

109TH CONGRESS
1ST SESSION

H. R. 1815

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. HUNTER (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2006”.

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

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

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

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

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

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

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for UH-60/MH-60 helicopters.
Sec. 112. Multiyear procurement authority for the Army Apache Modernized
Target Acquisition Designation Sight/Pilot Night Vision Sen-
sor.
Sec. 113. Multiyear procurement authority for Army Apache Block II Conver-
sion.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the USS Carl Vinson.
Sec. 122. Construction of the LHA replacement ship.
Sec. 123. Use of funds from the National Defense Sealift Fund to exercise pur-
chase options on maritime prepositioning ships.

Subtitle D—Air Force Programs

Sec. 131. Civil Reserve Air Fleet Expansion.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

- Sec. 311. Payment of certain private cleanup costs in connection with the defense environmental restoration program.
- Sec. 312. The environmental quality annual report.

Subtitle C—Workplace and Depot Issues

- Sec. 321. Retention of reimbursement for provision of reciprocal fire protection services.
- Sec. 322. Exceptions to prohibition on contracts for performance of firefighting or security-guard functions.
- Sec. 323. Fielding of ballistic missile defense capabilities.
- Sec. 324. Expansion of Fire protection services under reciprocal agreements.

Subtitle D—Other Matters

- Sec. 331. Termination of the National Security Education Trust Fund.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Elimination of frocking for officers above the grade of major general or rear admiral.
- Sec. 502. Authorized strength: general and flag officers on active duty.

Subtitle B—Reserve Component Personnel Matters

- Sec. 511. Eliminate limitation on amount of ROTC scholarship financial assistance.
- Sec. 512. Modifications to Reserve educational benefit for certain active service.
- Sec. 513. Revision of bonus for enlisted members to serve in the Ready Reserve.
- Sec. 514. Retention incentive for members of the Selected Reserve qualified in a critical military skill or unit.
- Sec. 515. Uniform authority for Reserve general officer age deferments.
- Sec. 516. Expanded use of Reserve component members to perform developmental and operational testing and new equipment training.

Subtitle C—Joint Officer Management and Professional Military Education

- Sec. 521. New mission statement and expanded eligibility for enlisted personnel at the naval postgraduate school.

Subtitle D—Military Service Academies

- Sec. 531. Pay Increase for permanent military professors at the United States Naval Academy with over 36 years of service.
- Sec. 532. Authority to retain permanent professors at the Naval Academy for more than thirty years.

Subtitle E—Other Education and Training Matters

- Sec. 541. Increase ROTC scholarship limit.
- Sec. 542. Clarification of restriction on compensation for correspondence courses.

Subtitle F—Military Justice Matters

- Sec. 551. Administrative sessions of courts-martial.
- Sec. 552. Unlimited period for prosecution of murder and rape; extended period for prosecution of child abuse cases in courts-martial.
- Sec. 553. Amending offense of rape under the Uniform Code of Military Justice; elimination of mistake of age defense in carnal knowledge of child cases.
- Sec. 554. Establishing the offense of stalking under the Uniform Code of Military Justice.
- Sec. 555. Amending offense of sodomy under the Uniform Code of Military Justice.

Subtitle G—Management and Administrative Matters

- Sec. 561. Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements.

Subtitle H—Other Matters

- Sec. 571. Uniform Enlistment practices of the armed forces.
- Sec. 572. Increase in percentage limits on reduction of time in grade requirements for retention of grade upon voluntary retirement.
- Sec. 573. Consolidating frocking limits.
- Sec. 574. Receipt of statutory selection board correspondence.
- Sec. 575. Military personnel demonstration projects.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Permanent authority for the supplemental subsistence allowance for low-income members with dependents.
- Sec. 602. Repeal of basic allowance for housing differential.
- Sec. 603. Revisions to pay and allowances considered for saved pay upon appointment as an officer.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Uniform payment of foreign language proficiency pay to Reserve component members and members on active duty.
- Sec. 612. Increase maximum amount of selective reenlistment bonus.
- Sec. 613. One-year extension of certain bonus and special pays for Reserve forces.
- Sec. 614. Flexible payment of assignment incentive pay.

- Sec. 615. Repayment of unearned portions of bonuses, special pays, and educational benefits.
- Sec. 616. Increase in maximum monthly rate authorized for hardship duty pay.

Subtitle C—Retired Pay

- Sec. 621. Prohibit court-ordered payments before retirement based on imputation of retired pay.

Subtitle D—Other Matters

- Sec. 631. Payment of expenses to obtain professional credentials.
- Sec. 632. Monthly disbursement to the states of state income tax voluntarily withheld from retired or retained pay.
- Sec. 633. Leave accrual for members assigned to a deployable ship or mobile unit or other duty.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Enhanced Benefits for Reserves

- Sec. 701. Correction to eligibility for health care pending active duty following commissioning.

Subtitle B—Other Benefits Improvements

- Sec. 711. Authority to relocate patient safety center; renaming MedTeams program.

Subtitle C—Planning, Programming, and Management

- Sec. 721. Modification of health care quality information and technology enhancement reporting requirement.

Subtitle D—Medical Readiness Tracking and Health Surveillance

- Sec. 731. Revision of requirements for physical examinations and certificates of physical condition for members of the Selected Reserve.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Joint warfighting science and technology plan.
- Sec. 802. Making the statutory executive compensation cap prospective from the date of the legislation.
- Sec. 803. Clarification of rapid acquisition authority to respond to combat emergencies.
- Sec. 804. Clarification of Buy American requirements.
- Sec. 805. Increase limitation on advance billing of working capital fund customers.
- Sec. 806. Procurement of supplies and services from exchange stores; raising dollar limitation.
- Sec. 807. Authorization to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.

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

- Sec. 811. Defense acquisition workforce improvements.
 Sec. 812. Procurement of perishable food for establishments outside of the United States.

Subtitle C—United States Defense Industrial Base Provisions

- Sec. 821. Revision of authority to dispose of certain materials in national defense stockpile.

Subtitle D—Extension of Temporary Program Authorities

- Sec. 831. Modification of equipment within five years of its retirement or disposal.
 Sec. 832. Amendment of authority to provide logistics support and services.

Subtitle E—Other Acquisition Matters

- Sec. 841. Procurement of ball and roller bearings.
 Sec. 842. Revitalization of Department of Defense laboratories.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Intelligence-Related Matters

- Sec. 901. Operational files of the Defense Intelligence Agency.
 Sec. 902. Defense counterintelligence polygraph program.

Subtitle B—Other Matters

- Sec. 911. Operational test and evaluation; expanding the eligibility criteria for the leadership of Department of Defense Test resource management center.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Repeal of requirement for separate budget request for procurement of Reserve equipment.
 Sec. 1002. Repeal of requirement for two-year budget cycle for the Department of Defense.
 Sec. 1003. Capture of all expired funds from the military personnel and operation and maintenance appropriation accounts for use in the foreign currency fluctuations account.
 Sec. 1004. Authority to use funds appropriated for active forces to support Reserve component forces notified of mobilization.
 Sec. 1005. Purchase and disposal of weapons overseas.
 Sec. 1006. Funding of Army multiple-component units.

Subtitle B—Counter-Drug Activities

- Sec. 1011. Department of Defense support for counter-drug activities.

Subtitle C—Reports

- Sec. 1021. Relief of requirement to submit annual reports to Congress regarding global strike.
- Sec. 1022. Repeal of Required reports on transfers from high-priority readiness appropriations.

Subtitle D—Defense Against Terrorism and Other Domestic Security Matters

- Sec. 1031. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.

Subtitle E—Personnel Security Matters

- Sec. 1041. Update of Internal Security Act of 1950.

Subtitle F—Transportation-Related Matters

- Sec. 1051. Transportation of family members incident to the repatriation of servicemembers or civilians held captive.
- Sec. 1052. Research, development, test and evaluation for transportation related programs.

Subtitle G—Other Matters

- Sec. 1061. Pilot program for the employment, use, and status of Reserve civilian mariners.
- Sec. 1062. Deletion of obsolete definitions in titles 10 and 32, United States Code.
- Sec. 1063. Reorganization of and technical corrections to real property provisions in title 10 without substantive change and clarification of authority relating to the Pentagon Reservation.
- Sec. 1064. Technical, clerical, and conforming amendments.
- Sec. 1065. Prohibit unauthorized wearing, manufacture, or sale of civilian medals or decorations.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Science, mathematics, and research for transformation (SMART) defense education program.
- Sec. 1102. Increased enrollment for certain defense industry civilians in the defense product development program.
- Sec. 1103. Priority placement of displaced civilian employees.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Related to Iraq, Afghanistan, and Global War on Terrorism

- Sec. 1201. Building the partnership security capacity of foreign military and security forces.
- Sec. 1202. Logistical support for foreign military forces.
- Sec. 1203. Reimbursement of Certain coalition countries for support provided to U.S. military operations.
- Sec. 1204. Security and stabilization assistance.

Subtitle B—Other Matters

- Sec. 1211. War reserves stockpile, allies, Korea: transfer of obsolete or surplus items and final termination of program.

- Sec. 1212. Department of Defense regional centers for security studies; acceptance of gifts and donations.
- Sec. 1213. Authority to Use appropriated funds for payment of all costs of attendance of foreign students under regional defense combating terrorism fellowship program.
- Sec. 1214. Humanitarian and civic assistance with respect to the detection and clearance of landmines and explosive remnants of war.
- Sec. 1215. Modification of the geographic restriction of bilateral or regional cooperation programs: payment of personnel expenses.
- Sec. 1216. Travel expenses support of coalition liaison officers.
- Sec. 1217. Humanitarian and civic assistance provided to host nations in conjunction with military operations.
- Sec. 1218. Expansion of humanitarian and civic assistance to include developing communications and information capacity.

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

- Sec. 1301. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union and elsewhere.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

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

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 2003 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 2002 projects.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Streamlining military construction to reduce facility acquisition and construction cycle time.

Sec. 2802. Purchase of build-to-lease family housing at Eielson Air Force Base, Alaska.

Sec. 2803. Repeal requirement to determine the availability of suitable alternative housing for acquisition in lieu of construction of new family housing.

Sec. 2804. Improvements at Fort Buchanan for Reserve component facilities.

Sec. 2805. Increase in number of high-cost leases for Army family housing in Korea.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Expand authority to convey property at military installations to support military construction.

Subtitle C—Other Matters

Sec. 2821. Streamlining real property actions to reduce cycle time.

1 **TITLE I—PROCUREMENT**
 2 **Subtitle A—Authorization of**
 3 **Appropriations**

4 **SEC. 101. ARMY.**

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

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

8 (2) For missiles, \$1,270,850,000.

1 (3) For weapons and tracked combat vehicles,
2 \$1,660,149,000.

3 (4) For ammunition, \$1,720,872,000.

4 (5) For other procurement, \$4,302,634,000.

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

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

9 (1) For aircraft, \$10,517,126,000.

10 (2) For weapons, including missiles and tor-
11 pedoes, \$2,707,841,000.

12 (3) For shipbuilding and conversion,
13 \$8,721,165,000.

14 (4) For other procurement, \$5,487,818,000.

15 (b) MARINE CORPS.—Funds are hereby authorized to
16 be appropriated for fiscal year 2006 for procurement for
17 the Marine Corps in the amount of \$1,377,705,000.

18 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
19 are hereby authorized to be appropriated for fiscal year
20 2006 for procurement of ammunition for the Navy and
21 Marine Corps in the amount of \$872,849,000.

