL Delivery System Program Needs Increased Oversight (GAO–03–442).

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

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

(B) To assess the capacity of the Advanced SEAL Delivery System program to meet schedule and cost projections for that program.

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

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

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

**Subtitle A—Authorization of Appropriations**

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

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

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

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

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

(4) For Defense-wide activities, $19,011,754,000, of which $168,458,000 is authorized for the Director of Operational Test and Evaluation.

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

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

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

**Subtitle B—Program Requirements, Restrictions, and Limitations**

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

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

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

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

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

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

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

(c) PARTICIPATING ELEMENTS AND FORCES.—

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

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

(B) representatives of policy elements within the Department selected by the Secretary for such purposes; and

(C) any other forces or elements of the Department that the Secretary considers appropriate for such purposes.

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

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

(1) a description of the field experiment;

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

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

**SEC. 213. TOWED ARRAY HANDLER.**

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler is hereby increased by $5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

**SEC. 214. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.**

Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $1,000,000 may be available for Medical Advanced Technology (PE #603002A) for the Telemedicine and Advanced Technology Research Center.

**SEC. 215. CHEMICAL DEMILITARIZATION FACILITIES.**

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

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

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

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

### Subtitle C—Missile Defense Programs

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

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

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

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

(b) MODIFICATION OF SUBMITTAL DATE.—Paragraph (2) of such section is further amended by striking ''February 15'' and inserting ''March 15''.

**SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.**

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

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

**SEC. 223. PLANS FOR TEST AND EVALUATION OF OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) PLANS REQUIRED.—

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

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

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

(1) the assessment of the Director as to whether or not such test and evaluation was adequate to evaluate the operational capability of such block; and

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

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

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

(a) IDENTIFICATION OF ENHANCED PROCESSES AND TECHNOLOGIES.—The Under Secretary of the Defense for Acquisition, Technology, and Logistics shall identify advanced manufacturing processes and technologies whose utilization will achieve significant productivity and efficiency gains in the defense manufacturing base.

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

(1) innovative manufacturing processes and advanced technologies; and

(2) the creation of extended production enterprises using information technology and new business models.

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

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

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

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

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

(b) PROTOTYPES AND TESTBEDS.—

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

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

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

(d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE MANUFACTURING BASE.—The Under Secretary shall ensure the utilization in industry of enhancements in productivity and efficiency identified by reason of activities under this subtitle through the following:

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

(2) Outreach through the Manufacturing Extension Partnership Program under memoranda of agreement, cooperative programs, and other appropriate arrangements.

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

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

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

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

(1) identify an area of technology where the development of an industry-prepared roadmap for new manufacturing and technology processes applicable to defense manufacturing requirements would be beneficial to the Department of Defense; and

(2) establish a task force, and act in cooperation, with the private sector to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

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

**SEC. 234. REPORT.**

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

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

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

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

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

**SEC. 235. DEFINITIONS.**

In this subtitle:

(1) DEFENSE MANUFACTURING BASE.—The term ''defense manufacturing base'' includes any supplier of the Department of Defense, including a supplier of raw materials.

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

(3) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ''Manufacturing Extension Partnership Program'' means the Manufacturing Extension Partnership Program of the Department of Commerce.

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

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

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

**Subtitle E—Other Matters**

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

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

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

**SEC. 242. TECHNOLOGY TRANSITION.**

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

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

(b) REPORT ON TECHNOLOGY TRANSITION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) RESEARCH EFFORTS.—The executive agent designated under subsection (a) shall—

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

(2) establish requirements for such research efforts in order to enhance and accelerate such research efforts; and

(3) establish, coordinate, and oversee Department-wide research efforts on the prevention, mitigation, and treatment of such injuries, including—

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

(i) blast characterization in a variety of environments;

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

(iii) detect and defeat capabilities; and

(iv) such other matters as such official considers appropriate;

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

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

(ii) the design of a comprehensive, integrated, flexible armor system which provides blast, ballistic, and fire protection for the head, neck, ears, eyes, torso, and extremities; and

(iii) such other matters as such official considers appropriate; and

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

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

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

(2) studies to develop improved clinical protocols by which physicians—

(A) can more accurately evaluate traumatic brain injuries and discriminate between traumatic brain injuries and post traumatic stress disorder (including improved diagnostic and cognitive measures);

(B) can identify members of the Armed Forces who may have both traumatic brain injury and post traumatic stress disorder; and

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

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

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

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

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

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

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

(h) ANNUAL REPORTS ON BLAST INJURY MATTERS.—

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

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

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

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

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

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

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

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

(i) BLAST INJURIES DEFINED.—In this section, the term ''blast injuries'' means injuries that occur as the result of the detonation of high explosives, including vehicle-borne and person-borne explosive devices, rocket-propelled grenades, and improvised explosive devices.

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

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

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

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

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

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

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

## TITLE III—OPERATION AND MAINTENANCE

### Subtitle A—Authorization of Appropriations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $895,741,000.

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

(1) $208,687,000 is for Operation and Maintenance; and

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

### Subtitle B—Environmental Provisions

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

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

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

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

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

''(i) a trend analysis of such fines and penalties for military installations inside and outside the United States; and

''(ii) a list of such fines or penalties that exceeded $500,000 and the provisions of law under which such fines or penalties were imposed or assessed.'';

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

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

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

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

(1) in paragraph (1)—

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

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

(C) by inserting ''owner of covenant property,'' after ''tribe,'' the second place it appears;

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

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

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

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

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

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

(1) by striking ''An agreement'' and inserting ''(A) An agreement''; and

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

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

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

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

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

''(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION AT BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant described in subsection (d)(5)(C) of section 2701 of this title, the sole source of funds for services under subsection (d)(1) of such section shall be the base closure account established under the base closure law under which such property was disposed of.''.

### Subtitle C—Other Matters

**SEC. 321. AIRCRAFT CARRIERS.**

(a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amounts authorized to be appropriated for operation and maintenance for the Navy by this Act and any other Act for fiscal year 2005 and 2006, $288,000,000 shall be available only for repair and maintenance to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—

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

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

(B) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to the congressional defense committees that such agreements have been entered into to provide port facilities for the permanent forward deployment of such number of aircraft carriers as is necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(2) ACTIVE AIRCRAFT CARRIERS.—For purposes of this subsection, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance.

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

(a) LIMITATION.—The Secretary of the Navy may not convert funding for the shipyards of the Navy on the Eastern Coast of the United States from funding through the working capital fund of the Navy to funding on a direct basis (also known as ''mission funding'') until the later of—

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

(2) October 1, 2006.

(b) REPORT ON DIRECT FUNDING FOR PUGET SOUND NAVAL SHIPYARD.—The Secretary shall submit to the congressional defense committees a report that contains the assessment of the Secretary on the effects on Puget Sound Naval Shipyard, Washington, of the conversion of funding for Puget Sound Naval Shipyard from funding through the working capital fund of the Navy to funding on a direct basis.

**SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEALIFT FUND TO EXERCISE PURCHASE OPTIONS ON MARITIME PREPOSITIONING SHIP VESSELS.**

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

(b) NATIONAL DEFENSE SEALIFT FUND DEFINED.—In this section, the term ''National Defense Sealift Fund'' means the National Defense Sealift Fund established by section 2218 of title 10, United States Code.

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

(a) AUTHORITY TO USE FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

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

(a) TRAINING STRATEGY.—

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

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

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

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

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

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

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

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the requirements to be fulfilled in order to implement the training strategy developed under subsection (a).

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

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

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

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

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

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

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

(c) COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.—

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

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

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

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

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

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

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

(2) A written determination that each of the financial management improvement activities to be undertaken are—

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

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

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

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

(b) ELEMENTS.—The study shall include—

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

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

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

(4) an assessment of the utilization by the Department of the commercial infrastructure for ethanol fuel as described in paragraph (3);

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

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

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

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

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

(d) ETHANOL FUEL DEFINED.—In this section, the term ''ethanol fuel'' means fuel that is 85 percent ethyl alcohol.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

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

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

(1) The Army, 522,400.

(2) The Navy, 352,700.

(3) The Marine Corps, 178,000.

(4) The Air Force, 357,400.

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

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

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

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

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

''(4) For the Air Force, 357,400.''.

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

### Subtitle B—Reserve Forces

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

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

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

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 73,100.

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

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

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

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

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

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

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

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

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

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

(2) The Army Reserve, 15,270.

(3) The Naval Reserve, 13,392.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Subtitle C—Authorizations of Appropriations

**SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.**

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

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

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

## TITLE V—MILITARY PERSONNEL POLICY

### Subtitle A—Officer Personnel Policy

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

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

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

(b) ACTIVE DUTY STRENGTH LIMITATIONS.—

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

''(e) EXCLUSION OF CERTAIN OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT.—The limitations of this section do not apply to general or flag officers on leave pending separation, retirement, or release

from active duty as described in section 525(e) of this title.''.

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

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

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

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

**SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELECTION BOARDS OF CORRESPONDENCE FROM ELIGIBLE OFFICERS.**

(a) OFFICERS ON ACTIVE DUTY LIST.—Section 614(b) of title 10, United States Code, is amended by inserting ''the date before'' after ''not later than''.

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

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

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

(a) OFFICERS ON ACTIVE-DUTY LIST.—

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

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

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

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

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

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

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

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

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

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

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

(b) RESERVE OFFICERS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: ''The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

(b) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.''.

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

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

''(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.''.

**SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.**

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

(1) by inserting ''(1)'' after ''(b)'';

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

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

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

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

(1) by inserting ''(A)'' after ''(2)'';

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

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

''(B) The authority in subparagraph (A) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.''.

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

(1) by inserting ''(1)'' after ''(b)'';

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

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

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

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

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

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

(c) SUPPLY CORPS OFFICERS.—Paragraph (2)(A) of such section is amended by striking ''seven'' and inserting ''six''.

(d) CONFORMING AMENDMENT.—Paragraph (1) of such section is further amended in the matter preceding the table by striking ''39'' and inserting ''40''.

**SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPARATION OF RESERVE GENERAL AND FLAG OFFICERS FOR AGE.**

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

**''§ 14512. Separation at age 64**

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

''(b) LIMITATION ON NUMBER OF DEFERMENTS.—(1) Not more than 10 officers may be deferred by the Secretary of a military department under subsection (a) at any one time.

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

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

''14512. Separation at age 64.''.

**Subtitle B—Enlisted Personnel Policy**

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

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

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

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

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

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

(b) REPEAL OF SUPERSEDED LIMITATIONS FOR THE ARMY AND AIR FORCE.—Sections 3253 and 8253 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

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

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

### Subtitle C—Reserve Component Personnel Matters

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

(a) IN GENERAL.—Subsection (a) of section 10206 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''examined'' and all that follows through the semicolon and inserting ''provided a comprehensive physical examination on an annual basis;''; and

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

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

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

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

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

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in subparagraph (B) of paragraph (4), as so redesignated, by striking '', (3), or (4)'' and inserting ''or (3)''.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD MEMBERS.—Section 2107a(c) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENT.—Section 524(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1889) is amended by striking ''paragraph (5)'' and all that follows through ''subsection (b)'' and inserting ''paragraph (4) of section 2107(c) of title 10, United States Code (as added by subsection (a) of this section and redesignated by section 532(a)(2) of the National Defense Authorization Act for Fiscal Year 2006), and under paragraph (3) of section 2107a(c) of title 10, United States Code (as added by subsection (b) of this section and redesignated by section 532(b)(2) of such Act)''.

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

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

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

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

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

''(B) Requirements for—

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

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

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

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

''(E) Requirements for—

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

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

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

**SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RESERVE AND ARMY NATIONAL GUARD CADETS UNDER RESERVE OFFICERS' TRAINING CORPS.**

Section 2107a(h) of title 10, United States Code, is amended by striking ''208 cadets'' and inserting ''416 cadets''.

**SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVES SUPPORTING CONTINGENCY AND OTHER OPERATIONS.**

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

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

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

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

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

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

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

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

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

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

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

(b) NONWAIVER OF PERSONNEL AND TRAINING POLICIES AND PROCEDURES.—Nothing in this section may be construed to authorize any deviation from established personnel or training policies or procedures that are applicable to the reserve components of the personnel used under the pilot program.

(c) REIMBURSEMENT AUTHORITY.—

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

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

(3) MERGER OF FUNDS.—Amounts transferred to an account under paragraph (1) shall be merged with other amounts in such account, and shall be available for the same period, and subject to the same limitations, as the amounts with which merged.

(4) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under paragraph (1) is in addition to any other authority to transfer funds under law.

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

(e) REPORT.—Not later than March 1, 2010, the Secretary of the Army shall, in consultation with the Secretary of Defense, submit

to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

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

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

(3) any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot program.

**Subtitle D—Military Justice and Related Matters**

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

(a) UNLIMITED PERIOD FOR MURDER AND RAPE.—Subsection (a) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking ''or with any offense'' and inserting ''with murder or rape, or with any other offense''.

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

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

(2) in subparagraph (B)—

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

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

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

''(C) In subparagraph (A), the term 'child abuse offense' also includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117 or section 1591 of title 18.''.

**SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.**

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

**''§ 893a. Art. 93a. Stalking**

''(a) Any person subject to this chapter—

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

''(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and

''(3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family,

is guilty of stalking and shall be punished as a court-martial may direct.

''(b) For purposes of this section:

''(1) The term 'course of conduct' means—

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

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

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

''(3) The term 'immediate family', in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member or relative of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of such chapter is amended by inserting after the item relating to section 893 (article 93) the following new item:

''893a. Art. 93a. Stalking.''.

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

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

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

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

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

''(2) In this subsection, the term 'military legal assistance' includes—

''(A) legal assistance provided under this section; and

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

**SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF THE ARMED FORCES.**

(a) AUTHORITY TO ISSUE ADMINISTRATIVE CENSURES.—

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

(2) AUTHORITY OF SECRETARIES OF MILITARY DEPARTMENTS.—The Secretary of a military department may issue, in writing, an administrative censure to any member of the Armed Forces under the jurisdiction of such Secretary.

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

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

(c) FINALITY.—An administrative censure issued under this section is final and may not be appealed by the member of the Armed Forces concerned.

(d) CONSTRUCTION.—The authority under this section to issue administrative censures with respect to the conduct or performance of duty of a member of the Armed Forces is in addition to the authority to impose nonjudicial punishment with respect to such conduct or performance of duty under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

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

(a) REQUIREMENT FOR REPORTS.—

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

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

(A) An officer.

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

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

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

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

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

(c) CRIMINAL LAW OF THE UNITED STATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes—

(A) any military or other Federal criminal law;

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

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

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

(d) ACTIONS SUBJECT TO REPORT.—

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

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

(e) TIMELINESS OF REPORTS.—The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

(f) FORWARDING OF INFORMATION.—The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to an investigation, arrest, charge, detention, adjudication, or conviction for which a report is required by this

section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

(g) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a), including the requirement in subsection (f), shall go into effect not later than January 1, 2006.