22 **SEC. 103. AIR FORCE.**

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

- 1 (1) For aircraft, \$11,973,933,000.
2 (2) For ammunition, \$1,031,207,000.
3 (3) For missiles, \$5,490,287,000.
4 (4) For other procurement, \$14,002,689,000.

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2006 for Defense-wide procurement in the
8 amount of \$2,677,832,000.

9 **Subtitle B—Army Programs**

10 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
11 **60/MH-60 HELICOPTERS.**

12 The Secretary of the Army and the Secretary of the
13 Navy may, in accordance with section 2306b of title 10,
14 United States Code, enter into a multiyear contract, be-
15 ginning with the fiscal year 2006 program year, for pro-
16 curement of UH-60/MH-60 Helicopters.

17 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**
18 **ARMY APACHE MODERNIZED TARGET ACQUI-**
19 **SITION DESIGNATION SIGHT/PILOT NIGHT VI-**
20 **SION SENSOR.**

21 The Secretary of the Army may, in accordance with
22 section 2306b of title 10, United States Code, enter into
23 a multiyear contract, beginning with the fiscal year 2006
24 program year, for procurement of Apache Modernized

1 Target Acquisition Designation Sights/Pilot Night Vision
2 Sensors.

3 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
4 **ARMY APACHE BLOCK II CONVERSION.**

5 The Secretary of the Army may, in accordance with
6 section 2306b of title 10, United States Code, enter into
7 a multiyear contract, beginning with the fiscal year 2006
8 program year, for procurement of Apache Block II Con-
9 versions.

10 **Subtitle C—Navy Programs**

11 **SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE**
12 **USS CARL VINSON.**

13 (a) AMOUNT AUTHORIZED FROM THE SCN AC-
14 COUNT.—Of the amount authorized to be appropriated by
15 section 102(a)(3) for fiscal year 2006, \$1,493,563,000 is
16 available for the commencement of the nuclear refueling
17 and complex overhaul of the USS CARL VINSON (CVN
18 70). The amount available in the preceding sentence is the
19 first increment in the incremental funding planned for the
20 nuclear refueling and complex overhaul of that vessel.

21 (b) CONTRACT AUTHORITY.—The Secretary of the
22 Navy may enter into a contract during fiscal year 2006
23 for the nuclear refueling and complex overhaul of the USS
24 CARL VINSON.

1 make a payment under the contract for a fiscal year after
2 fiscal year 2006 is subject to the availability of appropria-
3 tions for that purpose for that later fiscal year.

4 **SEC. 123. USE OF FUNDS FROM THE NATIONAL DEFENSE**
5 **SEALIFT FUND TO EXERCISE PURCHASE OP-**
6 **TIONS ON MARITIME PREPOSITIONING**
7 **SHIPS.**

8 Notwithstanding the provisions of subsection (f)(1) of
9 section 2218 of title 10, United States Code, the Secretary
10 of Defense may obligate and expend any funds in the Na-
11 tional Defense Sealift Fund to exercise options under con-
12 tracts to purchase any or all Maritime Prepositioning Ship
13 vessels currently under charter to the Navy.

14 **Subtitle D—Air Force Programs**

15 **SEC. 131. CIVIL RESERVE AIR FLEET EXPANSION.**

16 (a) EXPANSION OF THE CIVIL RESERVE AIR
17 FLEET.—Chapter 931 of title 10, United States Code, is
18 amended by adding at the end the following new section:

19 **“§ 9515. Civil Reserve Air Fleet expansion using mili-**
20 **tary aircraft**

21 **“(a) SALE OR TRADE OF USED MILITARY AIRCRAFT**
22 **TO ENHANCE THE CIVIL RESERVE AIR FLEET.—(1) Not-**
23 **withstanding subchapter II of chapter 10 of title 40, if**
24 **the associated business case is certified by the Secretary**
25 **of Defense and the Director, Office of Management and**

1 Budget, the Secretary of the Air Force may sell or trade
2 military aircraft and aircraft parts previously procured by
3 the Department of Defense to a citizen of the United
4 States, including the original manufacturer, for the pur-
5 pose of expanding the capacity and usefulness of the Civil
6 Reserve Air Fleet.

7 “(2) Notwithstanding section 101 of the Defense
8 Production Act of 1950 (50 U.S.C. App. 2071), aircraft
9 sold under paragraph (1) and operated by a citizen of the
10 United States shall be committed to the Civil Reserve Air
11 Fleet for use by the Department of Defense as needed dur-
12 ing activation of the Civil Reserve Air Fleet unless the
13 aircraft is released from that use by the Secretary of De-
14 fense.

15 “(b) PROCEEDS FROM SALE OR TRADE.—The Sec-
16 retary of the Air Force may apply the proceeds associated
17 with the sale under subsection (a) in whole or in part to-
18 ward the aircraft procurement account associated with
19 mobility aircraft. Proceeds associated with a trade under
20 subsection (a) may be credited against the full funding
21 budget year associated with the procurement contract for
22 the replacement aircraft or aircraft parts, independent of
23 the delivery date of the traded aircraft. Proceeds shall only
24 be applied to programs authorized under law.

1 “(c) Aircraft Type Certification.—(1) Aircraft that
2 were—

3 “(A) designed and constructed in the United
4 States;

5 “(B) accepted for operational use by an armed
6 force of the United States; and

7 “(C) sold under subsection (a), without being
8 declared surplus, for use as civil aircraft,
9 meet the eligibility requirements for Type Certification in
10 accordance with section 21.27(a) of title 14, Code of Fed-
11 eral Regulations.

12 “(2) With respect to an aircraft sold under the au-
13 thority of subsection (a), nothing in this section may be
14 construed to waive any requirement for the purchaser to
15 obtain a certificate from the Federal Aviation Adminis-
16 trator to operate the aircraft.

17 “(d) ADDITIONAL CONDITIONS.—(1) The Secretary
18 of the Air Force shall establish a fair and reasonable value
19 for aircraft sold under subsection (a). The Secretary may
20 establish terms and conditions as the Secretary considers
21 appropriate to protect the interests of the United States.

22 “(2) With respect to an aircraft sold under the au-
23 thority of subsection (a), nothing in this section may be
24 construed to waive any requirement for the purchaser to
25 obtain an export license in accordance with sections 38–

1 40 of the Arms Export Control Act (22 U.S.C. 2778,
2 2779–2780).”.

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

“9515. Civil Reserve Air Fleet expansion using military aircraft.”.

6 **TITLE II—RESEARCH, DEVELOP-**
7 **MENT, TEST, AND EVALUA-**
8 **TION**

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

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

13 (1) For the Army, \$9,733,824,000.

14 (2) For the Navy, \$18,037,991,000.

15 (3) For the Air Force, \$22,612,351,000.

16 (4) For Defense-wide activities,
17 \$18,971,874,000, of which \$168,458,000 is author-
18 ized for the Director of Operational Test and Eval-
19 uation.

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

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

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

11 (1) For the Army, \$25,316,595,000.

12 (2) For the Navy, \$30,759,889,000.

13 (3) For the Marine Corps, \$3,804,926,000.

14 (4) For the Air Force, \$31,521,136,000.

15 (5) For the Defense-wide activities,
16 \$18,453,469,000.

17 (6) For the Army Reserve, \$1,987,382,000.

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

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

21 (9) For the Air Force Reserve, \$2,501,686,000.

22 (10) For the Army National Guard,
23 \$4,509,719,000.

24 (11) For the Air National Guard,
25 \$4,724,091,000.

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

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

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

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

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

11 (17) For Environmental Restoration, Formerly
12 Used Defense Sites, \$221,921,000.

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

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

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

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

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

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

3 (2) For the National Defense Sealift Fund,
4 \$1,648,504,000.

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

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

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

11 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
12 by authorized to be appropriated for the Department of
13 Defense for fiscal year 2006 for expenses, not otherwise
14 provided for, for the Defense Health Program, in the
15 amount of \$19,791,612,000, of which—

16 (1) \$19,247,137,000 is for Operation and
17 Maintenance;

18 (2) \$169,156,000 is for Research, Development,
19 Test, and Evaluation; and

20 (3) \$375,319,000 is for Procurement.

21 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-
22 TION.—(1) Funds are hereby authorized to be appro-
23 priated for the Department of Defense for fiscal year 2006
24 for expenses, not otherwise provided for, for Chemical

1 Agents and Munitions Destruction, \$1,405,827,000, of
2 which—

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

5 (B) \$47,786,000 is for Research, Development,
6 Test, and Evaluation; and

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

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

10 (A) the destruction of lethal chemical agents
11 and munitions in accordance with section 1412 of
12 the Department of Defense Authorization Act, 1986
13 (50 U.S.C. 1521); and

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

17 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
18 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
19 to be appropriated for the Department of Defense for fis-
20 cal year 2006 for expenses, not otherwise provided for, for
21 Drug Interdiction and Counter-Drug Activities, Defense-
22 wide, \$895,741,000.

23 (d) Defense Inspector General.—Funds are hereby
24 authorized to be appropriated for the Department of De-
25 fense for fiscal year 2006 for expenses, not otherwise pro-

1 vided for, for the Office of the Inspector General of the
2 Department of Defense, \$209,687,000, of which—

3 (1) \$208,687,000 is for Operation and Mainte-
4 nance; and

5 (2) \$1,000,000 is for Procurement.

6 **Subtitle B—Environmental** 7 **Provisions**

8 **SEC. 311. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS** 9 **IN CONNECTION WITH THE DEFENSE ENVI-** 10 **RONMENTAL RESTORATION PROGRAM.**

11 (a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE
12 PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL RE-
13 MEDIAL ACTION.—Section 2701(d) of title 10, United
14 States Code, is amended—

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

18 (2) in paragraph (3)—

19 (A) by striking “An agreement” and in-
20 serting “(A) An agreement”; and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(B) An agreement under paragraph (1)
24 may not change the cleanup standards applica-
25 ble to the site as established by law.”; and

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

3 “(C) The term ‘owner of covenant prop-
4 erty’ means an owner of property subject to a
5 covenant provided by the United States in ac-
6 cordance with the requirements of section
7 120(h)(3) and (4) of CERCLA (42 U.S.C.
8 9620(h)(3) and (4)): *Provided, however,* That
9 the covenant property is also the site of the
10 services to be performed.”.

11 (b) SOURCE OF FUNDS FOR FORMER BRAC PROP-
12 erty SUBJECT TO COVENANT FOR ADDITIONAL REME-
13 dial ACTION.—Section 2703 of such title is amended—

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

17 (2) by adding at the end the following new sub-
18 section:

19 “(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL
20 REMEDIATION AT CERTAIN BASE REALIGNMENT AND
21 CLOSURE SITES.—In the case of property disposed of pur-
22 suant to a base closure law and subject to a covenant de-
23 scribed in section 2701(d)(4)(C) of this title, the sole
24 source of funds for services under subsection 2701(d)(1)

1 shall be the base closure account established under the ap-
2 plicable base closure law.”.

3 **SEC. 312. THE ENVIRONMENTAL QUALITY ANNUAL RE-**
4 **PORT.**

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

7 (1) by striking subparagraphs (D), (E), and
8 (F); and

9 (2) by inserting after subparagraph (C) the fol-
10 lowing new subparagraph (D):

11 “(D) A statement of the amounts ex-
12 pended, and anticipated to be expended, during
13 the period covered by the report for any activi-
14 ties overseas related to the environment, includ-
15 ing amounts for activities relating to environ-
16 mental remediation, compliance, conservation,
17 and pollution prevention.”.

18 **Subtitle C—Workplace and Depot**
19 **Issues**

20 **SEC. 321. RETENTION OF REIMBURSEMENT FOR PROVI-**
21 **SION OF RECIPROCAL FIRE PROTECTION**
22 **SERVICES.**

23 Section 5 of the Act of May 27, 1955 (chapter 105;
24 69 Stat. 67; 42 U.S.C. 1856d) is amended—

25 (1) by inserting “(a)” after “SEC. 5.”; and

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

3 “(b) Notwithstanding the provisions of sub-
4 section (a), all sums received by any Department of
5 Defense activity for fire protection rendered pursu-
6 ant to this Act shall be credited to the appropria-
7 tion, fund, or account from which the expenses were
8 paid. Amounts so credited shall be merged with
9 funds in such appropriation, fund, or account and
10 shall be available for the same purposes and subject
11 to the same limitations as the funds with which
12 merged.”.

13 **SEC. 322. EXCEPTIONS TO PROHIBITION ON CONTRACTS**
14 **FOR PERFORMANCE OF FIREFIGHTING OR**
15 **SECURITY-GUARD FUNCTIONS.**

16 Section 2465(b) of title 10, United States Code, is
17 amended by adding at the end the following new para-
18 graphs:

19 “(5) A contract for the performance of security-
20 guard functions that the Secretary of Defense deter-
21 mines are, or otherwise would be, performed by
22 members of the armed forces.

23 “(6) A contract to be carried out at a closed
24 military installation or facility.”.

1 **SEC. 323. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
 2 **BILITIES.**

3 (a) **AUTHORITY.**—Funds described in subsection (b)
 4 may, upon approval by the Secretary of Defense, be used
 5 for the development and fielding of ballistic missile defense
 6 capabilities.

7 (b) **COVERED FUNDS.**—Subsection (a) applies to
 8 funds appropriated for fiscal year 2006 or fiscal year 2007
 9 for research, development, test, and evaluation for the
 10 Missile Defense Agency.

11 **SEC. 324. EXPANSION OF FIRE PROTECTION SERVICES**
 12 **UNDER RECIPROCAL AGREEMENTS.**

13 Section (b) of the Act of May 27, 1955 (chapter 105;
 14 69 Stat. 66; 42 U.S.C. 1856(b)), is amended by inserting
 15 after “and fire fighting” the following: “as well as emer-
 16 gency services including, but not limited to, basic and ad-
 17 vanced life support, hazardous material containment and
 18 confinement, and special rescue events involving vehicular
 19 and water mishaps, and trench, building and confined
 20 space extractions”.

21 **Subtitle D—Other Matters**

22 **SEC. 331. TERMINATION OF THE NATIONAL SECURITY EDU-**
 23 **CATION TRUST FUND.**

24 (a) **TERMINATION OF FUND.**—Not later than 90 days
 25 after the date of enactment of this Act, the Secretary of
 26 Defense shall—

1 (1) close the National Security Education Trust
2 Fund established under section 804 of the David L.
3 Boren National Security Education Act of 1991
4 (Public Law 102–183; 50 U.S.C. 1904); and

5 (2) transfer the amounts in the closed fund to
6 the currently available appropriation for the Depart-
7 ment of Defense under the heading “Operation and
8 Maintenance—Defense Wide” for use as specified in
9 section 805(d) of such Act (50 U.S.C. 1905(d)) (as
10 amended by subsection (b)(2) of this section).

11 (b) CONFORMING AMENDMENTS AND REPEALS.—
12 Title VIII of such Public Law 102–183 is amended—

13 (1) in section 802(2) (50 U.S.C. 1902(a)(2)),
14 by striking “for obligation out of the National Secu-
15 rity Education Trust Fund”;

16 (2) by amending section 805(d) (50 U.S.C.
17 1905(d)) to read as follows:

18 “(d) NECESSARY EXPENDITURES.—Expenditures
19 necessary for awarding scholarships, fellowships, and
20 grants in accordance with the provisions of this title and
21 for properly allocable costs of the Federal Government for
22 the administration of the program under this title shall
23 be paid from funds available for the Operation and Main-
24 tenance of the Department of Defense.”;

1 (3) in section 808 (50 U.S.C. 1908), by striking
2 clause (2); and

3 (4) by repealing sections 809 and 810 (50
4 U.S.C. 1909 and 1910).

5 **TITLE IV—MILITARY**
6 **PERSONNEL AUTHORIZATIONS**

7 **Subtitle A—Active Forces**

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

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

11 (1) The Army, 482,400.

12 (2) The Navy, 352,700.

13 (3) The Marine Corps, 175,000.

14 (4) The Air Force, 357,400.

15 **Subtitle B—Reserve Forces**

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

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

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

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

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

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

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

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

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

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

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

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

18 Whenever such units or such individual members are re-
19 leased from active duty during any fiscal year, the end
20 strength prescribed for such fiscal year for the Selected
21 Reserve of such reserve component shall be increased pro-
22 portionately by the total authorized strengths of such
23 units and by the total number of such individual members.

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

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2006, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United
11 States, 27,345.

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

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

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

15 (5) The Air National Guard of the United
16 States, 13,089.

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

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

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

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

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

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

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

6 **SEC. 414. FISCAL YEAR 2006 LIMITATION ON NUMBER OF**
7 **NON-DUAL STATUS TECHNICIANS.**

8 (a) LIMITATIONS.—(1) Within the limitation pro-
9 vided in section 10217(c)(2) of title 10, United States
10 Code, the number of non-dual status technicians employed
11 by the National Guard as of September 30, 2006, may
12 not exceed the following:

13 (A) For the Army National Guard of the
14 United States, 1,600.

15 (B) For the Air National Guard of the United
16 States, 350.

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

20 (3) The number of non-dual status technicians em-
21 ployed by the Air Force Reserve as of September 30,
22 2006, may not exceed 90.

23 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
24 this section, the term “non-dual status technician” has the

1 meaning given that term in section 10217(a) of title 10,
2 United States Code.

3 **TITLE V—MILITARY PERSONNEL**
4 **POLICY**
5 **Subtitle A—Officer Personnel**
6 **Policy**

7 **SEC. 501. ELIMINATION OF FROCKING FOR OFFICERS**
8 **ABOVE THE GRADE OF MAJOR GENERAL OR**
9 **REAR ADMIRAL.**

10 (a) PROHIBITION AGAINST FROCKING.—Section
11 777(a) of title 10, United States Code, is amended—

12 (1) by striking “AUTHORITY.—An officer” and
13 inserting “AUTHORITY.—(1) Except as provided in
14 paragraph (2), an officer”; and

15 (2) by adding at the end the following new
16 paragraph:

17 “(2) No officer may be frocked to a grade above
18 the grade of major general or, in the case of an offi-
19 cer of the Navy, rear admiral.”.

20 (b) OFFICERS EXCLUDED FROM GRADE DISTRIBUTION
21 CALCULATIONS.—Section 525(d) of such title is
22 amended to read as follows:

23 “(d) An officer continuing to hold the grade of gen-
24 eral, admiral, lieutenant general, or vice admiral under

1 paragraph (2), (3), or (4) of section 601(b) shall not be
2 counted for purposes of this section.”.

3 (c) APPOINTMENTS TO POSITIONS OF IMPORTANCE
4 AND RESPONSIBILITY.—Section 601 of such title is
5 amended—

6 (1) in subsection (a), by inserting after the
7 third sentence the following new sentence: “An offi-
8 cer assigned to a position of importance and respon-
9 sibility under this section shall be promoted to the
10 grade specified for that position on the date he be-
11 gins serving in that position.”;

12 (2) in subsection (b), by inserting before the
13 semicolon at the end of paragraph (2) the following:
14 “, except that the period authorized for transition to
15 the second position may not exceed 30 days unless
16 a longer period is required by military necessity as
17 determined by the Secretary of Defense or his des-
18 ignee after consultation with the Chairman or Vice
19 Chairman of the Joint Chiefs of Staff”; and

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

22 “(e) If the Secretary of Defense approves a transition
23 period of more than 30 days under subsection (b)(2), the
24 Secretary shall notify the Committee on Armed Services
25 of the Senate and the Committee on Armed Services of

1 the House of Representatives of his decision at the same
2 time that he notifies the Secretary concerned. If a transi-
3 tion period exceeds 30 days without the approval of the
4 Secretary of Defense or his designee, the officer moving
5 to a new position shall revert to his permanent grade effec-
6 tive on the thirty-first day after leaving a position des-
7 igned under subsection (a).”.

8 **SEC. 502. AUTHORIZED STRENGTH: GENERAL AND FLAG**
9 **OFFICERS ON ACTIVE DUTY.**

10 Section 526(b)(2)(A) of title 10, United States Code,
11 is amended to read as follows:

12 “(A) The Chairman of the Joint Chiefs of Staff may
13 designate up to 11 general and flag officer positions on
14 the staffs of the commanders of the combatant commands,
15 and the Joint Staff, as positions to be held only by reserve
16 component officers who are in a general or flag officer
17 grade below lieutenant general or vice admiral. Each posi-
18 tion so designated shall be considered to be a joint duty
19 assignment position for purposes of chapter 38 of this
20 title.”.

1 **Subtitle B—Reserve Component**
2 **Personnel Matters**

3 **SEC. 511. ELIMINATE LIMITATION ON AMOUNT OF ROTC**
4 **SCHOLARSHIP FINANCIAL ASSISTANCE.**

5 (a) IN GENERAL.—Section 2107(c) of title 10,
6 United States Code, is amended—

7 (1) by striking paragraph (4); and

8 (2) in paragraph (5)(B), by striking “, (3), or
9 (4)” and inserting “or (3)”.

10 (b) ARMY RESERVE OR ARMY NATIONAL GUARD.—
11 Section 2107a(c) of such title is amended by striking para-
12 graph (3).

13 **SEC. 512. MODIFICATIONS TO RESERVE EDUCATIONAL**
14 **BENEFIT FOR CERTAIN ACTIVE SERVICE.**

15 (a) ELIGIBILITY CRITERIA.—Section 16163(a) of
16 title 10, United States Code, is amended by striking “On
17 or after September 11, 2001, a member of a reserve com-
18 ponent” and inserting “A member of a reserve component
19 who commenced active service described in paragraphs (1)
20 or (2) on or after September 11, 2001”.

21 (b) ELECTION OF BENEFIT.—Subsection (e) of such
22 section is amended by striking “Secretary concerned” and
23 inserting “Secretary of Veterans Affairs”.

24 (c) EXCEPTION TO IMMEDIATE TERMINATION OF AS-
25 SISTANCE.—Section 16165 of such title is amended—

1 (1) by striking “Educational assistance” and
2 inserting “(a) Except as provided in subsection (b),
3 educational assistance”; and

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

6 “(b) Under regulations prescribed by the Secretary
7 of Defense, educational assistance may be provided under
8 this chapter to a member of the Selected Reserve when
9 the member incurs a break in service in the Selected Re-
10 serve of not more than 90 days, provided the member con-
11 tinues to serve in the Ready Reserve.”.