**Subtitle E—Military Service Academies**

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

(a) AUTHORITY TO RETAIN.—

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

**''§ 6952a. Faculty: retention of permanent military professors**

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

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

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

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

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

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

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

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

''6952a. Faculty: retention of permanent military professors.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 633 of such title is amended—

(A) by striking ''and an officer'' and inserting '', an officer''; and

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

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

**Subtitle F—Administrative Matters**

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

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

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

''(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37; or

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section.''.

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

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

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

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

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

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

(c) DEFINITIONS.—In this section:

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

(2) The term ''uniformed services'' has the meaning given that term in section 1072(1) of title 10, United States Code.

**Subtitle G—Defense Dependents Education Matters**

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

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

''ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON TUITION-FREE BASIS

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

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

**SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH SIGNIFICANT ENROLLMENT INCREASES IN MILITARY DEPENDENT STUDENTS DUE TO TROOP RELOCATIONS, CREATION OF NEW UNITS, AND REALIGNMENTS UNDER BRAC.**

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

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

(1) the local educational agency is eligible for educational agencies assistance for the same fiscal year; and

(2) the required overall increase in the number of military dependent students enrolled in schools of that local educational agency, as provided in subsection (a), occurred as a result of the relocation of military personnel due to—

(A) the global rebasing plan of the Department of Defense;

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

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

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

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

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

(d) AMOUNT OF ASSISTANCE.—

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

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

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

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

(g) REPORTS.—

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

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

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

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

(j) DEFINITIONS.—In this section:

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

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

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

(4) The term ''military dependent students'' refers to—

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

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

**SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

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

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

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

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

(d) DEFINITIONS.—In this section:

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

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

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

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

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

**Subtitle H—Other Matters**

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

(a) COMPREHENSIVE POLICY ON CASUALTY ASSISTANCE.—

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

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

(3) INCORPORATION OF PAST EXPERIENCE AND PRACTICE.—The policy shall be based on—

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

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

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

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

(b) ELEMENTS OF POLICY.—The comprehensive policy developed under subsection (a) shall address the following matters:

(1) The initial notification of primary and secondary next of kin of the deaths of military decedents and any subsequent notifications of next of kin warranted by circumstances.

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

(3) The qualifications, assignment, training, duties, supervision, and accountability for the performance of casualty assistance responsibilities.

(4) The relief or transfer of casualty assistance officers, including notification to survivors and next of kin of the reassignment of such officers to other duties.

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

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

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

(8) The provision of financial counseling to survivors of military decedents, particularly with respect to appropriate disposition of death gratuity and insurance proceeds received by surviving spouses, minor dependent children, and their representatives.

(9) The provision of information to survivors and next of kin of military decedents on mechanisms for registering complaints about, or requests for, additional assistance related to casualty assistance.

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

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

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

(d) REPORT ON IMPROVEMENT OF CASUALTY ASSISTANCE PROGRAMS.—Not later than May 1, 2006, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) the assessment of the Secretary of the adequacy and sufficiency of the current casualty assistance programs of the military departments;

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

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

(e) GAO REPORT.—

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

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

**SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION AND AUTHORITIES OF THE NAVAL POSTGRADUATE SCHOOL.**

(a) COMBAT-RELATED FOCUS FOR NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7041 of title 10, United States Code, is amended by striking ''for the advanced instruction'' and all that follows and inserting ''for the provision of

advanced instruction, and professional and technical education, to commissioned officers of the naval service to enhance combat effectiveness and the national security.''.

(2) CONFORMING AMENDMENT.—Section 7042(b)(1) of such title is amended by striking ''and technical education'' and inserting '', and technical and professional education,''.

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

(1) in subsection (a)(2)—

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

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

''(C) The Secretary may permit an eligible member of the armed forces to receive instruction from the Postgraduate School in certificate programs and courses required for the performance of the member's duties.''; and

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

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

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

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

**''§ 2261. Presentation of recognition items for recruitment and retention purposes**

''(a) EXPENDITURES FOR RECOGNITION ITEMS.—Under regulations prescribed by the Secretary of Defense, appropriated funds may be expended—

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

''(2) to present such items—

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

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

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

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

''(d) TERMINATION OF AUTHORITY.—The authority under this section shall expire December 31, 2007.''.

(2) The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

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

(b) REPEAL OF SUPERSEDED AUTHORITIES.—

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

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

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

(B) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 717.

**SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES AND PROCEDURES ON PERSONAL COMMERCIAL SOLICITATIONS ON DEPARTMENT OF DEFENSE INSTALLATIONS.**

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

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

(1) Section 586 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1493).

(2) Section 8133 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1002).

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

(a) IN GENERAL.—Section 509(d) of title 32, United States Code, is amended by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraphs:

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

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

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

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

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

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

**''§ 2163. National Defense University: master of science degrees**

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

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

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

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

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

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

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

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

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

Section 203(b) of title 37, United States Code, is amended by inserting '', the United States Naval Academy,'' after ''the United States Military Academy''.

**SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBUTIONS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN.**

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR CERTAIN FIRST-TIME ENLISTEES.—Section 211(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''(i)'' after ''(A)'';

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(9) Special pay for extension of overseas tour of duty under section 314 of this title.

''(10) Foreign language proficiency pay under section 316 of this title.

''(11) Critical skill retention bonus under section 323 of this title, if payable in periodic installments.''.

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

### Subtitle B—Bonuses and Special and Incentive Pays

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

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

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

(c) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308g(h) of such title is amended by striking ''an enlistment after September 30, 1992.'' and inserting ''an enlistment—

''(1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or

''(2) after September 30, 2006.''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

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

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''before January 1, 2006'' and inserting ''on or before December 31, 2006''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

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

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2005'' and inserting ''October 30, 2000, and ending on December 31, 2006''.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

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

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

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

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

**SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT INCENTIVE PAY.**

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

(1) in subsection (a)—

(A) by striking ''monthly''; and

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

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''The Secretary concerned'';

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

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

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

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

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

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

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

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

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

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

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

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

(b) REPAYMENT.—Such section is further amended—

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

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

''(d) REPAYMENT OF INCENTIVE PAY.—(1)(A) A member who, pursuant to an agreement under subsection (b)(2), receives a lump sum or installment payment of incentive pay under this section and who fails to complete the total period of service or other conditions specified in the agreement voluntarily or because of misconduct, shall refund to the United States an amount equal to the percentage of incentive pay paid which is equal to the unexpired portion of the service divided by the total period of service.

''(B) The Secretary concerned may waive repayment of an amount of incentive pay under subparagraph (A), whether in whole or in part, if the Secretary determines that conditions and circumstances warrant.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under paragraph (1).''.

**SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLISTMENT BONUS FOR CERTAIN SENIOR SUPERVISORY NUCLEAR QUALIFIED ENLISTED PERSONNEL.**

(a) IN GENERAL.—Section 308 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) An enlisted member of the naval service who—

''(A) has completed at least ten, but not more than fourteen, years of active duty;

''(B) is currently qualified for duty in connection with the supervision, operation, and

maintenance of naval nuclear propulsion plants;

''(C) is qualified in a military skill designated as critical by the Secretary of Defense; and

''(D) reenlists or voluntarily extends the member's enlistment for a period of at least three years in the regular component of the naval service,

may be paid a bonus as provided in paragraph (2).

''(2) The bonus to be paid a member under paragraph (1) may not exceed the lesser of the following amounts:

''(A) The amount determined with respect to the member in accordance with subsection (a)(2)(A).

''(B) $75,000.

''(3) Subsection (a)(3) applies to the computation under paragraph (2)(A) of any bonus payable under this subsection.

''(4) Subsection (a)(4) applies to the payment of any bonus payable under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to reenlistments or voluntary extensions of enlistments that occur on or after that date.

**SEC. 617. CONSOLIDATION AND MODIFICATION OF BONUSES FOR AFFILIATION OR ENLISTMENT IN THE SELECTED RESERVE.**

(a) CONSOLIDATION AND MODIFICATION OF BONUSES.—Section 308c of title 37, United States Code, is amended to read as follows:

**''§ 308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve**

''(a) AFFILIATION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

''(1) has completed fewer than 20 years of military service; and

''(2) executes a written agreement to serve in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years in a skill, unit, or pay grade designated under subsection (b) after being discharged or released from active duty under honorable conditions.

''(b) DESIGNATION OF SKILLS, UNITS, AND PAY GRADES.—The Secretary concerned shall designate the skills, units, and pay grades for which an affiliation bonus may be paid under subsection (a). Any skill, unit, or pay grade so designated shall be a skill, unit, or pay grade for which there is a critical need for personnel in the Selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned.

''(c) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an accession bonus to a person who—

''(1) has not previously served in the armed forces; and

''(2) executes a written agreement to serve as an enlisted member in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years upon acceptance of the agreement by the Secretary concerned.

''(d) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (c) may not exceed $10,000.

''(e) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary concerned in a lump sum or in installments.

''(f) CONTINUED ENTITLEMENT TO BONUS PAYMENTS.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

''(g) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after being paid all or part of a bonus under an agreement under subsection (a) or (c), does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in such agreement shall repay to the United States the amount of such bonus so paid, except as otherwise prescribed under paragraph (2).

''(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) or (c) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement entered into under subsection (a) or (c) after December 31, 2006.''.

(b) REPEAL OF SUPERSEDED AFFILIATION BONUS AUTHORITY.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking the item relating to section 308c and inserting the following new item:

''308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.'';

and

(B) by striking the item relating to section 308e.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to agreements entered into under section 308c of title 37, United States Code (as amended by subsection (a)), on or after that date.

**SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.**

(a) ELIGIBILITY FOR PAY.—Subsection (a) of section 308d of title 37, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(b) AMOUNT OF PAY.—Such subsection is further amended by striking ''$10'' and inserting ''$50''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

**''§ 308d. Special pay: members of the Selected Reserve assigned to certain high priority units''.**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 308d and inserting the following new item:

''308d. Special pay: members of the Selected Reserve assigned to certain high priority units.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to inactive-duty training performed on or after that date.

**SEC. 619. RETENTION INCENTIVE BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR SPECIALTY.**

(a) BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 308j the following new section:

**''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty**

''(a) RETENTION BONUS AUTHORIZED.—An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(1) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

''(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment in the Selected Reserve for a period of at least 2 years; or

''(3) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

''(b) ELIGIBLE MEMBERS.—Subject to subsection (d), an officer or enlisted member is eligible for a bonus under this section if the member—

''(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

''(2) agrees to train or retrain in a military skill or specialty so designated as critical.

''(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES.—The Secretary of Defense shall designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section.

''(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may not be paid under subsection (a) to a member of the armed forces who—

''(1) has completed more than 25 years of qualifying service under section 12732 of title 10; or

''(2) will complete the member's twenty-fifth year of qualifying service under section 12732 of title 10 before the end of the period of service for which the bonus is being offered.

''(e) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $100,000 in payments under this section.

''(f) PAYMENT METHODS.—(1) A bonus under subsection (a) may be paid in a single lump sum or in installments.

''(2) In the case of a member who agrees to train or retrain in a military skill or specialty designated as critical under subsection (b)(2), no payment may be made until the member successfully completes the training or retraining and is qualified in such skill or specialty.

''(g) RELATIONSHIP TO OTHER INCENTIVES.—A bonus paid to a member under subsection (a) is in addition to any other pay and allowances to which the member is entitled under any other provision of law.

''(h) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after receiving all or part of the bonus under an agreement, or a reenlistment or voluntary extension of enlistment, referred to in subsection (a), does not commence to serve in the Selected Reserve, or does not satisfactorily participate in the Selected Reserve for the total period of service

specified in the agreement, or under such reenlistment or voluntary extension of enlistment, as applicable, shall repay to the United States such bonus, except under conditions established by the Secretary concerned.

''(2) The Secretary concerned shall establish, in accordance with the regulations prescribed under subsection (i)—

''(A) whether repayment of a bonus under paragraph (1) is required in whole or in part;

''(B) the method for computing the amount of such repayment; and

''(C) the conditions under which an exception to repayment otherwise required under that paragraph would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under subsection (a), or a reenlistment or voluntary extension of enlistment under subsection (a), does not discharge the individual signing the agreement, reenlisting, or voluntarily extending enlistment, as applicable, from a debt arising under paragraph (1).

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(j) TERMINATION OF AUTHORITY.—No bonus may be paid under this section with respect to any agreement, reenlistment, or voluntary extension of enlistment in the armed forces entered into after December 31, 2006.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308j the following new item:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 620. TERMINATION OF LIMITATION ON DURATION OF PAYMENT OF IMMINENT DANGER SPECIAL PAY DURING HOSPITALIZATION.**

(a) TERMINATION OF LIMITATION.—Section 310(b) of title 37, United States Code, is amended by striking ''not more than three additional months'' and inserting ''any month, or any portion of a month,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

**SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IMMINENT DANGER SPECIAL PAY.**

Section 310 of title 37, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b) DATE OF COMMENCEMENT OF PAYMENT OF IMMINENT DANGER PAY.—Payment of special pay under this section to a member covered by subsection (a)(2)(D) may be made from any date, as determined by the Secretary of Defense, on or after which such member was assigned to duty in a foreign area determined by the Secretary to be covered by such subsection.''.

**SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PROFICIENCY PAY TO MEMBERS ON ACTIVE DUTY AS A BONUS.**

(a) AUTHORITY TO PAY.—Section 316 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''OR BONUS'' after ''SPECIAL PAY''; and

(B) by inserting ''or a bonus'' after ''monthly special pay'';

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The amount of the bonus paid under subsection (a) may not exceed $12,000 for the one-year period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period.''; and

(3) in subsection (f)(1)(C), by inserting ''or a bonus'' after ''special pay''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

**''§ 327. Incentive bonus: transfer between armed forces**

''(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve component of an armed force who executes a written agreement—

''(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

''(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

''(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

''(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

''(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

''(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

''(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

''(d) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $2,500.

''(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

''(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

''(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

''(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(f) REPAYMENT OF BONUS.—(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).

''(g) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

''(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''327. Incentive bonus: transfer between armed forces.''.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CONNECTION WITH THE REPATRIATION OF SERVICEMEMBERS OR CIVILIAN EMPLOYEES HELD CAPTIVE.**

(a) MILITARY CAPTIVES.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

**''§ 411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive**

''(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than 3 family members of a member described in subsection (b).

''(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—

''(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

''(B) no other family member who is eligible for travel and transportation under paragraph (1) is able to serve as an attendant for the family member.

''(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

''(b) COVERED MEMBERS.—A member described in this subsection is a member of the uniformed services who—

''(1) is serving on active duty;

''(2) was held captive, as determined by the Secretary concerned; and

''(3) is repatriated to a site inside or outside the United States.

''(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term 'family member' has the

meaning given the term in section 411h(b) of this title.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of this title.

''(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of this title.

''(4) An allowance under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.''.

(2) The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

''411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.''.