12 **SEC. 513. REVISION OF BONUS FOR ENLISTED MEMBERS TO**
13 **SERVE IN THE SELECTED RESERVE.**

14 (a) IN GENERAL.—Section 308c of title 37, United
15 States Code, is amended to read as follows:

16 **“§ 308c. Special pay: bonus for affiliation or enlist-**
17 **ment in the Selected Reserve**

18 “(a) BONUS AUTHORIZATION.—Under regulations
19 prescribed by the Secretary of Defense, the Secretary con-
20 cerned may pay—

21 “(1) an affiliation bonus to an enlisted member
22 of an armed force who has completed fewer than 20
23 total years of military service and executes a written
24 agreement to serve in the Selected Reserve of a re-
25 serve component for a period of not less than three

1 years in a skill, unit or pay grade designated under
2 subsection (b) after being discharged or released
3 from active duty under honorable conditions; and

4 “(2) an accession bonus to a person who has
5 not previously served in the armed forces and who
6 executes a written agreement to serve as an enlisted
7 member in the Selected Reserve of a reserve compo-
8 nent for a period of not less than three years, upon
9 acceptance of the agreement by the Secretary con-
10 cerned.

11 “(b) DESIGNATION OF CRITICAL SHORTAGES.—The
12 Secretary concerned shall designate the critical skills,
13 units and pay grade shortages for the purposes of sub-
14 section (a)(1).

15 “(c) LIMITATION ON AMOUNT OF BONUS.—The
16 amount of a bonus under subsection (a) may not exceed
17 \$10,000.

18 “(d) PAYMENT METHOD.—Upon acceptance of a
19 written agreement by the Secretary concerned, the total
20 amount of the bonus payable under the agreement be-
21 comes fixed. The agreement shall specify whether the
22 bonus shall be paid by the Secretary in a lump sum or
23 in installments.

24 “(e) REPAYMENT FOR FAILURE TO COMMENCE OR
25 COMPLETE OBLIGATED SERVICE.—(1) An individual who,

1 after receiving all or part of the bonus under an agreement
2 referred to in subsection (a), does not commence to serve
3 in the Selected Reserve or does not satisfactorily partici-
4 pate in the Selected Reserve for the total period of service
5 specified in the agreement shall repay to the United States
6 such compensation or benefit, except under conditions es-
7 tablished by the Secretary concerned.

8 “(2) The Secretary concerned shall set forth whether
9 repayment is required in whole or in part, the method for
10 computing the amount of the repayment, and the condi-
11 tions under which an exception to the required repayment
12 would apply.

13 “(3) An obligation to repay the United States im-
14 posed under paragraph (1) is for all purposes a debt owed
15 to the United States. A discharge in bankruptcy under
16 title 11 that is entered less than five years after the termi-
17 nation of an agreement entered into under subsection (a)
18 does not discharge the individual signing the agreement
19 from a debt arising under such agreement or under para-
20 graph (1).

21 “(f) CONTINUED ENTITLEMENT TO BONUS PAY-
22 MENTS.—A member entitled to a bonus under this section
23 who is called or ordered to active duty shall be paid, dur-
24 ing that period of active duty, any amount of the bonus

1 that becomes payable to the member during that period
2 of active duty.

3 “(g) TERMINATION OF BONUS AUTHORITY.—No
4 bonus may be paid under this section with respect to any
5 agreement, reenlistment, or voluntary extension of an en-
6 listment, in the armed forces entered into after December
7 31, 2006.”.

8 (b) CLERICAL AND CONFORMING AMENDMENTS.—
9 (1) Section 308e of such title is repealed.

10 (2) The table of sections at the beginning of chapter
11 5 of such title is amended—

12 (A) by striking the item relating to section 308c
13 and inserting the following new item:

“308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.”;

14 and

15 (B) by striking the item relating to section
16 308e.

17 **SEC. 514. RETENTION INCENTIVE FOR MEMBERS OF THE**
18 **SELECTED RESERVE QUALIFIED IN A CRIT-**
19 **ICAL MILITARY SKILL OR UNIT.**

20 (a) BONUS AUTHORITY.—Chapter 5 of title 37,
21 United States Code, is amended by inserting after section
22 308j the following new section:

1 **“§ 308k. Special pay: retention incentive for members**
2 **of the Selected Reserve qualified in a**
3 **critical military skill or unit**

4 “(a) RETENTION BONUS AUTHORIZED.—An eligible
5 officer or enlisted member of the armed forces may be paid
6 a retention bonus as provided in this section if—

7 “(1) in the case of an officer or warrant officer,
8 the member executes a written agreement to remain
9 in the Selected Reserve for at least two years;

10 “(2) in the case of an enlisted member, the
11 member reenlists or voluntarily extends the mem-
12 ber’s enlistment in the Selected Reserve for a period
13 of at least two years; or

14 “(3) in the case of an enlisted member serving
15 on an indefinite reenlistment, the member executes
16 a written agreement to remain in the Selected Re-
17 serve for at least two years.

18 “(b) ELIGIBILITY REQUIREMENTS.—An officer or
19 enlisted member is eligible for a retention bonus under this
20 section if the member—

21 “(1) is qualified in a designated critical military
22 skill or unit; or

23 “(2) agrees to train or retrain in a specialty
24 skill designated as critical.

25 “(c) DESIGNATION OF CRITICAL SHORTAGES.—The
26 Secretary of Defense, or the Secretary of Homeland Secu-

1 rity with respect to the Coast Guard when it is not oper-
2 ating as a service in the Navy, shall designate the critical
3 skills and units for the purposes of subsection (b).

4 “(d) CERTAIN MEMBERS INELIGIBLE.—A retention
5 bonus may not be provided under subsection (a) to a mem-
6 ber of the armed forces who—

7 “(1) has completed more than 25 years of
8 qualifying service under section 12732 of title 10; or

9 “(2) will complete the member’s twenty-fifth
10 year of qualifying service under section 12732 of
11 title 10 before the end of the period of service for
12 which the bonus is being offered.

13 “(e) PAYMENT METHODS.—(1) A bonus under this
14 section may be paid in a single lump sum or in periodic
15 installments.

16 (2) In the case of a member who agrees to train or
17 retrain in a specialty skill designated as critical under sub-
18 section (b)(2), no payment may be made until the member
19 successfully completes the training or retraining and is
20 qualified in the skill.

21 “(f) MAXIMUM BONUS AMOUNT.—A member may
22 enter into an agreement under this section, or reenlist or
23 voluntarily extend the member’s enlistment, more than
24 once to receive a bonus under this section. However, a

1 member may not receive a total of more than \$100,000
2 in payments under this section.

3 “(g) RELATIONSHIP TO OTHER INCENTIVES.—A re-
4 tention bonus paid under this section is in addition to any
5 other pay and allowances to which a member is entitled.

6 “(h) REPAYMENT FOR FAILURE TO COMMENCE OR
7 COMPLETE OBLIGATED SERVICE.—(1) An individual who,
8 after receiving all or part of the bonus under an agreement
9 referred to in subsection (a), does not commence to serve
10 in the Selected Reserve or does not satisfactorily partici-
11 pate in the Selected Reserve for the total period of service
12 specified in the agreement shall repay to the United States
13 such compensation or benefit, except under conditions es-
14 tablished by the Secretary concerned.

15 “(2) The Secretary concerned shall set forth whether
16 repayment is required in whole or in part, the method for
17 computing the amount of the repayment, and the condi-
18 tions under which an exception to the required repayment
19 would apply.

20 “(3) An obligation to repay the United States im-
21 posed under paragraph (1) is for all purposes a debt owed
22 to the United States. A discharge in bankruptcy under
23 title 11 that is entered less than five years after the termi-
24 nation of an agreement entered into under subsection (a)
25 does not discharge the individual signing the agreement

1 from a debt arising under such agreement or under para-
2 graph (1).

3 “(i) REGULATIONS.—This section shall be adminis-
4 tered under regulations prescribed by the Secretary of De-
5 fense for the armed forces under his jurisdiction and by
6 the Secretary of Homeland Security for the Coast Guard
7 when it is not operating as a service in the Navy.

8 “(j) TERMINATION OF BONUS AUTHORITY.—No
9 bonus may be paid under this section with respect to any
10 agreement, reenlistment, or voluntary extension of an en-
11 listment in the armed forces entered into after December
12 31, 2006, and no agreement under this section may be
13 entered into after that date.”.

14 (b) CONFORMING AND CLERICAL AMENDMENTS.—

15 (1) Sections 308d and 308h of such title are repealed.

16 (2) The table of sections at the beginning of chapter
17 5 of such title is amended—

18 (A) by striking the items relating to sections
19 308d and 308h; and

20 (B) by inserting after the item relating to sec-
21 tion 308j the following new item:

“308k. Special pay: retention incentive for members of the Selected Reserve
qualified in a critical military skill.”.

1 **SEC. 515. UNIFORM AUTHORITY FOR RESERVE GENERAL**
2 **OFFICER AGE DEFERMENTS.**

3 (a) IN GENERAL.—Section 14512 of title 10, United
4 States Code, is amended—

5 (1) by striking paragraph (a); and

6 (2) in paragraph (b)—

7 (A) by striking “(b) NAVY AND MARINE
8 CORPS.—”;

9 (B) by striking “Secretary of the Navy”
10 and inserting “Secretary concerned”;

11 (C) by striking “Marine Corps” in the first
12 sentence and inserting “Marine Corps, Army or
13 Air Force”; and

14 (D) by amending the second sentence to
15 read as follows: “The Secretary concerned may
16 not defer more than 10 officers at any one
17 time.”.

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

20 **“§ 14512. Separation at age 64”.**

21 (2) The table of sections at the beginning of chapter
22 1407 of such title is amended by striking the item relating
23 to section 14512 and inserting the following new item:

“14512. Separation at age 64.”.

1 **SEC. 516. EXPANDED USE OF RESERVE COMPONENT MEM-**
2 **BERS TO PERFORM DEVELOPMENTAL AND**
3 **OPERATIONAL TESTING AND NEW EQUIP-**
4 **MENT TRAINING.**

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

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

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

19 (B) the use of appropriations available for
20 multi-year research, development, testing and eval-
21 uation and procurement to reimburse reserve compo-
22 nents for the pay, allowances, and expenses incurred
23 when such members perform duties to conduct ac-
24 quisition, logistics, and new equipment training ac-
25 tivities in connection with the demonstration pro-
26 gram.

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

4 (c) LIMITATION ON AMOUNT.—Not more than
5 \$10,000,000 may be transferred under this section during
6 each year of the demonstration program.

7 (d) MERGER OF TRANSFERRED FUNDS.—Funds
8 transferred to an account under this section shall be
9 merged with other sums in the account and shall be avail-
10 able for the same period and purposes as the sums with
11 which merged.

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

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

17 **Subtitle C—Joint Officer Manage-**
18 **ment and Professional Military**
19 **Education**

20 **SEC. 521. NEW MISSION STATEMENT AND EXPANDED ELIGI-**
21 **BILITY FOR ENLISTED PERSONNEL AT THE**
22 **NAVAL POSTGRADUATE SCHOOL.**

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

1 **§ 7041. Function**

2 “There is a United States Naval Postgraduate School
3 that provides advanced instruction, and technical and pro-
4 fessional education to commissioned officers of the naval
5 service to enhance combat effectiveness and our national
6 security.”.

7 (2) Paragraph (1) of section 7042(b) of such title is
8 amended by striking “advanced instruction and technical
9 education” and inserting “advanced instruction, and tech-
10 nical and professional education”.

11 (b) EXPANDED ELIGIBILITY FOR ENLISTED PER-
12 SONNEL.—Paragraph (2) of section 7045(a) of such title
13 is amended—

14 (1) by redesignating subparagraph (C) as sub-
15 paragraph (D);

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

18 “(C) The Secretary may permit an eligible
19 member of the armed forces to receive instruc-
20 tion from the Postgraduate School in certificate
21 programs and courses required for the perform-
22 ance of their duties.”; and

23 (3) in subparagraph (D), as redesignated by
24 paragraph (1), by striking “(A) and (B)” and insert-
25 ing “(A) through (C)”.

1 (c) REIMBURSEMENT OF COSTS.—Paragraph (2) of
2 section 7045(b) of such title is amended by striking
3 “(a)(2)(C)” and inserting “(a)(2)(D)”.

4 (d) GRADUATE DEGREE PILOT PROGRAM.—(1)
5 Chapter 605 of such title is amended by adding at the
6 end the following new section:

7 **“§ 7050. Graduate degree pilot program for en-**
8 **listed members**

9 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
10 of the Navy may establish a pilot program to assess
11 whether graduate degrees can increase the proficiency of
12 enlisted members in selected operational, staff and head-
13 quarters level positions.

14 “(b) ADMISSION.—The Secretary may permit eligible
15 enlisted members to receive graduate level instruction at
16 the Naval Postgraduate School on a space-available basis
17 in programs leading to a master’s degree in technical, ana-
18 lytical, and engineering curricula.

19 “(c) ELIGIBILITY.—(1) No more than ten eligible en-
20 listed members may be admitted under this program in
21 an academic year.

22 “(2) To be eligible for instruction under this section,
23 the enlisted member must have been awarded a bacca-
24 laurate degree by an institution of higher education.

1 “(d) AWARD OF A MASTER’S DEGREE.—Upon suc-
 2 cessful completion of the course of instruction in which
 3 the enlisted member was enrolled, the member may be
 4 awarded a master’s degree under section 7048 of this title.

5 “(e) EVALUATION OF PROGRAM.—Before the start of
 6 the seventh academic year of instruction, the Secretary
 7 shall evaluate the effectiveness of the program.

8 “(f) EXPIRATION DATE.—No new participants may
 9 be enrolled in this program after the conclusion of the sev-
 10 enth academic year of instruction.”.

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

“7050. Graduate degree pilot program for enlisted members.”.

14 **Subtitle D—Military Service**
 15 **Academies**

16 **SEC. 531. PAY INCREASE FOR PERMANENT MILITARY PRO-**
 17 **FESSORS AT THE UNITED STATES NAVAL**
 18 **ACADEMY WITH OVER 36 YEARS OF SERVICE.**

19 Section 203(b) of title 37, United States Code, is
 20 amended by striking “at the United States Military Acad-
 21 emy or the United States Air Force Academy” and insert-
 22 ing “at the United States Military Academy, the United
 23 States Air Force Academy or the United States Naval
 24 Academy,”.

1 **SEC. 532. AUTHORITY TO RETAIN PERMANENT PROFES-**
2 **SORS AT THE NAVAL ACADEMY FOR MORE**
3 **THAN THIRTY YEARS.**

4 (a) WAIVER OF TIME LIMITS.—Paragraph (2) of sec-
5 tion 641 of title 10, United States Code, is amended to
6 read as follows:

7 “(2) The director of admissions, dean, and perma-
8 nent professors at the United States Military Academy;
9 the registrar, dean, and permanent professors at the
10 United States Air Force Academy; and, for the purposes
11 of sections 633 and 634 only, permanent professors at the
12 United States Naval Academy.”.

13 (b) RETENTION OF PERMANENT PROFESSORS BE-
14 YOND THIRTY YEARS.—(1) Chapter 603 of such title is
15 amended by adding at the end the following new section:
16 “§ 6979. Retention of permanent professors at the
17 **United States Naval Academy.**

18 “(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Ex-
19 cept as provided in subsection (b), an officer serving as
20 a permanent professor at the Naval Academy in the grade
21 of commander, who is not on a list of officers rec-
22 ommended for promotion to the grade of captain, shall,
23 if not earlier retired, be retired on the first day of the
24 month after the month in which he completes 28 years
25 of active commissioned service.

1 “(2) Except as provided in subsection (b), an officer
2 serving as a permanent professor at the Naval Academy
3 in the grade of captain, who is not on a list of officers
4 recommended for promotion to the grade of rear admiral
5 (lower half), shall, if not earlier retired, be retired on the
6 first day of the month after the month in which he com-
7 pletes 30 years of active commissioned service.

8 “(b) CONTINUATION ON ACTIVE DUTY.—(1) An offi-
9 cer subject to retirement under subsection (a) may be con-
10 tinued on active duty by the Secretary of the Navy—

11 “(A) upon the recommendation of the Super-
12 intendent of the Naval Academy; and

13 “(B) with the concurrence of the Chief of Naval
14 Operations.

15 “(2) The Secretary of the Navy shall determine the
16 period of continuation on active duty under this section.

17 “(c) ELIGIBILITY FOR PROMOTION.—A permanent
18 professor at the Naval Academy who has been retained
19 on active duty as a permanent professor after more than
20 28 years of active commissioned service in the grade of
21 commander remains eligible for consideration for pro-
22 motion to the grade of captain.”.

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

“6979. Retention of permanent professors at the United States Naval Academy.”.

1 **Subtitle E—Other Education and**
2 **Training Matters**

3 **SEC. 541. INCREASE ROTC SCHOLARSHIP LIMIT.**

4 Section 2107a(h) of title 10, United States Code, is
5 amended by striking “208” and inserting “416”.

6 **SEC. 542. CLARIFICATION OF RESTRICTION ON COMPENSA-**
7 **TION FOR CORRESPONDENCE COURSES.**

8 Paragraph (1) of section 206(d) of title 37, United
9 States Code, is amended by inserting “a member of the
10 National Guard or” after “performed by”.

11 **Subtitle F—Military Justice**
12 **Matters**

13 **SEC. 551. ADMINISTRATIVE SESSIONS OF COURTS-MAR-**
14 **TIAL.**

15 Section 839(a) of title 10, United States Code (article
16 39 of the Uniform Code of Military Justice), is amended
17 by adding at the end the following new sentence: “If per-
18 mitted by regulations of the Secretary concerned, and if
19 the accused has a counsel physically present at his loca-
20 tion, these proceedings may be conducted by the use of
21 video-teleconferencing or similar technology.”.

1 **SEC. 552. UNLIMITED PERIOD FOR PROSECUTION OF MUR-**
2 **DER AND RAPE; EXTENDED PERIOD FOR**
3 **PROSECUTION OF CHILD ABUSE CASES IN**
4 **COURTS-MARTIAL.**

5 Section 843 of title 10, United States Code (article
6 43 of the Uniform Code of Military Justice), is amended—

7 (1) in subsection (a), by inserting “, murder,
8 rape” after “in a time of war”; and

9 (2) in subsection (b)(2)—

10 (A) in subparagraph (A), by striking “be-
11 fore the child attains the age of 25 years” and
12 inserting “during the life of the victim or within
13 five years from the date of the offense, which-
14 ever is greater,”;

15 (B) in subparagraph (B)—

16 (i) by striking “sexual or physical”;

17 (ii) in clause (i), by striking “Rape or
18 carnal” and inserting “Carnal”; and

19 (iii) in clause (v), by striking “Inde-
20 cent assault,” and inserting “Kidnapping;
21 indecent assault;”; and

22 (C) by adding at the end the following new
23 subparagraph:

24 “(C) In subparagraph (A), the term ‘child
25 abuse offense’ includes an act that involves
26 abuse of a person who has not attained the age

1 of 18 years and would constitute an offense
2 under chapters 110 or 117 or section 1591 of
3 title 18.”.

4 **SEC. 553. AMENDING OFFENSE OF RAPE UNDER THE UNI-**
5 **FORM CODE OF MILITARY JUSTICE; ELIMI-**
6 **NATION OF MISTAKE OF AGE DEFENSE IN**
7 **CARNAL KNOWLEDGE OF CHILD CASES.**

8 (a) RAPE.—Section 920(a) of title 10, United States
9 Code (article 120 of the Uniform Code of Military Jus-
10 tice), is amended by striking “, by force and without con-
11 sent,” and inserting “by force”.

12 (b) MISTAKE OF AGE DEFENSE.—Section 920 of
13 such title is further amended by striking subsection (d).

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect 12 months after the date of
16 the enactment of this Act and apply with respect to of-
17 fenses committed after such effective date.

18 **SEC. 554. ESTABLISHING THE OFFENSE OF STALKING**
19 **UNDER THE UNIFORM CODE OF MILITARY**
20 **JUSTICE.**

21 (a) IN GENERAL.—(1) Subchapter X of chapter 47
22 of title 10, United States Code (the Uniform Code of Mili-
23 tary Justice), is amended by inserting after section 893
24 (article 93) the following new section:

1 **“§ 893a. Art. 93a. Stalking**

2 “(a) Any person subject to this chapter—

3 “(1) who wrongfully engages in a course of con-
4 duct directed at a specific person that would cause
5 a reasonable person to fear death or bodily harm, in-
6 cluding sexual assault, to himself or herself or a
7 member of his or her immediate family;

8 “(2) who has knowledge or should have knowl-
9 edge that the specific person will be placed in rea-
10 sonable fear of death or bodily harm, including sex-
11 ual assault, to himself or herself or a member of his
12 or her immediate family; and

13 “(3) whose acts induce reasonable fear in the
14 specific person of death or bodily harm, including
15 sexual assault, to himself or herself or to a member
16 of his or her immediate family, is guilty of stalking.

17 “(b) Any person found guilty of stalking shall be pun-
18 ished as a court-martial may direct.

19 “(c) For purposes of this section:

20 “(1) The term ‘course of conduct’ means re-
21 peatedly maintaining a visual or physical proximity
22 to a specific person, or repeatedly conveying verbal
23 or written threats, or threats implied by conduct or
24 a combination thereof directed at or toward a spe-
25 cific person.

1 “(2) The term ‘repeatedly’ means on two or
2 more occasions.

3 “(3) The term ‘immediate family’ means a
4 spouse, parent, child, sibling, or any other family
5 member or relative who regularly resides in the
6 household or who within the prior six months regu-
7 larly resided in the household.”.

8 (2) The table of sections at the beginning of such sub-
9 chapter is amended by inserting after the item relating
10 to section 893 the following new item:

“893a. Art. 93a. Stalking.”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 this section shall take effect 12 months after the date of
13 the enactment of this Act and apply with respect to of-
14 fenses committed after such effective date.

15 **SEC. 555. AMENDING OFFENSE OF SODOMY UNDER THE**
16 **UNIFORM CODE OF MILITARY JUSTICE.**

17 (a) **FORCIBLE SODOMY AND SODOMY OF A CHILD.**—
18 (1) Section 925 of title 10, United States Code (article
19 125 of the Uniform Code of Military Justice), is amended
20 to read as follows:

21 **“§ 925. Art. 125. Forcible sodomy and sodomy of a**
22 **child**

23 “(a) Any person subject to this chapter who engages
24 in unnatural carnal copulation by force with another per-
25 son is guilty of forcible sodomy. Any person found guilty

1 of forcible sodomy shall be punished as a court-martial
2 may direct.

3 “(b) Any person subject to this chapter who, under
4 circumstances not amounting to forcible sodomy, commits
5 an act of unnatural carnal copulation with a person—

6 “(1) who is not his or her spouse; and

7 “(2) who has not attained the age of sixteen
8 years;

9 is guilty of sodomy of a child and shall be punished as
10 a court-martial may direct.

11 “(c) Penetration, however slight, is sufficient to com-
12 plete either of these offenses.”.