(b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

**''§ 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive**

''(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

''(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

''(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and

''(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

''(3) If no family member of an employee described in subsection (b) is able to travel to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

''(b) COVERED EMPLOYEES.—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

''(1) was held captive, as determined by the head of an agency concerned; and

''(2) is repatriated to a site inside or outside the United States.

''(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term 'family member' has the meaning given the term in section 411h(b) of title 37.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the employee is located.

''(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of title 37.

''(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of title 37.

''(4) An allowance under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.''.

(2) The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

''5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.''.

### Subtitle D—Retired Pay and Survivor Benefits

**SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND ENHANCEMENT OF LIFE INSURANCE BENEFITS FOR CERTAIN COMBAT RELATED DEATHS.**

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) COORDINATION WITH OTHER ENHANCEMENTS.—If the date of the enactment of this Act occurs before October 1, 2005—

(A) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) are repealed; and

(B) effective immediately before the execution of the amendment made by paragraph (1), the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of the Act referred to in subparagraph (A), shall be revived.

(b) SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS.—

(1) INCREASED MAXIMUM AMOUNT OF SGLI.—Section 1967 of title 38, United States Code, is amended—

(A) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

''(i) In the case of a member—

''(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

''(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

''(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).''; and

(B) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(2) INCREMENTS OF DECREASED AMOUNTS ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of such section is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''.

(3) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(A) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(i) by redesignating subsection (e) as subsection (f); and

(ii) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A member covered by this subsection is any member as follows:

''(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary of Defense designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

''(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

''(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

''(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

''(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

''(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member's pay; or

''(B) if deducted or withheld from the member's pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.''.

(B) FUNDING.—Section 1969(b) of such title is amended—

(i) by inserting ''(1)'' after ''(b)''; and

(ii) by adding at the end the following new paragraph:

''(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there may, at the election of the Secretary concerned under paragraph (4)(A) of such section, be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.''.

(4) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: '', except with respect to insurance provided under paragraph (3)(A)(i)(III)''.

(5) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(A) by striking ''$250,000'' each place it appears and inserting ''$400,000''; and

(B) by adding at the end of paragraph (1) the following new sentence: ''Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.''.

(6) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member with a spouse not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.''; and

(B) in paragraph (3), by adding at the end the following new subparagraph:

''(D) Whenever a member who is not married elects not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i)(I), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.

(7) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

''(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.''.

(8) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on October 1, 2005, immediately after the termination of the amendments made to sections 1967, 1969, 1970, and 1977 of title 38, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

**SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.**

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) In section 1511 (24 U.S.C. 411).
(B) In section 1512 (24 U.S.C. 412).
(C) In section 1513(a) (24 U.S.C. 413(a)).
(D) In section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) In section 1516(b) (24 U.S.C. 416(b)).
(F) In section 1517 (24 U.S.C. 417).
(G) In section 1518(c) (24 U.S.C. 418(c)).
(H) In section 1519(c) (24 U.S.C. 419(c)).
(I) In section 1521(a) (24 U.S.C. 421(a)).
(J) In section 1522 (24 U.S.C. 422).
(K) In section 1523(b) (24 U.S.C. 423(b)).
(L) In section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

**''SEC. 1515. CHIEF EXECUTIVE OFFICER.''.**

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

''Sec. 1515. Chief Executive Officer.''.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—Section 1513 of such Act (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b), (c), and (d)''; and

(2) by adding at the end the following new subsection:

''(c) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—(1) In providing for the health care needs of residents under subsection (c), the Retirement Home shall have in attendance at each facility of the Retirement Home, during the daily business hours of such facility, a physician and a dentist, each of whom shall have skills and experience suited to residents of such facility.

''(2) In providing for the health care needs of residents, the Retirement shall also have available to residents of each facility of the Retirement Home, on an on-call basis during hours other than the daily business hours of such facility, a physician and a dentist each of whom have skills and experience suited to residents of such facility.

''(3) In this subsection, the term 'daily business hours' means the hours between 9 o'clock ante meridian and 5 o'clock post meridian, local time, on each of Monday through Friday.''.

(c) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—Section 1513 of such Act is further amended—

(1) in the third sentence of subsection (b), by inserting '', except as provided in subsection (d),'' after ''shall not''; and

(2) by adding at the end the following new subsection:

''(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—The Retirement Home shall provide to any resident of a facility of the Retirement Home, upon request of such resident, transportation to any medical facility located not more than 30 miles from such facility for the provision of medical care to such resident. The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.''.

(d) MILITARY DIRECTOR FOR EACH RETIREMENT HOME.—Section 1517(b)(1) of such Act (24 U.S.C. 417(b)(1)) is amended by striking ''a civilian with experience as a continuing care retirement community professional or''.

## Subtitle E—Other Matters

**SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.**

(a) PAYMENT AUTHORIZED.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2007 the following new section:

**''§ 2007a. Payment of expenses of members of the armed forces to obtain professional credentials**

''(a) PAYMENT AUTHORIZED.—Except as provided in subsection (b), the Secretary of Defense may pay for—

''(1) expenses of members of the armed forces to obtain professional credentials, including expenses of professional accreditation, State-imposed and professional licenses, and professional certification; and

''(2) examinations to obtain such credentials.

''(b) EXCEPTION.—The authority in subsection (a) may not be exercised on behalf of any member of the armed forces for expenses to obtain the basic qualifications for membership in a profession or officer community.

''(c) FUNDS AVAILABLE.—Funds appropriated or otherwise made available to the Secretary of Defense may be used to pay expenses under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2007a. Payment of expenses of members of the armed forces to obtain professional credentials.''.

**SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMED FORCES.**

(a) PILOT PROGRAM REQUIRED.—During fiscal year 2006, the Secretary of the Army shall carry out within the Army a pilot program in order to assess the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces described in subsection (b) would—

(1) assist the Armed Forces in recruiting efforts; and

(2) assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is a member of the Armed Forces who is serving in the Armed Forces under an initial enlistment for a period of not less than two years.

(c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—The Secretary of the Army may make contributions to the Thrift Savings Fund on behalf of any participant in the pilot program under subsection (a) for any pay period during the period of the pilot program.

(2) LIMITATIONS.—The amount of any contributions made with respect to a member under paragraph (1) shall be subject to the provisions of section 8432(c) of title 5, United States Code.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A description of the pilot program, including the number of members of the Army who participated in the pilot program and the contributions made by the Army to the Thrift Savings Fund on behalf of such members during the period of the pilot program.

(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

(i) would enhance the recruiting efforts of the Armed Forces; and

(ii) would assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

**SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.**

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United

States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting '', or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of Defense)''.

**SEC. 654. EXTENSION OF EFFECTIVE DATE.**

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

## TITLE VII—HEALTH CARE

### Subtitle A—Benefits Matters

**SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ACTIVE DUTY FOLLOWING ISSUANCE OF ORDERS TO ACTIVE DUTY.**

Section 1074(a)(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon the following: '', or the orders have been issued but the member has not entered on active duty''.

**SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT REQUIREMENTS FOR NURSING HOME RESIDENTS UNDER THE PHARMACY BENEFITS PROGRAM.**

Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of a beneficiary who is a resident of a nursing home and who is required, by State law, to use nursing home pharmacy services utilizing pre-packaged pharmaceuticals, any deductible or copayment requirements for such pharmaceuticals under the cost sharing requirements may not exceed such deductible or copayment requirements as are applicable under the cost sharing requirements to a beneficiary who uses a network provider pharmacy under the pharmacy benefits program.''.

**SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY SPOUSES OF DECEASED MEMBERS FOR ENROLLMENT AS DEPENDENTS IN A TRICARE DENTAL PLAN.**

Section 1076a(k)(2) of title 10, United States Code, is amended—

(1) by striking ''under subsection (f), or'' and inserting ''under subsection (f),''; and

(2) by inserting after ''is not enrolled because the dependent is a child under the minimum age for enrollment,'' the following: ''or is not enrolled because the dependent is a spouse who did not qualify for enrollment on the date of the member's death because the spouse was also on active duty for a period of more than 30 days on the date of the member's death,''.

**SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE PRIME COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.**

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraph:

''(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits under TRICARE Prime during the three-year period beginning on the date of the member's death, except that, in the case of such a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such a dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.

''(3) For the purposes of paragraph (2)(C), a dependent shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the dependent's completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

''(4) The terms and conditions under which health benefits are provided under this chapter to a dependent of a deceased member under paragraph (2) shall be the same as those that would apply to the dependent under this chapter if the member were living and serving on active duty for a period of more than 30 days.

''(5) In this subsection, the term 'TRICARE Prime' means the managed care option of the TRICARE program.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

**SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.**

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

**''§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve''.**

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

### Subtitle B—Planning, Programming, and Management

**SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE REGIONAL OFFICES.**

(a) COORDINATOR IN EACH REGIONAL OFFICE.—

(1) IN GENERAL.—In each TRICARE Regional Office there shall be a position the responsibilities of which shall be the monitoring, oversight, and improvement of the TRICARE Standard option in the TRICARE region concerned.

(2) DESIGNATION.—The position under paragraph (1) in a TRICARE Regional Office shall be filled by an individual in such Regional Office designated for that purpose.

(b) DUTIES OF POSITION.—

(1) IN GENERAL.—The specific duties of the positions required under subsection (a) shall be as set forth in regulations prescribed by the Secretary of Defense, in consultation with the other administering Secretaries.

(2) ELEMENTS.—The duties shall include—

(A) identifying health care providers who will participate in the TRICARE program and provide the TRICARE Standard option under that program;

(B) communicating with beneficiaries who receive the TRICARE Standard option;

(C) outreach to community health care providers to encourage their participation in the TRICARE program; and

(D) publication of information that identifies health care providers in the TRICARE region concerned who provide the TRICARE Standard option.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plans to implement the requirements of the section.

(d) DEFINITIONS.—In this section:

(1) The terms ''administering Secretaries'' and ''TRICARE program'' have the meaning given such terms in section 1072 of title 10, United States Code.

(2) The term ''TRICARE Standard'' means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.

**SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENEFITS THROUGH MILITARY HEALTH CARE SYSTEM.**

(a) REPORT REQUIRED.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the delivery of health care benefits through the military health care system.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An analysis of the organization and costs of delivering health care benefits to current and retired members of the Armed Forces and their families.

(2) An analysis of the costs of ensuring medical readiness throughout the Armed Forces in support of national security objectives.

(3) An assessment of the role of health benefits in the recruitment and retention of members of the Armed Forces, whether in the regular components or the reserve components of the Armed Forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military and civilian medical and dental personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian medical manpower requirements.

(5) A description of requirements for graduate medical education for military medical care providers and options for meeting such requirements, including civilian medical training programs.

(c) RECOMMENDATIONS.—In addition to the matters specified in subsection (b), the report under subsection (a) shall also include such recommendations for legislative or administrative action as the Secretary considers necessary to improve efficiency and quality in the provision of health care benefits through the military health care system, including recommendations on—

(1) the organization and delivery of health care benefits;

(2) mechanisms required to measure costs more accurately;

(3) mechanisms required to measure quality of care, and access to care, more accurately;

(4) other improvements in the efficiency of the military health care system; and

(5) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

**SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS FOR HEALTH CARE FOR CHILDREN DEPENDENTS UNDER TRICARE.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the current system of differential payments to children's hospitals for health care services for severely ill dependent children of members of the uniformed services under the TRICARE program in achieving the objective of securing adequate health care services for such dependent children under that program.

(b) ELEMENTS OF STUDY.—The study required by subsection (a) shall include the following:

(1) A description of the current participation of children's hospitals in the TRICARE program.

(2) An assessment of the current system of differential payments to children's hospitals for health care services described in that subsection, including an assessment of—

(A) the extent to which the calculation of such differential payments takes into account the complexity and extraordinary resources required for the provision of such health care services;

(B) the extent to which such differential payments provide appropriate compensation to such hospitals for the provision of such services; and

(C) any obstacles or challenges to the development of future modifications to the system of differential payments.

(3) An assessment of the adequacy of the access of dependent children described in that subsection to specialized hospital services for their illnesses under the TRICARE program.

(c) REPORTS.—Not later than May 1, 2006, the Comptroller General shall submit to the Secretary of Defense and the congressional defense committees a report on the study required by subsection (a), together with such recommendations, if any, as the Comptroller General considers appropriate for modifications of the current system of differential payments to children's hospitals in order to achieve the objective described in that subsection.

(d) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than November 1, 2006, the Secretary of Defense shall transmit to the congressional defense committees the report submitted by the Comptroller General to the Secretary under subsection (c).

(2) IMPLEMENTATION OF MODIFICATIONS.—If the report under paragraph (1) includes recommendations of the Comptroller General for modifications of the current system of differential payments to children's hospitals, the Secretary shall transmit with the report—

(A) a proposal for such legislative or administration action as may be required to implement such modifications; and

(B) an assessment and estimate of the costs associated with the implementation of such modifications.

(e) DEFINITIONS.—In this section:

(1) DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS.—The term ''differential payments to children's hospitals'' means the additional amounts paid to children's hospitals under the TRICARE program for health care procedures for severely ill children in order to take into account the additional costs associated with such procedures for such children when compared with the costs associated with such procedures for adults and other children.

(2) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEWS OF CERTAIN DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS PROJECTS ON SHARING OF HEALTH CARE RESOURCES.**

(a) JOINT INCENTIVES PROGRAM.—Section 8111(d) of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) HEALTH CARE RESOURCES SHARING AND COORDINATION PROJECT.—Section 722 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111 note) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in paragraph (2) of subsection (h), as so redesignated, by striking ''based on recommendations'' and all that follows and inserting ''as determined by the Secretaries based on information available to the Secretaries to warrant such action.''.

**SEC. 715. SURVEYS ON TRICARE STANDARD.**

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1532; 10 U.S.C. 1073 note) is amended by adding at the end the following new paragraph:

''(4) The surveys required by paragraph (1) shall include questions designed to determine from health care providers participating in such surveys whether such providers are aware of the TRICARE program, what percentage of the current patient population of such providers receive any benefit option under the TRICARE program, and whether such providers accept patients under the medicare program or new patients under the medicare program.''.

**SEC. 716. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORT REQUIREMENTS.**

Section 723(e) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) Quality measures, including structure, process, and outcomes concerning—

''(A) patient safety;

''(B) timeliness and accessibility of care;

''(C) patient satisfaction; and

''(D) the use of evidence-based practices.

''(2) Population health.

''(3) Biosurveillance.''.

**SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO PATIENT CARE REPORTING AND MANAGEMENT SYSTEM.**

(a) REPEAL OF REQUIREMENT TO LOCATE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into lay by Public Law 106–398; 114 Stat. 1654A–196) is amended by striking ''within the Armed Forces Institute of Pathology''.

(b) RENAMING OF MEDTEAMS PROGRAM.—The caption of subsection (d) of such section is amended by striking ''MEDTEAMS'' and inserting ''MEDICAL TEAM TRAINING''.

**SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.**

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

### Subtitle C—Other Matters

**SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCIATED WITH USE OF ANTI-MALARIAL DRUGS.**

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study of adverse health events that may be associated with use of anti-malarial drugs, including mefloquine.

(2) PARTICIPATION OF CERTAIN RESEARCHERS.—The Secretary shall ensure the participation in the study of epidemiological and clinical researchers of the Federal Government outside the Department of Defense, and of epidemiological and clinical researchers outside the Federal Government.

(b) MATTERS COVERED.—The study required by subsection (a) shall include the following:

(1) A comparison of adverse health events that may be associated with different anti-malarial drugs, including mefloquine.

(2) An analysis of the extent to which mefloquine may be a risk factor contributing to suicides among members of the Armed Forces.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional

defense committees a report on the study required by subsection (a).

**SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.**

(a) PILOT PROJECTS REQUIRED.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) PILOT PROJECT REQUIREMENTS.—

(1) MOBILIZATION–DEMOBILIZATION FACILITY.—

(A) IN GENERAL.—One of the pilot projects under subsection (a) shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot projects under subsection (a) shall be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under subsection (a) shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(c) REPORT.—Not later than June 1, 2006, the Secretary shall submit to the congressional defense committees a report on the pilot projects to be carried out under this section. The report shall include a description of each such pilot project, including the location of the pilot projects under paragraphs (2) and (3) of subsection (b), and the scope and objectives of each such pilot project.

## TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

### Subtitle A—Acquisition Policy and Management

**SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.**

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each non-defense agency of the Federal Government that procured property or services in excess of $100,000,000 on behalf of the Department of Defense during fiscal year 2005, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2006, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but made significant progress during 2005 toward ensuring compliance with defense procurement requirements; or

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii) or (iii) of subparagraph (B) of such paragraph is correct in the case of a non-defense agency, those Inspectors General shall, not later than March 15, 2007, jointly—

(A) conduct a second review, as described in paragraph (1)(A), regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2006; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each non-defense agency referred to in subsection (a) shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate government-wide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraphs (1) and (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2006, and before March 16, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency for which a determination described in paragraph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) LIMITATION AFTER REVIEW PERIOD.—After March 15, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a particular non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of that agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) INAPPLICABILITY TO CERTAIN GSA CONTRACTS.—This section does not apply as follows:

(1) To Client Support Centers of the Federal Technology Service of the General Services Administration, which are subject to review under section 802 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2004; 10 U.S.C. 2302).

(2) To any purchase through the multiple award schedules established by the Administrator of General Services, as described in section 2302(2)(C) of title 10, United States

Code, unless such purchase is made through—

(A) a non-defense agency other than the General Services Administration; or

(B) a business unit of the General Services Administration that is not responsible for administering the multiple award schedules program.

(i) DEFINITIONS.—In this section:

(1) The term ''non-defense agency'' means a department or agency of the Federal Government outside the Department of Defense, except as excluded under subsection (h).

(2) The term ''governmentwide acquisition contract'', with respect to a non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

**SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.**

(a) ESTABLISHMENT.—

(1) ORGANIZATION; DUTIES.—Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 197. Contract Support Acquisition Centers**

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish within the Defense Logistics Agency a Defense Contract Support Acquisition Center.

''(2) The Secretary of each military department shall establish a Contract Support Acquisition Center for that military department.

''(b) DIRECTOR.—(1) The Director of a Contract Support Acquisition Center is the head of the Center.

''(2)(A) The Secretary of Defense shall appoint the Director of the Defense Contract Support Acquisition Center.

''(B) The Secretary of a military department shall appoint the Director of the Contract Support Acquisition Center of that department.

''(3) The Director of a Contract Support Acquisition Center shall be selected from among commissioned officers of the armed forces on active duty and senior civilian officers and employees of the Department of Defense who have substantial experience in the acquisition of contract services.

''(c) DUTIES REGARDING ACQUISITIONS.—(1)(A) The Director of the Defense Contract Support Acquisition Center shall act as the executive agent within the Department of Defense for each acquisition of contract services in excess of the simplified acquisition threshold for the Department of Defense, other than an acquisition referred to in subparagraph (B).

''(B) The Director of the Contract Support Acquisition Center of a military department shall act as the executive agent within that military department for each acquisition of contract services in excess of the simplified acquisition threshold for such military department.

''(2) In carrying out paragraph (1), the Director of a Center shall—

''(A) develop and maintain policies, procedures, and best practices guidelines addressing the acquisition of contract services for the Secretary appointing the Director, including policies, procedures, and best practices guidelines for—

''(i) acquisition planning;

''(ii) solicitation and contract award;

''(iii) requirements development and management;

''(iv) contract tracking and oversight;

''(v) performance evaluation; and

''(vi) risk management;

''(B) assign responsibility for carrying out the acquisition of contract services to employees of the Center and other appropriate organizational elements under the jurisdiction of that Secretary;

''(C) dedicate fulltime commodity managers to coordinate the acquisition of key categories of services;

''(D) ensure that contract services being acquired to meet the Secretary's requirements for those services are acquired by means of a contract, or a task or delivery order, that—

''(i) is in the best interests of the Department of Defense or, in the case of the Director of the Center for a military department, the best interests of that military department; and

''(ii) is entered into or issued, and is managed, in compliance with applicable laws, regulations, and directives, and other applicable requirements;

''(E) ensure that competitive procedures and performance-based contracting are used to the maximum extent practicable for the acquisition of contract services for that Secretary; and

''(F) monitor data collection under section 2330a of this title and periodically conduct a spending analysis to ensure that funds expended for the acquisition of contract services for the Secretary are being expended in the most rational and economical manner practicable.

''(d) DUTIES REGARDING ACQUISITION PERSONNEL.—The Directors of the Contract Support Acquisition Centers shall work with appropriate officials of the Department of Defense—

''(1) to identify the critical skills and competencies needed to carry out the acquisition of contract services on behalf of the Department of Defense; and

''(2) to develop a comprehensive strategy for recruiting, training, and deploying employees to meet the requirements for those skills and competencies.

''(e) SCOPE OF AUTHORITY.—The authority of the Director of a Contract Support Acquisition Center under this section applies to acquisitions in excess of the simplified acquisition threshold.

''(f) EXCLUSIVITY OF AUTHORITY.—(1) After September 30, 2009, no officer or employee of the Federal Government outside the Defense Contract Support Acquisition Center may, without the prior written approval of the Director of the Center or the Secretary of Defense, engage in a procurement action for the acquisition of contract services for the Department of Defense that is valued in excess of the simplified acquisition threshold, other than a procurement action covered by paragraph (2).

''(2) After September 30, 2009, no officer or employee of the Federal Government outside the Contract Support Acquisition Center of a military department may, without the prior written approval of the Director of the Center, the Secretary of Defense, or the Secretary of that military department, engage in a procurement action for the acquisition of contract services for that military department that is valued in excess of the simplified acquisition threshold.

''(3) In this subsection, the term 'procurement action' includes the following actions:

''(A) Entry into a contract or any other form of agreement.

''(B) Issuance of a task order, delivery order, or military interdepartmental purchase request.

''(g) STAFF AND SUPPORT.—(1) The Secretary appointing the Director of a Contract Support Acquisition Center shall ensure that the Director of the Center is provided a staff and administrative support that are adequate for the Director to perform the duties of the position under this section effectively.

''(2) The Secretary of Defense may transfer to the Defense Contract Support Acquisition Center any personnel within the Department of Defense whose principal duty is the acquisition of contract services for the Department of Defense.

''(3) The Secretary of a military department may transfer to the Contract Support Acquisition Center of that military department any personnel within such military department whose principal duty is the acquisition of contract services for that military department.

''(h) TRANSFERS OF NONDEFENSE ORGANIZATIONS.—(1) Except as provided in paragraph (5), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any of the Contract Support Acquisition Centers of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data are available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (determined on the basis of cost) were acquired on behalf of the Department of Defense.

''(2) The head of a department or agency outside the Department of Defense may transfer in accordance with this section an organizational unit that is authorized to be accepted under paragraph (1).

''(3) A transfer under this subsection may be made and accepted only pursuant to a memorandum of understanding that is entered into by the head of the department or agency making the transfer and the Secretary of Defense.

''(4) A transfer of an organizational unit under this section shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

''(5) This section does not authorize a transfer of the multiple award schedule program of the General Services Administration described in section 2302(2)(C) of this title.

''(i) SIMPLIFIED ACQUISITION THRESHOLD.—In this section, the term 'simplified acquisition threshold' has the meaning given that term in section 2302(7) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''197. Contract Support Acquisition Centers.''.

(b) IMPLEMENTATION.—

(1) PHASED IMPLEMENTATION OF DIRECTOR'S AUTHORITY TO ACT AS EXECUTIVE AGENT.—Notwithstanding subsections (c)(1) and (e) of section 197 of title 10, United States Code (as added by subsection (a)), the authority of the Director of a Contract Support Acquisition Center to act under such section as executive agent for acquisitions of contract services before October 1, 2009, applies only with respect to—

(A) contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) any other acquisitions of contract services that, as designated by the Secretary who appointed the Director, are to be carried out for that Secretary by the Director.

(2) PROCUREMENT MANAGEMENT STRUCTURE.—The Secretary of Defense shall implement section 2330 of title 10, United States Code (relating to a management structure for the procurement of services for the Department of Defense), by designating each Director of the Contract Support Acquisition

Center appointed under section 197 of such title (as added by subsection (a)) to act as executive agent for the management of the procurements of services carried out for the Secretary appointing such Director with respect to—

(A) all contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) all contracts in excess of the simplified acquisition threshold (as defined in section 2302(7) of such title) that are entered into after September 30, 2009.

(3) COMPLIANCE WITH CERTAIN PUBLIC LAW 108–375 REQUIREMENTS.—For compliance with the requirements of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2022, 10 U.S.C. 2304 note), the Secretary concerned shall designate the Director of the Contract Support Acquisition Center appointed by that Secretary to act as the executive agent of that Secretary to review and approve the use of a contract for the acquisition of contract services that—

(A) is entered into after September 30, 2006, by a department or agency outside the Department of Defense; and

(B) if entered into—

(i) before October 1, 2009, is valued in excess of $10,000,000; or

(ii) after September 30, 2009, is valued in excess of the simplified acquisition threshold (as defined in section 2302(7) of title 10, United States Code).

(4) SECRETARY CONCERNED DEFINED.—In paragraph (3), the term ''Secretary concerned'' means the head of an agency named in subsection (f)(1) of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2022; 10 U.S.C. 2304 note).

**SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.**

(a) ACQUISITION AGREEMENTS.—Section 2341(1) of title 10, United States Code, is amended by striking ''of which the United States is a member''.

(b) CROSS-SERVICING AGREEMENTS.—Section 2342(a)(1)(C) of such title is amended by striking ''of which the United States is a member''.

(c) CONFORMING AMENDMENT.—Section 2344(b)(4) of such title is amended by striking ''of which the United States is a member''.

**SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS.**

(a) REQUIREMENT FOR AUTHORIZATION.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2379. Requirement for authorization for procurement of major weapon systems as commercial items**

''(a) REQUIREMENT FOR AUTHORIZATION.—A major weapon system of the Department of Defense may be treated as a commercial item, or purchased under procedures established for the procurement of commercial items, only if specifically authorized by Congress.

''(b) TREATMENT OF SUBSYSTEMS AND COMPONENTS AS COMMERCIAL ITEMS.—A subsystem or component of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items if such subsystem or component otherwise meets the requirements for treatment as a commercial item.

''(c) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term 'major weapon system' means a weapon system acquired pursuant to a major defense acquisition program (as that term is defined in section 2430 of this title).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by adding at the end the following new item:

''2379. Requirement for authorization for procurement of major weapon systems as commercial items.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered on or after such date.

**SEC. 805. REPORT ON SERVICE SURCHARGES FOR PURCHASES MADE FOR MILITARY DEPARTMENTS THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES.**

(a) REPORTS BY MILITARY DEPARTMENTS.—For each of fiscal years 2005 and 2006, the Secretary of each military department shall, not later than 60 days after the last day of that fiscal year, submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the service charges imposed on such military department for purchases in amounts greater than the simplified acquisition threshold that were made for that military department during such fiscal year through a contract entered into by an agency of the Department of Defense other than that military department. The report shall specify the amounts of the service charges and identify the services provided in exchange for such charges.

(b) ANALYSIS OF MILITARY DEPARTMENT REPORTS.—Not later than 90 days after receiving a report of the Secretary of a military department for a fiscal year under subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the service charges delineated in such report for the acquisitions covered by the report and the services provided in exchange for such charges and shall compare those charges with the costs of the alternative means for making such acquisitions. The analysis shall include the Under Secretary's determinations of whether the imposition and amounts of the service charges were reasonable.

(c) REPORT TO CONGRESS.—Not later than April 1, 2006 (for reports for fiscal year 2005 under subsection (a)), and not later than April 1, 2007 (for reports for fiscal year 2006 under subsection (a)), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the reports submitted by the Secretaries of the military departments under subsection (a), together with the Under Secretary's determinations under subsection (b) with regard to the matters set forth in those reports.

(d) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term ''simplified acquisition threshold'' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

**SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.**

(a) REVIEW BY DEFENSE ACQUISITION UNIVERSITY.—The Defense Acquisition University, acting under the direction and authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the acquisition structure of the Department of Defense, including the acquisition structure of the following:

(1) Each military department.

(2) Each defense agency.

(3) Any other element of the Department of Defense that has an acquisition function.

(b) ELEMENTS.—

(1) IN GENERAL.—In reviewing the acquisition structure of an organization under subsection (a), the Defense Acquisition University shall—

(A) determine the current structure of the organization;

(B) review the evolution of the current structure of the organization, including the reasons for each reorganization of the structure, and identify any acquisition structures or capabilities that have been divested from the organization during the last 15 years;

(C) identify the capabilities needed by the organization to fulfill its function and assess the capacity of the organization, as currently structured, to provide such capabilities; and

(D) identify any gaps, shortfalls, or inadequacies relating to acquisitions in the current structure of the organization.

(2) EMPHASIS IN REVIEW.—In conducting the review of acquisition structures under subsection (a), the University shall place special emphasis on consideration of—

(A) structures and processes for joint acquisition, including actions that may be needed to improve such structures and processes; and

(B) actions that may be needed to improve acquisition outcomes.

(c) PRIORITY ON COMPLETION OF REVIEW OF ACQUISITION STRUCTURE OF DEPARTMENT OF AIR FORCE.—In conducting the review of acquisition structures under subsection (a), the Defense Acquisition University shall give a priority to a review of the acquisition structure of the Department of the Air Force.

(d) FUNDING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the Defense Acquisition University the funds required to conduct the review under subsection (a).

(e) REPORTS.—

(1) INTERIM REPORT ON STRUCTURE OF DEPARTMENT OF AIR FORCE.—Not later than one year after the date of the enactment of this Act, the Defense Acquisition University shall submit to the congressional defense committees an interim report addressing the acquisition structure of the Department of the Air Force.