13 (2) The table of sections at the beginning of sub-
14 chapter X of chapter 47 of such title is amended by strik-
15 ing the item relating to section 925 and inserting the fol-
16 lowing new item:

“925. Art. 125. Forcible sodomy and sodomy of a child.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect 12 months after the date of
19 the enactment of this Act and apply with respect to of-
20 fenses committed after such effective date.

1 **Subtitle G—Management and**
2 **Administrative Matters**

3 **SEC. 561. CLARIFICATION OF AUTHORITY OF MILITARY**
4 **LEGAL ASSISTANCE COUNSEL TO PROVIDE**
5 **MILITARY LEGAL ASSISTANCE WITHOUT RE-**
6 **GARD TO LICENSING REQUIREMENTS.**

7 Section 1044 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(e)(1) Notwithstanding any law regarding the licen-
11 sure of attorneys, a judge advocate or civilian attorney
12 who is authorized to provide military legal assistance is
13 authorized to provide that assistance in any jurisdiction,
14 subject to such regulations as may be prescribed by the
15 Secretary concerned.

16 “(2) In this subsection, the term ‘military legal as-
17 sistance’ includes—

18 “(A) legal assistance provided under this sec-
19 tion; and

20 “(B) legal assistance contemplated by sections
21 1044a, 1044b, 1044c, and 1044d of this title.”.

1 **Subtitle H—Other Matters**

2 **SEC. 571. UNIFORM ENLISTMENT PRACTICES OF THE**
3 **ARMED FORCES.**

4 (a) REPEAL OF EXISTING LAW.—Sections 3253 and
5 8253 of title 10, United States Code, are repealed.

6 (b) UNIFORM PROHIBITION.—Section 504 of such
7 title is amended—

8 (1) by inserting “(a)” at the beginning of the
9 text; and

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

12 “(b) No person may be enlisted in any armed force
13 unless he is a national of the United States as defined
14 in section 101(a)(22) of the Immigration and Nationality
15 Act (8 U.S.C. 1101(a)(22)), an alien who is lawfully ad-
16 mitted for permanent residence as defined in section
17 101(a)(20) of the Immigration and Nationality Act (8
18 U.S.C. 1101(a)(20)), or a person described in section 341
19 of the Compact of Free Association with the Federated
20 States of Micronesia, the Republic of the Marshall Islands,
21 or Palau (section 201(a) of Public Law 108–188 (117
22 Stat. 2784, 48 U.S.C. 1921 note), section 201(b) of Public
23 Law 108–188 (117 Stat. 2823, 48 U.S.C. 1921 note), and
24 section 201 of Public Law 99–658 (100 Stat. 3678, 48
25 U.S.C. 1681 note), respectively). However, the Secretary

1 concerned may authorize exceptions when the Secretary
2 determines that such enlistment is vital to the national
3 interest.”.

4 **SEC. 572. INCREASE IN PERCENTAGE LIMITS ON REDUC-**
5 **TION OF TIME IN GRADE REQUIREMENTS**
6 **FOR RETENTION OF GRADE UPON VOL-**
7 **UNTARY RETIREMENT.**

8 Section 1370(a)(2) of title 10, United States Code,
9 is amended by adding at the end the following new sub-
10 paragraph:

11 “(F) Notwithstanding subparagraph (E), and during
12 the period beginning on October 1, 2005, and ending on
13 September 30, 2010, the number of active-duty lieutenant
14 colonels or (in the case of the Navy) commanders in one
15 of the armed forces for whom a service-in-grade reduction
16 is made under this section in any fiscal year may not ex-
17 ceed four percent of the authorized active-duty strength
18 for that fiscal year for officers of that armed force in that
19 grade, and the number of active-duty colonels or (in the
20 case of the Navy) captains in one of the armed forces for
21 whom a service-in-grade reduction is made under this sec-
22 tion in any fiscal year may not exceed four percent of the
23 authorized active-duty strength for that fiscal year for of-
24 ficers of that armed force in that grade.”.

1 **SEC. 573. CONSOLIDATING FROCKING LIMITS.**

2 Section 777(d) of title 10, United States Code, is
3 amended—

4 (1) by striking paragraphs (1) and (2) and in-
5 serting the following new paragraph (1):

6 “(1) The total number of brigadier generals,
7 rear admirals (lower half), major generals and rear
8 admirals on the active-duty list who are authorized
9 as described in subsection (a) to wear the insignia
10 for the grade of brigadier general, rear admiral
11 (lower half), major general or rear admiral, as the
12 case may be, may not exceed 85.”; and

13 (2) by redesignating paragraph (3) as para-
14 graph (2).

15 **SEC. 574. RECEIPT OF STATUTORY SELECTION BOARD COR-**
16 **RESPONDENCE.**

17 (a) OFFICERS ON THE ACTIVE-DUTY LIST.—Section
18 614(b) of title 10, United States Code, is amended by in-
19 serting “11:59 PM on the date prior to” after “not later
20 than”.

21 (b) OFFICERS ON THE RESERVE ACTIVE-STATUS
22 LIST.—Section 14106 of such title is amended by insert-
23 ing “11:59 PM on the date prior to” after “not later
24 than”.

1 **SEC. 575. MILITARY PERSONNEL DEMONSTRATION**
2 **PROJECTS.**

3 (a) IN GENERAL.—Chapter 3 of title 10, United
4 States Code, is amended by inserting after section 129c
5 the following new section:

6 **“§ 129d. Military personnel demonstration projects**

7 “(a) AUTHORITY.—As provided in this section, the
8 Secretary of Defense, in consultation with the Director of
9 the Office of Management and Budget, may conduct and
10 evaluate demonstration projects regarding foreign area of-
11 ficers, surface warfare officers and the special operation
12 forces within the military personnel system. Subject to the
13 provisions of this section, this authority shall not be lim-
14 ited by any lack of specific authority under this title or
15 title 37 to take the action contemplated, or by any provi-
16 sion of this title, title 37 or any rule or regulation pre-
17 scribed under those titles which is inconsistent with the
18 action, including any law or regulation relating to the
19 methods of—

20 “(1) establishing qualification requirements for,
21 recruitment for, and appointment to positions;

22 “(2) determining requirements and compen-
23 sating personnel;

24 “(3) assigning, reassigning, separating or pro-
25 moting personnel;

1 “(4) providing incentives to personnel, including
2 the provision of group or individual incentive bo-
3 nuses or pay;

4 “(5) involving military members in personnel
5 decisions; and

6 “(6) reducing requirements.

7 “(b) PLANS.—Before conducting or entering into any
8 agreement or contract to conduct a demonstration project,
9 the Secretary shall—

10 “(1) develop a plan for such project which de-
11 scribes its purpose, the personnel groups to be cov-
12 ered, the project itself, its anticipated outcomes and
13 the method of evaluating the project;

14 “(2) at least 30 days in advance of the date a
15 project is to take effect, provide notification of the
16 proposed project—

17 “(A) to personnel who are likely to be af-
18 fected by the project; and

19 “(B) to each House of the Congress; and

20 “(3) provide each House of the Congress with
21 the final version of the plan and a summary of the
22 results of each project.

23 “(c) WAIVER.—No demonstration project under this
24 section may provide for a waiver of this title or title 37
25 except with the approval of the Secretary.

1 “(d) LIMITATIONS.—(1) Each demonstration project
2 shall—

3 “(A) involve not more than 2,000 individuals
4 other than individuals in any control groups nec-
5 essary to validate the results of the project; and

6 “(B) terminate before the end of the 5-year pe-
7 riod beginning on the date on which the project
8 takes effect, except that the project may continue
9 beyond the date to the extent necessary to validate
10 the results of the project.

11 “(2) Not more than 4 active demonstration projects
12 may be in effect at any time.”.

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

“129d. Military personnel demonstration projects.”.

16 **TITLE VI—COMPENSATION AND**
17 **OTHER PERSONNEL BENEFITS**
18 **Subtitle A—Pay and Allowances**

19 **SEC. 601. PERMANENT AUTHORITY FOR THE SUPPLE-**
20 **MENTAL SUBSISTENCE ALLOWANCE FOR**
21 **LOW-INCOME MEMBERS WITH DEPENDENTS.**

22 Section 402a of title 37, United States Code, is
23 amended by striking subsection (i).

1 **SEC. 602. REPEAL OF BASIC ALLOWANCE FOR HOUSING**
2 **DIFFERENTIAL.**

3 (a) MEMBERS PAYING CHILD SUPPORT.—Section
4 403 of title 37, United States Code, is amended by strik-
5 ing subsection (m).

6 (b) DEFINITION OF DEPENDENT.—Section 403 is
7 further amended—

8 (1) by redesignating subsections (n) and (o) as
9 subsections (m) and (n), respectively; and

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

12 “(o) DEPENDENT DEFINED.—For purposes of this
13 section, the term ‘dependent’, with respect to a member
14 of a uniformed service, means the following persons:

15 “(1) The spouse of the member.

16 “(2) An unmarried child of the member who—

17 “(A) resides with the member unless sepa-
18 rated—

19 “(i) by the necessity of military serv-
20 ice;

21 “(ii) to receive institutional care as a
22 result of disability or incapacitation; or

23 “(iii) under such other circumstances
24 as the Secretary concerned may prescribe;
25 and

26 “(B) is under 21 years of age;

1 “(C) is incapable of self-support because of
2 mental or physical incapacity and is in fact de-
3 pendent on the member for more than one-half
4 of the child’s support; or

5 “(D) is under 23 years of age, is enrolled
6 in a full-time course of study in an institution
7 of higher education approved by the Secretary
8 concerned for purposes of this clause, and is in
9 fact dependent on the member for more than
10 one-half of the child’s support.

11 “(3) A parent of the member if—

12 “(A) the parent is in fact dependent on the
13 member for more than one-half of the parent’s
14 support;

15 “(B) the parent has been so dependent for
16 a period prescribed by the Secretary concerned
17 or became so dependent due to a change of cir-
18 cumstances arising after the member entered on
19 active duty; and

20 “(C) the dependency of the parent on the
21 member is determined on the basis of an affi-
22 davit submitted by the parent and any other
23 evidence required under regulations prescribed
24 by the Secretary concerned.

25 “(4) An unmarried person who—

1 “(A) is placed in the legal custody of the
2 member as a result of an order of a court of
3 competent jurisdiction in the United States (or
4 Puerto Rico or a possession of the United
5 States) for a period of at least 12 consecutive
6 months;

7 “(B) either—

8 “(i) has not attained the age of 21;

9 “(ii) has not attained the age of 23
10 years and is enrolled in a full-time course
11 of study at an institution of higher learn-
12 ing approved by the Secretary concerned;
13 or

14 “(iii) is incapable of self support be-
15 cause of a mental or physical incapacity
16 that occurred while the person was consid-
17 ered a dependent of the member or former
18 member under this paragraph pursuant to
19 clause (i) or (ii);

20 “(C) is dependent on the member for over
21 one-half of the person’s support;

22 “(D) resides with the member unless sepa-
23 rated by the necessity of military service or to
24 receive institutional care as a result of disability
25 or incapacitation or under such other cir-

1 cumstances as the Secretary concerned may by
2 regulation prescribe; and

3 “(E) is not a dependent of a member
4 under any other subparagraph.