(2) FINAL REPORT ON REVIEW.—Not later than 180 days after the completion of the review required by subsection (a), the University shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the review. The report shall include a separate annex on the acquisition structure on each organization covered by the review, which annex—

(A) shall address the matters specified under subsection (b) with respect to such organization; and

(B) may include such recommendations with respect to such organization as the University considers appropriate.

(3) TRANSMITTAL OF FINAL REPORT.—Not later than 90 days after the receipt of the report under paragraph (2), the Under Secretary shall transmit to the congressional defense committees a copy of the report, together with the comments of the Under Secretary on the report.

(f) DEFENSE ACQUISITION UNIVERSITY DEFINED.—In this section, the term ''Defense Acquisition University'' means the Defense Acquisition University established pursuant to section 1746 of title 10, United States Code.

### Subtitle B—Defense Industrial Base Matters

**SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMERICAN REQUIREMENTS FOR PROCUREMENT OF PERISHABLE FOOD FOR ESTABLISHMENTS OUTSIDE THE UNITED STATES.**

Section 2533a(d)(3) of title 10, United States Code, is amended by inserting '', or for,'' after ''perishable foods by''.

**SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR CONTENT REQUIREMENTS FOR CERTAIN COUNTRIES WITH RECIPROCAL DEFENSE PROCUREMENT AGREEMENTS WITH THE UNITED STATES.**

(a) AUTHORITY FOR ANNUAL WAIVER.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States**

''(a) WAIVER AUTHORITY.—Subject to subsection (g), upon making a determination under subsection (b) that a foreign country described by that subsection has not qualitatively or quantitatively increased exports of defense items, as determined by the Secretary of Defense for purposes of this section, to the People's Republic of China during the fiscal year in which such determination is made, the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (c) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured in such foreign country during the fiscal year following the fiscal year in which such determination is made.

''(b) ANNUAL DETERMINATIONS.—Not later than September 30 each fiscal year, the Secretary of Defense may determine whether or not a foreign country with which the United States had in force during such fiscal year a reciprocal defense procurement memorandum of understanding or agreement qualitatively or quantitatively increased exports of defense items to the People's Republic of China during such fiscal year. Each such determination shall be in writing.

''(c) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver of the application of any domestic source requirement or domestic content with respect to a foreign country under subsection (a) shall be effective only for the fiscal year following the fiscal year in which is made the determination on which such waiver is based.

''(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(f) CONSULTATIONS.—The Secretary of Defense may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(g) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Section 2533a of this title.

''(4) Sections 7309 and 7310 of this title.

''(h) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(i) CLARIFICATION OF RELATIONSHIP WITH BUY AMERICAN ACT.—Nothing in this section shall be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

''(j) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment of such law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end the following new item:

''2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States.''.

**SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.**

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

**SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND DEVELOPMENT EFFORT FOR PURPOSES OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**

(a) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—The Secretary of Defense shall, not less often than once every four years, revise and update the criteria and procedures utilized to identify areas of the research and development effort of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program.

(b) UTILIZATION OF PLANS.—The criteria and procedures described in subsection (a) shall be developed through the use of the most current versions of the following plans:

(1) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

(2) The Defense Technology Area Plan of the Department of Defense.

(3) The Basic Research Plan of the Department of Defense.

(c) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in subsection (a) shall include input in the identification of areas of research and development effort described in that subsection from Department of Defense program managers (PMs) and program executive officers (PEOs).

(d) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—

(1) IN GENERAL.—The Secretary of each military department shall identify research programs that have successfully completed Phase II of the Small Business Innovation Research Program and that have the potential for rapid transitioning to Phase III and into the acquisition process.

(2) LIMITATION.—No research program may be identified under paragraph (1) unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report setting forth the research programs identified under paragraph (1). The report shall include a description of the requirements intended to be met by each program identified in the report.

(e) SMALL BUSINESS INNOVATION RESEARCH PROGRAM DEFINED.—In this section, the term ''Small Business Innovation Research Program'' has the meaning given that term in section 2500(11) of title 10, United States Code.

**Subtitle C—Defense Contractor Matters**

**SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2410p. Defense contractors: requirements concerning former Department of Defense officials**

''(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

''(b) REPORT INFORMATION.—A report by a contractor under subsection (a) shall—

''(1) list the name of each person who—

''(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces; and

''(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor—

''(i) not more than two years after such officer, employee, or member left service in the Department of Defense; and

''(ii) not more than two years before the date on which the report is required to be submitted; and

''(2) in the case of each person listed under paragraph (1)—

''(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

''(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

''(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410p. Defense contractors: requirements concerning former Department of Defense officials.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

**SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MATTERS.**

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of the Office of Government Ethics and the Administrator for Federal Procurement Policy, conduct a review of the ethics considerations raised by the following:

(1) The performance by contractor employees of functions closely associated with inherently governmental functions.

(2) The performance by contractor employees of other functions historically performed by Government employees in the Federal workplace.

(b) OPTIONS TO BE ADDRESSED.—The review under subsection (a) shall include the consideration of a broad range of options for addressing the ethics considerations described in that subsection, including—

(1) amending the Federal Acquisition Regulation to address ethics and personal conflict of interest concerns for contractor employees;

(2) implementing the Federal Acquisition Regulation, as so amended, through the incorporation of appropriate provisions in Federal agency contracts and in the solicitations for such contracts;

(3) requiring such contracts and solicitations to state that contractor employees will be bound by certain ethics standards, whether contractor-imposed or Government-imposed;

(4) encouraging Federal agency personnel to consider including provisions in contracts and solicitations that address conflict of interest issues and require contractor personnel to receive training on Government ethics rules; and

(5) continuing to identify and mitigate conflicts and ethics concerns involving contractor personnel on a case-by-case basis.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the findings and recommendations of the Secretary as a result of the review under subsection (a) and the consideration of options under subsection (b).

(2) ADDITIONAL VIEWS.—The report under paragraph (1) shall set forth the views, if any, of the Director of the Office of Government Ethics and the Administrator for Federal Procurement Policy on the matters covered by the report.

(d) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

**SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.**

(a) RISK ASSESSMENT TEAM.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish a risk assessment team to assess the vulnerability of Department of Defense contracts to fraud, waste, and abuse.

(2) The risk assessment team shall be chaired by the Inspector General of the Department of Defense and shall include representatives of the Defense Logistics Agency, the Defense Contract Management Agency, the Defense Contract Audit Agency, the Army, the Navy, and the Air Force.

(3) The risk assessment team shall—

(A) review the contracting systems and internal controls of the Department of Defense and the systems and controls of prime contractors of the Department of Defense to identify areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse; and

(B) prepare a report on the results of its review.

(4) Not later than six months after the date of the enactment of this Act, the chairman of the risk assessment team shall submit the report prepared under paragraph (3)(B) to the Secretary of Defense and the congressional defense committees.

(b) COMPTROLLER GENERAL REVIEW.—(1) Not later than 60 days after the date on which the report of the risk assessment team is submitted under subsection (a)(4), the Comptroller General of the United States shall—

(A) review the methodology used by the risk assessment team and the results of the team's review; and

(B) submit a report on the Comptroller General's review to the congressional defense committees.

(2) The report under paragraph (1)(B) shall include the Comptroller General's findings and any recommendations that the Comptroller considers appropriate.

(c) ACTION PLAN.—Not later than three months after receiving the report of the risk assessment team under subsection (a)(4), the Secretary of Defense shall develop and submit to the congressional defense committees a plan of actions for addressing the areas of vulnerability identified in the report. If the Secretary determines that no action is necessary with regard to an area of vulnerability, the report shall include a discussion of the rationale for that determination.

**Subtitle D—Defense Acquisition Workforce Matters**

**SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORKFORCE TRAINING FUND FOR DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.**

(a) AVAILABILITY OF DEPARTMENT OF DEFENSE CONTRACT FEES FOR DEFENSE ACQUISITION UNIVERSITY.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended—

(1) in subsection (a), by striking ''This section'' and inserting ''Except as otherwise provided, this section''; and

(2) in subsection (h)(3)—

(A) in subparagraph (B), by striking ''(other than the Department of Defense)'' in the first sentence;

(B) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively;

(C) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Administrator of General Services shall credit to the Defense Acquisition University fees collected in accordance with subparagraph (B) from the Department of Defense. Amounts so credited shall be used to develop and expand training for the defense acquisition workforce.''; and

(D) in subparagraph (E), as so redesignated, by striking ''the purpose specified in subparagraph (A)'' and inserting ''the purposes specified in subparagraphs (A) and (D)''.

(b) CONFORMING AMENDMENT.—Section 1412 of the National Defense Authorization Act for Fiscal year 2004 (Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433 note) is amended by striking subsection (c).

**SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.**

(a) LIMITATION.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2006, 2007, and 2008, below the level of that workforce as of September 30, 2004, determined on the basis of full-time employee equivalence, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) INCREASE AND REALIGNMENT OF WORKFORCE.—(1)(A) During fiscal years 2006, 2007, and 2008, the Secretary of Defense shall increase the number of persons employed in the defense acquisition and support workforce as follows:

(i) During fiscal year 2006, to 105 percent of the baseline number (as defined in subparagraph (B)).

(ii) During fiscal year 2007, to 110 percent of the baseline number.

(iii) During fiscal year 2008, to 115 percent of the baseline number.

(B) In this paragraph, the term ''baseline number'', with respect to persons employed in the defense acquisition and support workforce, means the number of persons employed in such workforce as of September 30, 2004 (determined on the basis of full-time employee equivalence).

(C) The Secretary of Defense may waive a requirement in subparagraph (A) and, subject to subsection (a), employ in the defense acquisition and support workforce a lesser number of employees if the Secretary determines and certifies to the congressional defense committees that the cost of increasing such workforce to the larger size as required under that subparagraph would exceed the savings to be derived from the additional oversight that would be achieved by having a defense acquisition and support workforce of such larger size.

(2) During fiscal years 2006, 2007, and 2008, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) HIGHER PRIORITY POSITIONS.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include system engineering.

(2) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(3) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(4) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.

(5) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A–76.

(6) Any other positions in the defense acquisition and support workforce that the Secretary of Defense identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) STRATEGIC ASSESSMENT AND PLAN.—(1) The Secretary of Defense shall—

(A) assess the extent to which the Department of Defense can recruit, retain, train, and provide professional development opportunities for acquisition professionals over the 10-fiscal year period beginning with fiscal year 2006; and

(B) develop a human resources strategic plan for the defense acquisition and support

workforce that includes objectives and planned actions for improving the management of such workforce.

(2) The Secretary shall submit to Congress, not later than April 1, 2006, a report on the progress made in—

(A) completing the assessment required under paragraph (1); and

(B) completing and implementing the strategic plan required under such paragraph.

(e) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term ''defense acquisition and support workforce'' means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

**SEC. 833. TECHNICAL AMENDMENTS RELATING TO DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.**

Section 1732 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ''(b)(2)(A) and (b)(2)(B)'' each place it appears in paragraphs (1) and (2) and inserting ''(b)(1)(A) and (b)(1)(B)''; and

(B) by striking paragraph (3); and

(2) in subsection (d)(2), by striking ''(b)(2)A)(ii)'' and inserting ''(b)(1)(A)(ii)''.

### Subtitle E—Other Matters

**SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

Section 2323(k) of title 10, United States Code, is amended by striking ''2006'' both places it appears and inserting ''2009''.

**SEC. 842. CODIFICATION AND MODIFICATION OF LIMITATION ON MODIFICATION OF MILITARY EQUIPMENT WITHIN FIVE YEARS OF RETIREMENT OR DISPOSAL.**

(a) CODIFICATION AND MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 821(a)(1) of this Act, is further amended by adding at the end the following new section:

**''§ 2410q. Modification of equipment within five years of retirement or disposal**

''(a) IN GENERAL.—Except as provided in subsection (b), a military department may not modify an aircraft, vessel, weapon, or other item of equipment if the military department plans to retire or otherwise dispose of such equipment within 5 years of the date of the completion of such modification.

''(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to any modification as follows:

''(1) A modification for safety purposes.

''(2) Any other modification but only if the aggregate cost of all such modifications for the aircraft, vessel, weapon, or other item of equipment concerned during any fiscal year, including any procurement, installation, or removal costs, is less than $100,000.

''(c) WAIVER.—The Secretary of a military department may waive the prohibition in subsection (a) with respect to a modification referred to in that subsection if such Secretary—

''(1) determines that the waiver is in the national security interests of the United States; and

''(2) notifies the congressional defense committees of such determination in writing.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 821(a)(2) of this Act, is further amended by adding at the end the following new item:

''2410q. Modification of equipment within five years of retirement or disposal.''.

(b) REPEAL OF SUPERSEDED LIMITATION.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C. 2241 note) is repealed.

**SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.**

(a) SCOPE OF AUTHORITY.—Subsection (c) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) by striking ''combat capability'' each place it appears; and

(2) by striking ''fatalities'' each place it appears and inserting ''casualties''.

(b) DELEGATION OF AUTHORITY.—Such subsection is further amended in paragraph (1) by inserting ''below the Deputy Secretary of Defense'' after ''delegation''.

(c) WAIVER AUTHORITY.—Subsection (d)(1) of such section is further amended—

(1) in subparagraph (B), by striking ''or'';

(2) in subparagraph (C), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) domestic source or content restrictions that would inhibit or impede the rapid acquisition of the equipment.''.

**SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)—

(A) by striking ''The Director'' and inserting ''(1) Subject to paragraph (2), the Director''; and

(B) by adding at the end the following new paragraph:

''(2) The authority of this section—

''(A) does not extend to any prototype project that is expected to cost in excess of $100,000,000; and

''(B) may be exercised for a prototype project that is expected to cost in excess of $20,000,000 only upon a written determination by the senior procurement executive for the agency (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) that—

''(i) the requirements of subsection (d) will be met; and

''(ii) the use of a standard contact, grant, or cooperative agreement for such project is not feasible or appropriate.'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

''(h) APPLICABILITY OF PROCUREMENT ETHICS REQUIREMENTS.—An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).''.

**SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.**

Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) is amended by striking ''September 30, 2005'' in subsections (a)(2)(A) and (b)(2)(A) and inserting ''September 30, 2006''.

**SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.**

Section 2414(a)(2) of title 10, United States Code, is amended by striking ''$150,000'' and inserting ''$300,000''.

**SEC. 847. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.**

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

**SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

(a) REDESIGNATION OF EXISTING POSITIONS AND OFFICES.—(1) Each of the following positions within the Department of Defense is redesignated as the Director of Small Business Programs:

(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(2) Each of the following offices within the Department of Defense is redesignated as the Office of Small Business Programs:

(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(3) Any reference in any law, regulation, document, paper, or other record of the United States to a position or office redesignated by paragraph (1) or (2) shall be deemed to be a reference to the position or office as so redesignated.

(b) DEPARTMENT OF DEFENSE POSITION AND OFFICE.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133b the following new section:

**''§ 133c. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense is the

office that is established within the Office of the Secretary of Defense under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

''133c. Director of Small Business Programs.''.

(c) DEPARTMENT OF THE ARMY POSITION AND OFFICE.—(1) Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 3024. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3024. Director of Small Business Programs.''.

(d) DEPARTMENT OF THE NAVY POSITION AND OFFICE.—(1) Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 5028. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Navy is the office that is established within the Department of the Navy under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5028. Director of Small Business Programs.''.

(d) DEPARTMENT OF THE AIR FORCE POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 8024. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8024. Director of Small Business Programs.''.

**SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPABILITIES TO DEFEND THE HOMELAND AGAINST CRUISE MISSILES AND OTHER LOW-ALTITUDE AIRCRAFT.**

(a) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate an official within the Department of Defense to act as executive agent to manage the acquisition of capabilities necessary to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(b) COORDINATION OF ACTIVITIES.—The official designated as executive agent under subsection (a) shall, in order to promote commonality and limit duplication of effort, coordinate in the acquisition of capabilities described in that subsection with appropriate officials of the following:

(1) The Missile Defense Agency.

(2) The Joint Theater Air and Missile Defense Organization.

(3) The United States Northern Command.

(4) The United States Strategic Command.

(5) Such other elements of the Department of Defense, and of other departments and agencies of the United States Government, as the Secretary considers appropriate for purposes of this section.

(c) PLAN FOR DEFENSE AGAINST ATTACK.—

(1) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the defense of the United States against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(2) FOCUS OF PLAN.—In developing the plan, the Secretary shall focus on the role of Department of Defense components in the defense of the United States against an attack described in paragraph (1), but shall also address the role, if any, of other departments and agencies of the United States Government in that defense.

(3) ELEMENTS.—The plan shall include the following:

(A) An identification of the capabilities required by the Department of Defense in order to fulfill its mission to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft, and an identification of any current shortfalls in such capabilities.

(B) A schedule for implementing the plan.

(C) A statement of the funding required to implement the Department of Defense portion of the plan.

(D) An identification of the roles and missions, if any, of other departments and agencies of the United States Government in contributing to the defense of the United States against attack described in subparagraph (A).

(4) SCOPE OF PLAN.—The plan shall be coordinated with Department of Defense plans for defending the United States against attack by short-range to medium-range ballistic missiles.

**SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY THE WHITE HOUSE COMMUNICATIONS AGENCY.**

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2623; 10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting ''AND AUDIOVISUAL SUPPORT SERVICES'' after ''TELECOMMUNICATIONS SUPPORT''; and

(B) by inserting ''and audiovisual support services'' after ''provision of telecommunications support''; and

(2) in subsection (b), by inserting ''and audiovisual'' after ''other than telecommunications''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to the provision of audiovisual support services by the White House Communications Agency in fiscal years beginning on or after that date.

**Subtitle B—Space Activities**

**SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DEFENSE REQUIREMENTS FOR SPACE CONTROL.**

(a) ADVISORY COMMITTEE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an advisory committee to review and assess Department of Defense requirements for space control.

(2) NEW OR EXISTING ADVISORY COMMITTEE.—The Secretary may carry out paragraph (1) through the establishment of a new advisory committee, or the utilization of a current advisory committee, meeting the requirements of subsection (b)(1).

(b) MEMBERSHIP AND ADMINISTRATION OF ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—The advisory committee under subsection (a) shall consist of individuals from among officers and employees of the Federal Government, and private citizens of the United States, with knowledge and expertise in national security space policy.

(2) ADMINISTRATION.—The Secretary shall establish appropriate procedures for the administration of the advisory committee for purposes of this section, including designation of the chairman of the advisory committee from among its members.

(3) SECURITY CLEARANCES.—All members of the advisory committee shall hold security clearances appropriate for the work of the advisory committee.

(4) FIRST MEETING.—The advisory committee shall convene its first meeting for purposes of this section not later than 30 days after the date on which all members of

the advisory committee have been selected for such purposes.

(c) DUTIES.—The advisory committee shall conduct a review and assessment of the following:

(1) The requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements.

(2) Whether or not the Department of Defense is allocating appropriate resources to fulfill the current space control mission of the Department when compared with the allocation by the Department of resources to other military space missions.

(3) The plans of the Department of Defense to meet its future space control mission.

(d) INFORMATION FROM FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The advisory committee may secure directly from the Department of Defense, from any other department or agency of the Federal Government, and any State government any information that the advisory committee considers necessary to carry out its duties under this section.

(2) LIAISON.—The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense and at least one general or flag officer of an Armed Force to serve as liaison between the Department, the Armed Forces, and the advisory committee for purposes of this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the first meeting of the advisory committee under subsection (b)(4), the advisory committees shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the review and assessment under subsection (c).

(2) ELEMENTS.—The report shall include—

(A) the findings and conclusions of the advisory committee on the requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements; and

(B) any recommendations that the advisory committee considers appropriate regarding the best means by which the Department may fulfill such requirements.

(f) TERMINATION.—The advisory committee shall terminate for purposes of this section 10 months after the date of the first meeting of the advisory committee under subsection (b)(4).

(g) SPACE CONTROL MISSION.—In this section, the term ''space control mission'' means the mission of the Department of Defense involving the following:

(1) Space situational awareness.

(2) Defensive counterspace operations.

(3) Offensive counterspace operations.

(h) FUNDING.—Amounts authorized to be appropriated to the Department of Defense shall be available to the Secretary of Defense for purposes of the activities of the advisory committee under this section.

### Subtitle C—Other Matters

**SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

(a) AUTHORITY TO ACCEPT.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

**''§ 2611. Regional centers for security studies: acceptance of gifts and donations**

''(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—Subject to subsection (c), the Secretary of Defense may, on behalf of any Department of Defense regional center for security studies, any combination of such centers, or such centers generally, accept from any source specified in subsection (b) any gift or donation for purposes of defraying the costs, or enhancing the operation, of such center, combination of centers, or centers generally, as the case may be.

''(b) SOURCES.—The sources from which gifts and donations may be accepted under subsection (a) are the following:

''(1) The government of a State or a political subdivision of a State.

''(2) The government of a foreign country.

''(3) A foundation or other charitable organization, including a foundation or charitable organization this is organized or operates under the laws of a foreign country.

''(4) Any source in the private sector of the United States or a foreign country.

''(c) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if acceptance of the gift or donation would compromise or appear to compromise—

''(1) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(2) the integrity of any program of the Department, or of any person involved in such a program.

''(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in subsection (c).

''(e) CREDITING OF FUNDS.—(1) There is established on the books of the Treasury of the United States an account to be known as the 'Regional Centers for Security Studies Account'.

''(2) Gifts and donations of money accepted under subsection (a) shall be credited to the Account, and shall be available until expended, without further appropriation, to defray the costs, or enhance the operation, of the regional center, combination of centers, or centers generally for which donated under that subsection.

''(f) GIFT OR DONATION DEFINED.—In this section, the term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2611 and inserting the following new item:

''2611. Regional centers for security studies: acceptance of gifts and donations.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is amended by striking subsection (a).

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113 note) is amended—

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.**

(a) PROTECTION OF OPERATIONAL FILES OF DEFENSE INTELLIGENCE AGENCY.—(1) Title VII of the National Security Act of 1947 (50 U.S.C. 431 et. seq.) is amended by adding at the end the following new section:

''OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY

''SEC. 705. (a) EXEMPTION OF OPERATIONAL FILES.—The Director of the Defense Intelligence Agency, in coordination with the Director of National Intelligence, may exempt operational files of the Defense Intelligence Agency from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

''(b) OPERATIONAL FILES DEFINED.—(1) In this section, the term 'operational files' means—

''(A) files of the Directorate of Human Intelligence of the Defense Intelligence Agency (and any successor organization of that directorate) that document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; and

''(B) files of the Directorate of Technology of the Defense Intelligence Agency (and any successor organization of that directorate) that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

''(2) Files that are the sole repository of disseminated intelligence are not operational files.

''(c) SEARCH AND REVIEW FOR INFORMATION.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive Order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(B) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of General Counsel of the Department of Defense or of the Defense Intelligence Agency.

''(F) The Office of Inspector General of the Department of Defense or of the Defense Intelligence Agency.

''(G) The Office of the Director of the Defense Intelligence Agency.

''(d) INFORMATION DERIVED OR DISSEMINATED FROM EXEMPTED OPERATIONAL FILES.—(1) Files that are not exempted under subsection (a) and contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) shall not affect the exemption under subsection (a) of the originating operational files from search, review, publication, or disclosure.

''(3) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

''(4) Records from exempted operational files that have been disseminated to and referenced in files that are not exempted under subsection (a) and that have been returned to exempted operational files for sole retention shall be subject to search and review.

''(e) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as

provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, alleges that the Defense Intelligence Agency has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Defense Intelligence Agency, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Defense Intelligence Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in subsection (b).

''(ii) The court may not order the Defense Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Defense Intelligence Agency's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraphs (C) and (D), the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Defense Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order the Defense Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section (other than subsection (f)).

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Defense Intelligence Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint; and

''(H) Any information filed with, or produced for the court pursuant to subparagraphs (A) and (D) shall be coordinated with the Director of National Intelligence before submission to the court.

''(f) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the Defense Intelligence Agency and the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from a category of exempted files or any portion thereof. The Director of National Intelligence must approve any determinations to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Defense Intelligence Agency has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Defense Intelligence Agency has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Defense Intelligence Agency, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

(2) The table of contents for that Act is amended by inserting after the item relating to section 704 the following new item:

''Sec. 705. Operational files of the Defense Intelligence Agency.''.

(b) SEARCH AND REVIEW OF CERTAIN OTHER OPERATIONAL FILES.—The National Security Act of 1947 is further amended—

(1) in section 702(a)(3)(C) (50 U.S.C. 432(a)(3)(C)), by adding the following new clause:

''(vi) The Office of the Inspector General of the National Geospatial-Intelligence Agency.'';

(2) in section 703(a)(3)(C) (50 U.S.C. 432a(a)(3)(C)), by adding at the end the following new clause:

''(vii) The Office of the Inspector General of the NRO.''; and

(3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)), by adding at the end the following subparagraph:

''(H) The Office of the Inspector General of the National Security Agency.''.

**SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF THE GENERAL COUNSEL AND THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE.**

No funds authorized to be appropriated by this Act may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled ''Functions and Duties of the General Counsel and the Judge Advocate General''.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Department of the Air Force in reliance upon the order referred to in paragraph (1).

**SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.**

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2117. United States Military Cancer Institute**

''(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

''(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

''(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

''(B) The prevention and early detection of cancer.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

''(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

## TITLE X—GENERAL PROVISIONS

### Subtitle A—Financial Matters

**SEC. 1001. TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany its report on the bill S. 1042 of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

**SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2006.**

(a) FISCAL YEAR 2006 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2006 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2005, of funds appropriated for fiscal years before fiscal year 2006 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $763,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $238,364,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

**SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.**

(a) REDUCTION.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $1,300,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the annual review of the budget conducted by the Congressional Budget Office.

(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

**SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.**

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I or chapter 2 of title IV of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

**SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AUTHORITY.**

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2034) is amended by striking ''$3,500,000,000'' and inserting ''$6,185,000,000''.

**SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX VOLUNTARILY WITHHELD FROM RETIRED OR RETAINER PAY.**

Section 1045(a) of title 10, United States Code, is amended—

(1) by striking ''quarter'' the first place it appears and inserting ''month''; and

(2) by striking ''during the month following that calendar quarter'' and inserting ''during the following calendar month''.

**SEC. 1008. REESTABLISHMENT OF LIMITATION ON PAYMENT OF FACILITIES CHARGES ASSESSED BY DEPARTMENT OF STATE.**

(a) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—Funds appropriated for the Department of Defense may be transferred to the Department of State as remittance for a fee charged to the Department of Defense by the Department of State for any year for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount charged (when added to other amounts previously so charged for that fiscal year) exceeds the total amount of the unreimbursed costs incurred by the Department of Defense during that fiscal year in providing goods and services to the Department of State.

(b) CONSTRUCTION OF LIMITATION.—The provisions of subsection (a) shall be applicable without regard to the following provisions of law:

(1) The provisions of subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999, as added by section 629 of division B of Public Law 108–447 (118 Stat. 2920; 22 U.S.C. 4865 note).

(2) The provisions of section 630 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (division B of Public Law 108–447 (118 Stat. 2921)).

(c) EFFECTIVE DATE.—This section shall take effect as of October 1, 2005.

### Subtitle B—Naval Vessels and Shipyards

**SEC. 1021. TRANSFER OF BATTLESHIPS.**

(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. WISCONSIN (BB–64) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) TRANSFER OF BATTLESHIP IOWA.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) INAPPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—Notwithstanding any provision of subsection (a) or (b), section 7306(d) of title 10, United States Code, shall not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118) is repealed.

**SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSONVILLE, FLORIDA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Atlantic Marine Property Holding Company (in this section referred to as the ''Company'') all right, title, and interest of the United States in and to Navy Drydock No. AFDM 7 (the SUSTAIN), located in Duval County, Florida. The Company is the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the drydock remain at the facilities of the Company until September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Company shall pay the Secretary an amount equal to the fair market value of the drydock as determined by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### Subtitle C—Counterdrug Matters

**SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR UNITED STATES BORDER RECONNAISSANCE.**

(a) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 383. Use of unmanned aerial vehicles for United States border reconnaissance**

''(a) IN GENERAL.—The Secretary of Defense is authorized to use Department of Defense personnel and equipment to conduct aerial reconnaissance within the area of responsibility of the United States Northern

Command with unmanned aerial vehicles in order to conduct, for the purposes specified in subsection (b), the following:

''(1) The detection and monitoring of, and communication on, the movement of air and sea traffic along the United States border.

''(2) The detection and monitoring of, and communication on, the movement of surface traffic that is—

''(A) outside of the geographic boundary of the United States; or

''(B) inside the United States, but within not more than 25 miles of the geographic boundary of the United States, with respect to surface traffic first detected outside the geographic boundary of the United States.

''(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The purposes of activities authorized by subsection (a) are as follows:

''(1) To detect and monitor suspicious air, sea, and surface traffic.

''(2) To communicate information on such traffic to appropriate Federal law enforcement officials, State law enforcement officials, and local law enforcement officials.

''(c) FUNDS.—Amounts available to the Department of Defense for counterdrug activities shall be available for activities authorized by subsection (a).

''(d) LIMITATIONS.—Any limitations and restrictions under this chapter with respect to the use of personnel, equipment, and facilities under this chapter shall apply to the exercise of the authority in subsection (a).

''(e) ANNUAL REPORTS ON USE OF UNMANNED AERIAL VEHICLES.—(1) The Secretary of Defense shall submit to the congressional defense committees each year a report on the operation of unmanned aerial vehicles along the United States border under this section during the preceding year. Each report shall include, for the year covered by such report, the following:

''(A) A description of the aerial reconnaissance missions carried out along the United States border by unmanned aerial vehicles under this section, including the total number of sorties and flight hours.