5 “(5) For purposes of this section:

6 “(A) The term ‘child’ includes—

7 “(i) a stepchild of the member (except
8 that such term does not include a stepchild
9 after the divorce of the member from the
10 stepchild’s parent by blood);

11 “(ii) an adopted child of the member,
12 including a child placed in the home of the
13 member by a placement agency (recognized
14 by the Secretary of Defense) in anticipa-
15 tion of the legal adoption of the child by
16 the member; and

17 “(iii) an illegitimate child of the mem-
18 ber if the member’s parentage of the child
19 is established in accordance with criteria
20 prescribed in regulations by the Secretary
21 concerned.

22 “(B) The term ‘parent’ means—

23 “(i) a natural parent of the member;

24 “(ii) a stepparent of the member;

1 “(iii) a parent of the member by
2 adoption;

3 “(iv) a parent, stepparent, or adopted
4 parent of the spouse of the member; and

5 “(v) any other person, including a
6 former stepparent, who has stood in loco
7 parentis to the member at any time for a
8 continuous period of at least five years be-
9 fore the member became 21 years of age.”.

10 **SEC. 603. REVISIONS TO PAY AND ALLOWANCES CONSID-**
11 **ERED FOR SAVED PAY UPON APPOINTMENT**
12 **AS AN OFFICER.**

13 Section 907(d) of title 37, United States Code, is
14 amended to read as follows:

15 “(d)(1) In determining the amount of the pay and
16 allowances of a grade formerly held by an officer, the fol-
17 lowing special and incentive pays may be considered only
18 so long as the officer continues to perform the duty cre-
19 ating the entitlement to or eligibility for that pay and
20 would otherwise be eligible to receive that pay in his
21 former grade:

22 “(A) Incentive pay for hazardous duty under
23 section 301 of this title.

24 “(B) Submarine duty incentive pay under sec-
25 tion 301c of this title.

1 “(C) Special pay for diving duty under section
2 304 of this title.

3 “(D) Hardship duty pay under section 305 of
4 this title.

5 “(E) Career sea pay under section 305a of this
6 title.

7 “(F) Special pay for service as a member of a
8 Weapons of Mass Destruction Civil Support Team
9 under section 305b of this title.

10 “(G) Assignment incentive pay under section
11 307a of this title.

12 “(H) Hostile fire pay or imminent danger pay
13 under section 310 of this title.

14 “(I) Overseas tour extension incentive pay
15 under section 314 of this title.

16 “(J) Foreign language proficiency pay under
17 section 316 of this title.

18 “(K) Critical skill retention bonus under section
19 323 of this title.

20 “(2) The following special and incentive pays are de-
21 pendent on a member being in enlisted status and may
22 not be considered in determining the amount of the pay
23 and allowances of a grade formerly held by an officer:

24 “(A) Special duty assignment pay under section
25 307 of this title.

1 “(B) Reenlistment bonus under section 308 of
2 this title.

3 “(C) Enlistment bonus under section 309 of
4 this title.

5 “(D) Nuclear enlisted bonus under section 312a
6 of this title.

7 “(E) Career enlisted flyer incentive pay under
8 section 320 of this title.”.

9 **Subtitle B—Bonuses and Special**
10 **and Incentive Pays**

11 **SEC. 611. UNIFORM PAYMENT OF FOREIGN LANGUAGE**
12 **PROFICIENCY PAY TO RESERVE COMPONENT**
13 **MEMBERS AND MEMBERS ON ACTIVE DUTY.**

14 (a) IN GENERAL.—Section 316 of title 37, United
15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking “subsection (c)” and in-
18 serting “subsection (b)”;

19 (B) by striking “monthly special pay” and
20 inserting “a bonus”; and

21 (C) by striking “is entitled to basic pay
22 under section 204 of this title and who”;

23 (2) by striking subsection (b) and redesignating
24 subsections (c), (d), (e), (f), (g) and (h) as sub-
25 sections (b), (c), (d), (e), (f) and (g), respectively;

1 (3) in subsection (b), as redesignated by para-
2 graph (2)—

3 (A) by striking “special pay or a bonus”
4 and inserting “a bonus”;

5 (B) by striking “subsection (a) or (b)” and
6 inserting “subsection (a)”; and

7 (C) by striking “special pay or bonus” and
8 inserting “bonus”;

9 (4) by amending subsections (c) and (d), as re-
10 designated by paragraph (2), to read as follows:

11 “(c) BONUS AMOUNT.—The bonus paid under sub-
12 section (a) may not exceed \$12,000 per year. The Sec-
13 retary concerned may pay the bonus in a single lump sum
14 at the beginning of the certification period or in install-
15 ments during the certification period.

16 “(d) RELATIONSHIP TO OTHER PAY OR ALLOW-
17 ANCES.—A bonus paid under this section is in addition
18 to any other pay or allowance payable to a member under
19 any other provision of law.”;

20 (5) in subsection (e), as redesignated by para-
21 graph (2)—

22 (A) in paragraph (1)—

23 (i) by striking “Notwithstanding” and
24 all that follows through “pay or” and in-
25 serting “The Secretary concerned may

1 waive the certification requirement in sub-
2 section (b) and pay”; and

3 (ii) in subparagraph (C), by striking
4 “or a” and all that follows through “mem-
5 ber”;

6 (B) in paragraph (2), by striking “For
7 purposes” and all that follows through “the
8 Secretary” and inserting “The Secretary”;

9 (C) in paragraph (3)—

10 (i) by striking “special pay or a
11 bonus” and inserting “a bonus”;

12 (ii) by striking “subsection (c)” and
13 inserting “subsection (b)”;

14 (iii) by striking “special pay or
15 bonus” and inserting “bonus”; and

16 (iv) by striking “subsection (h)” and
17 inserting “subsection (g)”;

18 (D) in paragraph (4)—

19 (i) by striking “subsection (c)” and
20 inserting “subsection (b)”;

21 (ii) by striking “bonus in the manner”
22 and inserting “amount received by the
23 member as”; and (iii) by striking “sub-
24 section (g)” and inserting “subsection (f)”;
25 and

1 (B) The table of sections at the beginning of chapter
2 5 of such title is amended by striking the item relating
3 to section 312a.

4 (2) Section 308(a)(1) of such title is further amend-
5 ed—

6 (A) by adding “and” at the end of subpara-
7 graph (B);

8 (B) by striking subparagraph (C); and

9 (C) by redesignating subparagraph (D) as subpara-
10 graph (C).

11 **SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
12 **SPECIAL PAYS FOR RESERVE FORCES.**

13 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
14 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
15 302g(f) of title 37, United States Code, is amended by
16 striking “December 31, 2005” and inserting “December
17 31, 2006”.

18 (b) SELECTED RESERVE REENLISTMENT BONUS.—
19 Section 308b(g) of such title is amended by striking “De-
20 cember 31, 2005” and inserting “December 31, 2006”.

21 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
22 tion 308c(e) of such title is amended by striking “Decem-
23 ber 31, 2005” and inserting “December 31, 2006”.

24 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
25 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section

1 308d(c) of such title is amended by striking “December
2 31, 2005” and inserting “December 31, 2006”.

3 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
4 tion 308e(e) of such title is amended by striking “Decem-
5 ber 31, 2005” and inserting “December 31, 2006”.

6 (f) READY RESERVE NON-PRIOR SERVICE ENLIST-
7 MENT BONUS.—Section 308g(h) of such title is amended
8 by striking “September 30, 1992” and inserting “Decem-
9 ber 31, 2006”.

10 (g) READY RESERVE ENLISTMENT AND REENLIST-
11 MENT BONUS.—Section 308h(g) of such title is amended
12 by striking “December 31, 2005” and inserting “Decem-
13 ber 31, 2006”.

14 (h) PRIOR SERVICE REENLISTMENT BONUS.—Sec-
15 tion 308i(f) of such title is amended by striking “Decem-
16 ber 31, 2005” and inserting “December 31, 2006”.

17 (i) REPAYMENT OF EDUCATION LOANS FOR CERTAIN
18 HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED
19 RESERVE.—Section 16302(d) of title 10, United States
20 Code, is amended by striking “January 1, 2006” and in-
21 serting “January 1, 2007”.

22 **SEC. 614. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE**
23 **PAY.**

24 Section 307a of title 37, United States Code, is
25 amended—

1 (1) in subsection (a), by striking “monthly”;
2 (2) by redesignating subsections (d), (e), and
3 (f) as subsections (f), (g), and (h), respectively; and
4 (3) by inserting after subsection (c) the fol-
5 lowing new subsections (d) and (e):

6 “(d) PAYMENT OF SPECIAL PAY.—(1) The Secretary
7 concerned may specify in a written agreement under sub-
8 section (b) that payment shall be at a monthly rate, a
9 lump sum, or in installments.

10 “(2) The maximum amount of a lump sum payment
11 may not exceed the product of the maximum monthly rate
12 authorized under subsection (c) and the number of months
13 in the period for which incentive pay will be provided. In-
14 stallments shall be calculated using the same formula for
15 the agreed upon period of each installment.

16 “(3) If a member extends the assignment specified
17 in the agreement with the Secretary, incentive pay for the
18 period of the extension may be paid at a monthly rate,
19 in a lump sum, or in installments pursuant to this sub-
20 section.

21 “(e) REPAYMENT OF SPECIAL PAY.—(1) A member
22 who, having entered into an agreement under this section,
23 receives a lump sum or installment payment under sub-
24 section (d) and fails to complete the total period of service
25 specified in the agreement voluntarily or because of mis-

1 conduct, shall refund to the United States on a pro rata
 2 basis the unearned portion of the payment to the extent
 3 that the Secretary concerned determines conditions and
 4 circumstances warrant.

5 “(2) An obligation to repay the United States im-
 6 posed under paragraph (1) is for all purposes a debt owed
 7 to the United States.

8 “(3) A discharge in bankruptcy under title 11 that
 9 is entered less than five years after the termination of the
 10 agreement does not discharge the member signing the
 11 agreement from a debt arising under paragraph (1).”.

12 **SEC. 615. REPAYMENT OF UNEARNED PORTIONS OF BO-**
 13 **NUSES, SPECIAL PAYS, AND EDUCATIONAL**
 14 **BENEFITS.**

15 (a) REPAYMENT OF UNEARNED PORTIONS OF BO-
 16 NUSES.—(1) Chapter 5 of title 37, United States Code,
 17 is amended by adding at the end the following new section:

18 **“§ 327. Repayment of unearned portions of bonuses,**
 19 **incentives, special pay or similar pay-**
 20 **ments, or educational benefits or sti-**
 21 **pends when conditions of payment not**
 22 **met**

23 “(a) IN GENERAL.—A member of the uniformed
 24 services who has received a bonus, incentive, special pay
 25 or similar payment, or an educational benefit or stipend,

1 and who is, by law, subject to the repayment provisions
2 of this section shall repay to the United States such com-
3 pensation or benefit when the member does not meet the
4 conditions of the pay or benefit, except under conditions
5 established by the Secretary concerned.

6 “(b) REGULATIONS.—The Secretary concerned may
7 set forth in regulations procedures for determining the
8 amount of any repayment, and the conditions under which
9 an exception to the required repayment would apply. The
10 Secretary concerned may specify in such regulations the
11 conditions under which any future installment payment of
12 a bonus, incentive, special pay, or similar payment or ben-
13 efit will not be made when the member does not meet the
14 conditions of pay or benefit. For the military departments,
15 this section shall be administered under regulations pre-
16 scribed by the Secretary of Defense.

17 “(c) DEBT.—An obligation to repay the United
18 States under subsection (a) is, for all purposes, a debt
19 owed the United States.