''(B) A statement of the costs of such missions.

''(C) A statement of the number of times data collected by the Department of Defense from such missions was communicated to other authorities of the Federal Government or to State or local authorities.

''(2) A report is not required under this subsection for a year if no operations of unmanned aerial vehicles along the United States border occurred under this section during such year.

''(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(f) DEFINITIONS.—In this section:

''(1) The term 'suspicious air, sea, and surface traffic' means any air, sea, or surface traffic that is suspected of illegal activities, including involvement in activities that would constitute a violation of any provision of law set forth in or described under section 374(b)(4)(A) of this title.

''(2) The term 'State law enforcement officials' includes authorized members of the National Guard operating under authority of title 32.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

''383. Use of unmanned aerial vehicles for United States border reconnaissance.''.

**SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN COUNTERTERRORISM OPERATIONS.**

(a) AUTHORITY TO USE FUNDS.—In conjunction with counterdrug activities authorized by law, the Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for drug interdiction and counterdrug activities in fiscal years 2006 and 2007 for the detection, monitoring, and interdiction of terrorists, terrorism-related activities, and other related transnational threats along the borders and within the territorial waters of the United States.

(b) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided in section 124 of title 10, United States Code.

**SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES THROUGH BASES OF OPERATION AND TRAINING FACILITIES IN AFGHANISTAN.**

In providing support for counterdrug activities under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary of Defense may, in accordance with a request under subsection (a) of such section, provide through or utilizing bases of operation or training facilities in Afghanistan—

(1) any type of support specified in subsection (b) of such section for counter-drug activities; and

(2) any type of support for counter-drug related Afghan criminal justice activities.

**Subtitle D—Reports and Studies**

**SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.**

(a) SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is amended by striking ''(a) ANNUAL PLAN REQUIRED.—On March 1 of each year,'' and inserting ''Not later than March 1 of each year through 2006, and March 1 every two years thereafter,''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**ANNUAL**''.

**SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE ACT INSURANCE.**

(a) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of the Office of Management and Budget and appropriate officials of the Department of Labor, the Department of State and the United States Agency for International Development, review current and future needs, options, and risks associated with Defense Base Act insurance.

(b) MATTERS TO BE ADDRESSED.—The review under subsection (a) shall address the following matters:

(1) Cost-effective options for acquiring Defense Base Act insurance.

(2) Methods for coordinating data collection efforts among agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved communication and coordination within and among agencies on the implementation of Defense Base Act insurance.

(4) Actions to be taken to address difficulties in the administration of Defense Base Act insurance, including on matters relating to cost, data, enforcement, and claims processing.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review under subsection (a). The report shall set forth the findings of the Secretary as a result of the review and such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of the review.

(d) DEFENSE BASE ACT INSURANCE DEFINED.—In this section, the term ''Defense Base Act insurance'' means workers' compensation insurance provided to contractor employees pursuant to the Defense Base Act (42 U.S.C. 1651 et seq.).

**SEC. 1043. COMPTROLLER GENERAL REPORT ON CORROSION PREVENTION AND MITIGATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than April 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the effectiveness of the corrosion prevention and mitigation programs of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the document of the Department of Defense entitled ''Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on the Military Equipment and Infrastructure of the Department of Defense'', dated November 2004.

(2) An assessment of the adequacy for purposes of the strategy set forth in that document of the funding requested in the budget of the President for fiscal year 2006, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, and the associated Future-Years Defense Program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy and effectiveness of the organizational structure of the Department of Defense in implementing that strategy.

(4) An assessment of the progress made as of the date of the report in establishing throughout the Department common metrics, definitions, and procedures on corrosion prevention and mitigation.

(5) An assessment of the progress made as of the date of the report in establishing a baseline estimate of the scope of the corrosion problems of the Department.

(6) An assessment of the extent to which the strategy of the Department on corrosion prevention and mitigation has been revised to incorporate the recommendations of the October 2004 Defense Science Board report on corrosion control.

(7) An assessment of the implementation of the corrosion prevention and mitigation programs of the Department during fiscal year 2006.

(8) Recommendations by the Comptroller General for addressing any shortfalls or areas of potential improvement identified in the review for purposes of the report.

**Subtitle E—Technical Amendments**

**SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CERTAIN PROVISIONS OF ENVIRONMENTAL DEFENSE LAWS.**

(a) DEFINITION OF ''MILITARY MUNITIONS''.—Section 101(e)(4)(B)(ii) of title 10, United States Code, is amended by striking ''explosives, and'' and inserting ''explosives and''.

(b) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2703(b) of such title is amended by striking '' 'unexploded ordnance', 'discarded military munitions', and'' and inserting '' 'discarded military munitions' and''.

**Subtitle F—Military Mail Matters**

**SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL SYSTEM.**

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall promptly develop and implement a plan to ensure that the mail within the military mail system is safe for delivery.

(2) SCREENING.—The plan under this subsection shall provide for the screening of all mail within the military mail system in order to detect the presence in such mail of

biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail is delivered to its intended recipients.

(b) FUNDING FOR PLAN.—The budget justification materials that are submitted to Congress with the budget of the President for any fiscal year after fiscal year 2006, as submitted under section 1105(a) of title 31, United States Code, shall include a description of the amounts required in such fiscal year to carry out the plan under subsection (a).

(c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the safety of mail within the military mail system for delivery.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within such system is safe for delivery.

(B) The plan developed under subsection (a).

(C) An estimate of the time and resources required to implement the plan.

(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to that system in order to ensure the safety of such mail for delivery.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) MAIL WITHIN THE MILITARY MAIL SYSTEM DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''mail within the military mail system''—

(A) means—

(i) any mail that is posted through the Military Post Offices (including Army Post Offices (APOs) and Fleet Post Offices (FPOs)), Department of Defense mail centers, military Air Mail Terminals, and military Fleet Mail Centers; and

(ii) any mail or package posted in the United States that is addressed to an unspecified member of the Armed Forces; and

(B) includes any official mail posted by the Department of Defense.

(2) EXCEPTION.—The term does not include any mail posted as otherwise described in paragraph (1) that has been screened for safety for delivery by the United States Postal Service before its posting as so described.

**SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERVICE MEMBER.**

(a) PROGRAM OF DELIVERY OF MAIL.—The Secretary of Defense shall carry out a program under which mail and packages addressed to Any Service Member that are posted in the United States shall be delivered to deployed members of the Armed Forces overseas at or through such Army Post Offices (APOs) and Fleet Post Offices (FPOs) as the Secretary shall designate for purposes of the program.

(b) SCREENING OF MAIL.—In carrying out the program required by subsection (a), the Secretary shall take appropriate actions to ensure that the mail and packages covered by the program are screened in order to detect the presence in such mail and packages of biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail and packages are delivered to members of the Armed Forces.

(c) DISTRIBUTION.—The Secretary shall ensure that mail and packages delivered under the program required by subsection (a) are widely distributed on an equitable basis among all the Armed Forces in their overseas areas.

(d) OUTREACH.—

(1) IN GENERAL.—The Secretary shall, in collaboration with the Postmaster General, take appropriate actions to provide information to the public on the program required by subsection (a).

(2) OUTLETS.—Information shall be provided to the public under this subsection through Department of Defense facilities and communications outlets, Postal Service facilities, and such other means as the Secretary and the Postmaster General consider appropriate.

(e) ANY SERVICE MEMBER DEFINED.—In this section, the term ''Any Service Member'' means an undesignated or unspecified member of the Armed Forces (often addressed on mail or packages as ''Any American Service Member or Soldier''), rather than any particular or specified member of the Armed Forces.

**Subtitle G—Other Matters**

**SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND BEHAVIORAL SCIENCE PERSONNEL IN INTERROGATION OF DETAINEES.**

(a) POLICY REQUIRED.—The Secretary of Defense shall establish the policy of the Department of Defense on the role of military medical and behavioral science personnel in the interrogation of persons detained by the Armed Forces. The policy shall apply uniformly throughout the Armed Forces.

(b) REPORT.—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report on the policy established under subsection (a). The report shall set forth the policy, and shall include such additional matters on the policy as the Secretary considers appropriate.

**SEC. 1072. CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS UNDER INTERNAL SECURITY ACT OF 1950.**

Section 21(a) of the Internal Security Act of 1950 (Public Law 81–831; 64 Stat. 1005) is amended by inserting ''or military or civilian director'' after ''military commander''.

**SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.**

(a) SHORT TITLE.—This section may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and

Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

## TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

### SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

### SEC. 1102. COMPENSATORY TIME OFF FOR NONAPPROPRIATED FUND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary of Defense may, on request of a Department of Defense employee paid from nonappropriated funds, grant such employee compensatory time off from duty instead of overtime pay for overtime work.''.

### SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

### SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2006'' and inserting ''October 1, 2010''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2007'' and inserting ''February 1, 2011''; and

(B) by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

### SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT AUTHORITY FOR PROGRAM.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) in subsection (a)—

(A) by striking ''(1)''; and

(B) by striking paragraph (2); and

(2) by striking ''pilot'' each place it appears.

(b) ASSISTANCE UNDER PROGRAM.—Such section is further amended—

(1) in subsection (b)—

(A) by striking ''(b)'' and all that follows through ''a scholarship'' and inserting ''(b) ASSISTANCE.—(1) Under the program under this section, the Secretary of Defense may award a scholarship or fellowship'';

(B) in paragraph (1)(B), by inserting ''accredited'' before ''institution of higher education'';

(C) in paragraph (2)—

(i) by inserting ''or fellowship'' after ''scholarship'';

(ii) by inserting ''equipment expenses,'' after ''laboratory expenses,''; and

(iii) by striking the second sentence; and

(D) by adding at the end the following new paragraph:

''(3) Any assistance payable to a person under this subsection may be paid directly to the person awarded such assistance or to an administering entity that shall disburse such assistance to the person.''; and

(2) in subsection (c)(2)—

(A) by striking ''a scholarship'' and inserting ''financial assistance'';

(B) by striking ''the financial assistance provided under the scholarship'' and inserting ''such financial assistance''; and

(C) by striking ''the scholarship.'' and inserting ''such financial assistance.''.

(c) EMPLOYMENT OF PROGRAM PARTICIPANTS.—Such section is further amended—

(1) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—(1) The Secretary of Defense may—

''(A) appoint or retain a person participating in the program under this section in a position on an interim basis during the period of such person's pursuit of a degree under the program and for a period not to exceed 2 years after completion of the degree, but only if, in the case of the period after completion of the degree—

''(i) there is no readily available appropriate permanent position for such person; and

''(ii) there is an active and ongoing effort to identify and assign such person to an appropriate permanent position as soon as practicable; and

''(B) if there is no appropriate permanent position available after the end of the periods described in subparagraph (A), separate such person from employment with the Department without regard to any other provision of law, in which event the service agreement of such person under subsection (c) shall terminate.

''(2) The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (c).''.

(d) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c)(1) of this section, is amended to read as follows:

''(1)(A) A participant in the program under this section who is not an employee of the Department of Defense and who voluntarily fails to complete the educational program for which financial assistance has been provided under this section, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary of Defense, shall refund to the United States an appropriate amount, as determined by the Secretary.

''(B) A participant in the program under this section who is an employee of the Department of Defense and who—

''(i) voluntarily fails to complete the educational program for which financial assistance has been provided, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary; or

''(ii) before completion of the period of obligated service required of such participant—

''(I) voluntarily terminates such participant's employment with the Department; or

''(II) is removed from such participant's employment with the Department on the basis of misconduct,

shall refund the United States an appropriate amount, as determined by the Secretary.''.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (f) of such section, as redesignated by subsection (c)(1) of this section, is further amended by striking ''PILOT''.

(2) The heading of such section is amended to read as follows:

**''SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.''.**

(3) Section 3304(a)(3)(B)(ii) of title 5, United States Code, is—

(A) by striking ''Scholarship Pilot Program'' and inserting ''Defense Education Program''; and

(B) by inserting ''(10 U.S.C. 2912 note)'' after ''for Fiscal Year 2005''.

### SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking ''544'' and inserting ''the following:

''(1) In fiscal year 2005, 544.

''(2) In fiscal year 2006, 619.

''(3) In fiscal years after fiscal year 2006, 694.''.

### SEC. 1107. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Government Reform of the House of Representatives.

**SEC. 1108. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

## TITLE XII—MATTERS RELATING TO OTHER NATIONS

**SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM.**

(a) AUTHORITY FOR FISCAL YEARS 2006 AND 2007.—During fiscal year 2006 and fiscal year 2007, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $500,000,000 may be used in each such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(c) COMMANDERS' EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term ''Commanders' Emergency Response Program'' means the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people.

**SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY TO PROVIDE HUMANITARIAN AND CIVIC ASSISTANCE.**

(a) INCREASE IN AUTHORIZED EXPENSES ASSOCIATED WITH DETECTION AND CLEARANCE OF LANDMINES.—Subsection (c)(3) of section 401 of title 10, United States Code, is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS AND INFORMATION INFRASTRUCTURE UNDER AUTHORITY.—Such section is further amended—

(1) in subsection (c)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) Expenses covered by paragraph (1) also include expenses incurred in providing communications or information systems equipment or supplies that are transferred or otherwise furnished to a foreign country in furtherance of the provision of other assistance under this section.''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(6) Restoring or improving the information and communications infrastructure of a country, including activities relating to the furnishing of education, training, and technical assistance with respect to information and communications technology.''.

(c) EXPANSION OF AUTHORITY TO PROVIDE MEDICAL, DENTAL, AND VETERINARY CARE.—Subsection (e)(1) of such section is amended by inserting before the period the following: '', including education, training, and technical assistance related to the care provided''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON PAYMENT OF PERSONNEL EXPENSES UNDER BILATERAL OR REGIONAL COOPERATION PROGRAMS.**

Section 1051(b)(1) of title 10, United States Code, is amended by striking ''within the area'' and all that follows through ''developing country is located'' and inserting ''to and within the area of responsibility of a unified combatant command (as such term is defined in section 161(c) of this title)''.

**SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION LIAISON OFFICERS.**

(a) AUTHORITY TO PAY CERTAIN TRAVEL EXPENSES OF MILITARY OFFICERS ON COALITION MISSIONS.—Subsection (b) of section 1051a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary may pay the travel expenses of a military officer of a developing country involved in coalition operations while temporarily assigned to the headquarters of a combatant command, component command, or subordinate operational command for the mission-related roundtrip travel of such officer, upon the direction of the commander of such command, from such headquarters to one or more locations specified by the commander of such command if such travel is determined to be in support of United States national interests.''.

(b) EXTENSION OF AUTHORITY TO PAY TRAVEL EXPENSES.—Subsection (e) of such section is amended by striking ''September 30, 2005'' and inserting ''September 30, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October, 1, 2005.

**SEC. 1205. PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.**

(a) APPLICATION OF IEEPA PROHIBITIONS TO THOSE ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty of not to exceed $250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than $500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.''.

(b) PRODUCTION OF RECORDS.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to read as follows:

''(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports, testimony, answers to questions, or otherwise, complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. The President may require by subpoena or otherwise the production under oath by any person of all such information, reports, testimony, or answers to questions, as well as the production of any required books of accounts, records, contracts, letters, memoranda, or other papers, in the custody or control of any person. The subpoena or other requirement, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.''.

(c) CLARIFICATION OF JURISDICTION TO ADDRESS IEEPA VIOLATIONS.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is further amended by adding at the end the following:

''(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary and proper in the premises to enforce the provisions of this title.''.

## TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2006 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $78,900,000.

(2) For nuclear weapons storage security in Russia, $74,100,000.

(3) For nuclear weapons transportation security in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,600,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(6) For chemical weapons destruction in Russia, $108,500,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

**SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.**

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 22 U.S.C. 5952 note) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

**SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.**

(a) IN GENERAL.—Subsection (a) of section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(2) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,''.

(b) AVAILABILITY OF FUNDS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''The President'' and inserting ''The Secretary of Defense''; and

(B) by striking ''the President'' and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(2) in paragraph (2)—

(A) by striking ''10 days after'' and inserting ''15 days before''; and

(B) by striking ''the President shall notify Congress'' and inserting ''the Secretary of Defense shall notify the congressional defense committees''.

**SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMPTROLLER GENERAL ASSESSMENT OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.**

Section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law

106–398; 114 Stat. 1654A–341) is amended by striking subsection (e).

**SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.**

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

## TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

**SEC. 1401. PURPOSE.**

The purpose of this title is to authorize supplemental appropriations for the Department of Defense for fiscal year 2006 for operations in Iraq, Afghanistan, and the global war on terrorism that are in addition to the amounts otherwise authorized to be appropriated for the Department of Defense by this Act.

**SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.**

Amounts appropriated pursuant to the authorizations of appropriations in this title are designated as an emergency requirement pursuant to section 402(b) of the conference report to accompany H. Con. Res. 95 (109th Congress).

**SEC. 1403. ARMY PROCUREMENT.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $70,300,000.

(2) For weapons and tracked combat vehicles, $27,800,000.

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

**SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

**SEC. 1405. AIR FORCE PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $104,700,000.

(2) For other procurement, $51,900,000.

**SEC. 1406. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,139,775,000, of which $200,000,000 may be made available for linguistic support operations in Iraq and Afghanistan.

(2) For the Navy, $1,944,300,000.

(3) For the Marine Corps, $1,808,231,000.

(4) For the Air Force, $2,635,555,000.

(5) For Defense-wide activities, $3,470,118,000.

(6) For the Naval Reserve, $2,400,000.

**SEC. 1407. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, the Defense Health Program, in the amount of $977,778,000, for operation and maintenance.

**SEC. 1408. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 in amounts as follows:

(1) For military personnel of the Army, $9,517,643,000.

(2) For military personnel of the Navy, $350,000,000.

(3) For military personnel of the Marine Corps, $811,771,000.

(4) For military personnel of the Air Force, $916,559,000.

**SEC. 1409. IRAQ FREEDOM FUND.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund in the amount of $3,880,270,000.

(b) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNT.—Of the amount authorized to be appropriated by subsection (a), not less than $500,000,000 shall be available only for support of activities of the Joint Improvised Explosive Device Task Force.

(c) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until 5 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

**SEC. 1410. TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) TRANSFER AUTHORIZED.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION ON AGGREGATE AMOUNT.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000.

(3) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) OTHER LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) NOTICE AND WAIT.—A transfer may be made under the authority of this section only after the Secretary—

(1) consults with the Chairmen and Ranking Members of each of the congressional defense committees with respect to such transfer; and

(2) on a date after consultation under paragraph (1), but not later than five days before the date of such transfer, submits to the congressional defense committees written notice of such transfer.

(d) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

Mr. WARNER. Mr. President, my understanding is that amendment 1955, as modified, is available to be brought up for consideration.

I now ask that the amendment be considered.

The PRESIDING OFFICER. The amendment is now pending.

Mr. WARNER. I ask for its consideration.

Mr. STEVENS. Mr. President, it is my understanding that the amendment that the Senator from Virginia, chairman of the Armed Services Committee, has offered is still the authorization bill from the Armed Services Committee, as modified.

May I inquire of the Senator, is that correct?

Mr. WARNER. Mr. President, that is correct.

Mr. STEVENS. Mr. President, that bill offered to this appropriations bill is a massive authorization bill offered as an amendment and, as such, it amounts to legislation on an appropriations bill.

Mr. WARNER. Mr. President, I am having some difficulty—because of the conversations taking place elsewhere in the Chamber—following the distinguished manager's remarks.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, as modified, this is still the authorization bill being offered to an appropriations bill. It amounts to legislation on an appropriations bill—a substantial authorization, I might add. I feel it is a violation of rule XVI. Therefore, as chairman of this subcommittee, I make a point of order that this amendment offered by the Senator from Virginia is subject to the provisions of rule XVI, and I make that point of order very plainly. I ask that it be ruled to be authorization on an appropriations bill.

Mr. WARNER. Mr. President, at this time, I insert the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. At this moment, there is not a sufficient second.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. FRIST. Mr. President, pending before the Senate is a nondebatable question as to whether the pending Warner amendment is germane. I now ask consent that this question be temporarily set aside to recur Wednesday evening at 7:30.

Mr. WARNER. Mr. President, reserving the right to object, I do not intend to object, but I wish to advise the Members of the Senate the RECORD will reflect tomorrow the colloquy and actions taken by the distinguished managers and myself which gave rise to this amendment.

The Parliamentarian ruled with regard to my amendment as follows: We, the Parliamentarians, have advised that there is sufficient——

Mr. STEVENS. Will the Senator permit me to interrupt? The Parliamentarian has not ruled. The Parliamentarian has stated and advised that you have the defense of germaneness.

Mr. WARNER. Mr. President, the Senator is right. I said the Parliamentarians have advised—that is as I have read it, in the Parliamentarian's handwriting—there is sufficient language in the House bill to permit Senator WARNER to assert the defense of germaneness with respect to his amendment numbered 1955.

I did just that. I have acted consistently, having been working with the Parliamentarian through much of the day as to how to develop this procedure. I followed the rules as I understood them and advised the Parliamentarian.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2863: the Department of Defense appropriations bill.

Bill Frist, Ted Stevens, Daniel Inouye, Mel Martinez, Mitch McConnell, Bob Bennett, George Allen, Chuck Hagel, Tom Coburn, Richard Burr, Lisa Murkowski, John Thune, Lamar Alexander, Richard Shelby, Jon Kyl, Jeff Sessions, Saxby Chambliss.

Mr. FRIST. Mr. President, the unanimous consent request was to temporarily set aside the pending Warner amendment, the determination of whether it is germane, until 7:30 tomorrow evening. What that means, practically speaking, now that we have filed cloture as well, is we will continue on the Department of Defense appropriations bill; amendments, as they are brought to the Senate, will be debated and considered over the course of tomorrow, throughout the day; that the first vote that will be taken—we are not going to be voting until tomorrow evening—is on the issue of the germaneness of the Warner amendment. There are likely to be—in fact, there will be—other votes stacked after that depending on what comes forward tomorrow. We have two other amendments pending as well.

The cloture motion has been filed. That cloture vote would be on—today is Tuesday, then comes Wednesday—Thursday morning, which will allow us to complete the Department of Defense appropriations bill this week, as we have said all along.

One of the reasons we filed cloture tonight is to allow the full Senate to decide how best to proceed and to move forward so the preferences of Senators can be heard, listened to, and we can bring to closure this particular bill.

Mr. President, I will simply turn to my distinguished colleague from Virginia to allow him to make any statement, but that is the understanding we have had among both the chairman and ranking member of the Department of Defense appropriations bill, the leadership on both sides, and the chairman of the authorizing amendment that has been offered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished leader. I thank him for working with me continuously on this matter in every way to try to get our bill up because the distinguished majority leader, as well as the Democratic leader and Senator LEVIN and others, thinks it is imperative, with this Nation at war, this bill be addressed in a timely manner by the Senate and hopefully passed. It contains so many provisions which are essential to the men and women of the Armed Forces.

I have continuously fought that battle and will continue to do so. I participated in the drafting of this UC in a manner that enables the Senate to continue its work tomorrow, although I could have objected throughout. I would not object to allowing the Senate to continue its business and the Appropriations Committee to work the bill as sent.

I also believe, as you have advised me, you will continue to work, as will the Democratic leader, to seek a UC by which the Defense authorization bill can be brought up as a freestanding measure, at a time agreed upon by the two leaders, with a certain description of provisions that enable us to bring it up and how that further work on the bill will be conducted and in what

timeframe. That is important to the two leaders. Hopefully, we can achieve that tomorrow. If we do, then I would take the appropriate parliamentary steps to remove from the appropriations bill these matters.

So I thank the two leaders and reiterate the essential nature of bringing this bill forward. I feel very strongly about it. And I thank my colleague from Alaska with whom I worked today. I am not suggesting—anyway, we worked it out, followed the rules, and that is it. I thank the leadership.

Mr. President, I yield the floor.

NOTICES OF INTENT

Mr. BIDEN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2863, the Department of Defense Appropriations Bill, the following amendment: Amendment no. 1999.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. LINCOLN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing of my intention to move to suspend paragraph 4 rule XVI for the purpose of proposing to the bill, H.R. 2863, the Defense Appropriations bill, the following amendment: No. 2025.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

## MORNING BUSINESS

## HONORING OUR ARMED FORCES

ARMY SPECIALIST ALLEN NOLAN

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army SP Allen Nolan, from Marietta, OH, who was severely injured in Balad, Iraq, while serving in Operation Iraqi Freedom. He died from his injuries on September 30, 2004, at the Brook Army Medical Center in Houston, Texas. He was 38 years old.

Throughout Allen's life, he touched countless people. His family and close friends describe his loyalty and devotion to his family, his community, his church, and his country. Allen's strong religious faith was central to him. As Pastor Ray Witmer III, of Faith Bible Church in Williamstown, OH, where Allen and his family were members, said this about Allen:

> The phrase that keeps coming to mind—words that Allen actually had said many times—is that he is a father, husband, son, soldier, and foremost, a Christian.

Allen Nolan was all of those things—and more. Robin Nolan described her brother-in-law as a ''strong family man who enjoyed hunting and fishing.'' She said that ''he was always willing to help out. When my husband was ill last winter, he was such a big help. He was a very, very good brother and father.''

Allen Nolan graduated from Warren High School and received an associate degree in business from Washington County Technical College. Later, he attended The Ohio State University and Ohio Valley College, where he earned a bachelor's degree in organizational management. He eventually went on to work for Broughton Foods in Marietta and Century 21 Realty.

Allen loved his family more than anything else in the world. He and his devoted wife, Gail, were the proud parents of five children—Roman, Kennan, Euanna, Bobby, and Frankie. Allen was a terrific father—caring, committed, and supportive of his young family. He protected Gail and his children as a husband and father—and also as a soldier.

Allen loved his country and felt a duty to protect it and make it a better place for his family. He served in the Army Reserves for seven years as a member of the 660th Transportation Company based out of Zanesville, Ohio. As one of the more experienced members of his unit, Allen took it upon himself to mentor the younger soldiers.

Dan Johnson, a close friend in his unit, described Allen as a ''completely selfless individual. He would drop anything to help someone. He talked about his family all the time. I feel very lucky that I had the chance to know him and to work with him.'' Johnson further emphasized, ''What I remember most about Allen is that he always had a 'can do' attitude. I never heard him complain or gripe about anything. We got to be close friends.''

SP Robert Lovell, who served with Allen since 1997, also cherished their friendship, saying the following:

> Allen was always the first to volunteer. He was deeply committed to his religion. What I miss most about Allen is that he was always there if you needed help or counsel. Allen was one of my best friends and has been since we first met.

BG Michael W. Beasley, commanding general of the 88th Regional Readiness Command, RRC, said that ''Allen was a wonderful soldier. He frequently volunteered for the most complex and difficult missions. He was also an excellent mentor and trainer of the younger soldiers.'' Other men in his company described how he would lead them in prayer before going out on a mission. They talked about how much comfort that gave them.

Not surprisingly, though just three months away from retiring from the Reserves when his unit was deployed to Iraq in February 2004, Allen did not hesitate to fulfill his duty. He and Gail both considered the war in Iraq an integral part of the war on terror. Allen believed he had a mission to carry out and was ready and willing to do whatever was necessary—whatever was needed.

Allen had been in Iraq 9 months, when he was scheduled to return home for 2 weeks on September 20, 2004. However, he was injured on September 18 when the fuel truck that he was driving north of Baghdad was struck by an improvised explosive device and came under a missile attack and a small arms fire. Allen was first evacuated to the 31st combat support hospital in Baghdad and then to Landstuhl Regional Medical Center in Germany. A burn team later transported him to Brook Army Medical Center in Texas, where he died on September 30, following a second surgery.

Thankfully, Allen was able to spend his last days and hours surrounded by loved ones. Gail and their oldest son, Roman, were able to be with him at the hospital. Gail's close friend, Karmen Lockhart, said that ''we knew so many people praying for Allen, but God didn't answer our prayers the way we wanted. But, I believe he answered Allen's prayers, not to take other soldiers, but to take him. I believe he gave his life so others could be saved.''

Pastor Witmer was also able to be with the Nolans at the Army hospital in Texas. Pastor Witmer said that ''Allen was sure of his eternity.'' His unshakable faith is what allowed him to give so generously of himself and make that ultimate sacrifice.

Young children often have a way of putting even the most tragic of events into perspective for us. After learning of his father's death, Allen and Gail's son Kennan, who was nine years old at the time, said this about his father: ''The Lord must have needed him more than I did.'' In those simple, selfless words, this little boy is saying so much. His father would be very proud.

Appropriately, Allen was remembered in a beautiful funeral service held at the Faith Bible Church, the center of his spiritual life. Nearly 500 people attended the service. Allen received five medals posthumously: The Purple Heart, the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, and the Good Conduct Medal. His medals were presented to Gail at his funeral, which included full military honors.

When I think about the life of Army SP Allen Nolan, I am reminded of something tennis great, Arthur Ashe, once said about what it means to be a hero. He said that ''true heroism is remarkably sober—very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost.'' That's Allen Nolan. He was a noble man willing to serve others—his family, his fellow soldiers, his country—at whatever cost. And for that, we will never forget him.

I know that Allen's family and friends will forever cherish the memory of their son, brother, husband, and father, whose love knew no bounds. They all remain in our thoughts and prayers.

ARMY CORPORAL KEVIN W. PRINCE

Mr. President, this afternoon I also wish to honor and to remember a fellow Ohioan and a brave soldier. Army CPL Kevin W. Prince, of Plain City, OH, was killed on April 23, 2005, when a homemade bomb detonated under his Humvee. Corporal Prince was on patrol in Iskandariyah, Iraq. At the time of his death, He was 22 years old.