20 “(d) EFFECT OF BANKRUPTCY.—A discharge in
21 bankruptcy under title 11 does not discharge a person
22 from a debt under this section if the final decree of dis-
23 charge is entered less than five years after the date of
24 the termination of the service or the date of the termi-
25 nation of the agreement on which the debt is based. This

1 subsection applies to any case commenced under title 11
2 after March 30, 2006.”.

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

“327. Repayment of unearned portions of bonuses, incentives, special pay or
similar payments, or educational benefits or stipends, when
conditions of payment not met.”.

6 (b) AVIATION CAREER OFFICER RETENTION
7 BONUS.—Subsection (g) of section 301b of such title is
8 amended to read as follows:

9 “(g) REPAYMENT OF BONUS.—An officer who does
10 not complete the period of active duty specified in the
11 agreement entered into under subsection (a) shall be sub-
12 ject to the repayment provisions of section 327 of this
13 title.”.

14 (c) MEDICAL OFFICER MULTIYEAR RETENTION
15 BONUS.—Subsection (c) of section 301d of such title is
16 amended to read as follows:

17 “(c) REPAYMENT OF BONUS.—An officer who does
18 not complete the period of active duty specified in the
19 agreement entered into under subsection (a) shall be sub-
20 ject to the repayment provisions of section 327 of this
21 title.”.

22 (d) DENTAL OFFICER MULTIYEAR RETENTION
23 BONUS.—Subsection (d) of section 301e of such title is
24 amended to read as follows:

1 “(d) REPAYMENT OF BONUS.—An officer who does
2 not complete the period of active duty specified in the
3 agreement entered into under subsection (a) shall be sub-
4 ject to the repayment provisions of section 327 of this
5 title.”.

6 (e) MEDICAL OFFICER SPECIAL PAY.—Section 302
7 of such title is amended—

8 (1) in subsection (e), by amending the last sen-
9 tence in paragraph (2) to read as follows: “If such
10 entitlement is terminated, the officer concerned shall
11 be subject to the repayment provisions of section 327
12 of this title.”.

13 (2) by amending subsection (f) to read as fol-
14 lows:

15 “(f) REPAYMENT.—An officer who does not complete
16 the period for which the payment was made under sub-
17 section (a)(4) or (b)(1) shall be subject to the repayment
18 provisions of section 327 of this title.”.

19 (f) OPTOMETRIST RETENTION SPECIAL PAY.—Para-
20 graph (4) of section 302a(b) of such title is amended to
21 read as follows:

22 “(4) The Secretary concerned may terminate at any
23 time the eligibility of an officer to receive retention special
24 pay under paragraph (1). An officer who does not com-
25 plete the period for which the payment was made under

1 paragraph (1) shall be subject to the repayment provisions
2 of section 327 of this title.”.

3 (g) DENTAL OFFICER SPECIAL PAY.—Section 302b
4 of such title is amended—

5 (1) in subsection (b), by striking the second
6 sentence in paragraph (2);

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

9 “(e) REPAYMENT.—An officer who does not complete
10 the period of active duty for which the payment was made
11 under subsection (a)(4) shall be subject to the repayment
12 provisions of section 327 of this title.”;

13 (3) by striking subsection (f); and

14 (4) by redesignating subsections (g) and (h) as
15 subsections (f) and (g), respectively.

16 (h) ACCESSION BONUS FOR REGISTERED NURSES.—
17 Subsection (d) of section 302d of such title is amended
18 to read as follows:

19 “(d) REPAYMENT OF BONUS.—An officer who does
20 not become and remain licensed as a registered nurse dur-
21 ing the period for which the payment is made, or who does
22 not complete the period of active duty specified in the
23 agreement entered into under subsection (a) shall be sub-
24 ject to the repayment provisions of section 327 of this
25 title.”.

1 (i) NURSE ANESTHETIST SPECIAL PAY.—Section
2 302e of such title is amended—

3 (1) in subsection (c), by striking the last sen-
4 tence; and

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

7 “(e) REPAYMENT.—An officer who does not complete
8 the period of active duty specified in the agreement en-
9 tered into under subsection (a) shall be subject to the re-
10 payment provisions of section 327 of this title.”.

11 (j) RESERVE, RECALLED OR RETAINED HEALTH
12 CARE OFFICERS SPECIAL PAY.—Subsection (c) of section
13 302f of such title is amended by striking “refund” and
14 inserting “repay.”.

15 (k) SELECTED RESERVE HEALTH CARE PROFES-
16 SIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES
17 SPECIAL PAY.—Section 302g of such title is amended—

18 (1) by striking subsections (d) and (e);

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection (d):

21 “(d) REPAYMENT.—An officer who does not complete
22 the period of service in the Selected Reserve of an armed
23 force specified in the agreement entered into under sub-
24 section (a) shall be subject to the repayment provisions
25 of section 327 of this title.”; and

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

3 (l) ACCESSION BONUS FOR DENTAL OFFICERS.—

4 Subsection (d) of section 302h of such title is amended
5 to read as follows:

6 “(d) REPAYMENT OF BONUS.—A person after sign-
7 ing a written agreement who thereafter is not commis-
8 sioned as an officer of the armed forces, or does not be-
9 come licensed as a dentist, or does not complete the period
10 of active duty specified in the agreement entered into
11 under subsection (a) shall be subject to the repayment
12 provisions of section 327 of this title.”.

13 (m) ACCESSION BONUS FOR PHARMACY OFFI-

14 CERS.—Subsection (e) of section 302j of such title is
15 amended to read as follows:

16 “(e) REPAYMENT OF BONUS.—A person after signing
17 a written agreement who thereafter is not commissioned
18 as an officer of the armed forces, or does not become and
19 remain certified or licensed as a pharmacist, or does not
20 complete the period of active duty specified in the agree-
21 ment entered into under subsection (a) shall be subject
22 to the repayment provisions of section 327 of this title.”.

23 (n) REENLISTMENT BONUS FOR ACTIVE MEM-

24 BERS.—Subsection (d) of section 308 of such title is
25 amended to read as follows:

1 “(d) REPAYMENT OF BONUS.—A member who does
2 not complete the term of enlistment for which a bonus was
3 paid to the member under this section, or a member who
4 is not technically qualified in the skill for which a bonus
5 was paid to him under this section, shall be subject to
6 the repayment provisions of section 327 of this title.”.

7 (o) REENLISTMENT BONUS FOR SELECTED RE-
8 SERVE.—Subsection (e) of section 308b of such title is
9 amended to read as follows:

10 “(e) REPAYMENT OF BONUS.—A member who does
11 not complete the term of enlistment in the element of the
12 Selected Reserve of the Ready Reserve for which the bonus
13 was paid to the member under this section, shall be sub-
14 ject to the repayment provisions of section 327 of this
15 title.”.

16 (p) ENLISTMENT BONUS FOR SELECTED RE-
17 SERVE.—Subsection (d) of section 308c of such title is
18 amended to read as follows:

19 “(d) REPAYMENT OF BONUS.—A member who does
20 not participate satisfactorily in training with his unit dur-
21 ing a term of enlistment for which a bonus has been paid
22 to him under this section shall be subject to the repayment
23 provisions of section 327 of this title.”.

24 (q) RESERVE AFFILIATION BONUS.—Subsection (d)
25 of section 308e of such title is amended to read as follows:

1 “(d) REPAYMENT OF BONUS.—A member who does
2 not participate satisfactorily in training with his unit dur-
3 ing a term of enlistment for which a bonus has been paid
4 to him under this section shall be subject to the repayment
5 provisions of section 327 of this title.”.

6 (f) READY RESERVE ENLISTMENT BONUS.—Section
7 308g of such title is amended—

8 (1) by amending subsection (d) to read as fol-
9 lows:

10 “(d) REPAYMENT OF BONUS.— A person who does
11 not serve satisfactorily in the element of the Ready Re-
12 serve in the combat or combat support skill for the period
13 for which the bonus was paid under this section shall be
14 subject to the repayment provisions of section 327 of this
15 title.”;

16 (2) by striking subsections (e) and (f); and

17 (3) by redesignating subsections (g) and (h) as
18 subsections (e) and (f), respectively.

19 (s) READY RESERVE REENLISTMENT, ENLISTMENT,
20 AND VOLUNTARY EXTENSION OF ENLISTMENT BONUS.—
21 Section 308h of such title is amended—

22 (1) by amending subsection (c) to read as fol-
23 lows:

24 “(c) REPAYMENT OF BONUS.—A person who does
25 not complete the period of enlistment or extension of en-

1 listment for which the bonus was paid under this section
2 shall be subject to the repayment provisions of section 327
3 of this title.”;

4 (2) by striking subsections (d) and (e); and

5 (3) by redesignating subsections (f) and (g) as
6 subsections (d) and (e), respectively.

7 (t) PRIOR SERVICE ENLISTMENT BONUS.—Sub-
8 section (d) of section 308i of such title is amended to read
9 as follows:

10 “(d) REPAYMENT OF BONUS.—A person who receives
11 a bonus payment under this section and who, during the
12 period for which the bonus was paid, does not serve satis-
13 factorily in the element of the Selected Reserve of the
14 Ready Reserve with respect to which the bonus was paid
15 shall be subject to the repayment provisions of section 327
16 of this title.”.

17 (u) ENLISTMENT BONUS.—Subsection (b) of section
18 309 of such title is amended to read as follows:

19 “(b) REPAYMENT OF BONUS.—A member who does
20 not complete the term of enlistment for which a bonus was
21 paid to the member under this section, or a member who
22 is not technically qualified in the skill for which a bonus
23 was paid, shall be subject to the repayment provisions of
24 section 327 of this title.”.

1 (v) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
2 CERS EXTENDING ACTIVE DUTY.—Subsection (b) of sec-
3 tion 312 of such title is amended to read as follows:

4 “(b) An officer who does not complete the period of
5 active duty in connection with supervision, operation, and
6 maintenance of naval nuclear propulsion plants which the
7 officer agreed to serve, and for which the payment was
8 made under subsection (a)(3) or (d)(1), shall be subject
9 to the repayment provisions of section 327 of this title.”.

10 (w) NUCLEAR CAREER ACCESSION BONUS.—Para-
11 graph (2) of section 312b(a) of such title is amended to
12 read as follows:

13 “(2) An officer who does not commence or complete
14 satisfactorily the nuclear power training specified in the
15 agreement under paragraph (1) shall be subject to the re-
16 payment provisions of section 327 of this title.”.

17 (x) ENLISTED MEMBERS EXTENDING DUTY AT DES-
18 IGNATED LOCATIONS OVERSEAS.—Subsection (d) of sec-
19 tion 314 of such title is amended to read as follows:

20 “(d) REPAYMENT OF BONUS.—A member who, hav-
21 ing entered into a written agreement to extend a tour of
22 duty for a period under subsection (a), receives a bonus
23 payment under subsection (b)(2) for a 12-month period
24 covered by the agreement and ceases during that 12-
25 month period to perform the agreed tour of duty shall be

1 subject to the repayment provisions of section 327 of this
2 title.”.

3 (y) SPECIAL WARFARE OFFICERS EXTENDING PE-
4 RIOD OF ACTIVE DUTY.—Subsection (h) of section 318
5 of such title is amended to read as follows:

6 “(h) REPAYMENT OF BONUS.—An officer who, hav-
7 ing entered into a written agreement under subsection (b)
8 and has received all or part of a bonus under this section,
9 does not complete the period of active duty in special war-
10 fare service as specified in the agreement, shall be subject
11 to the repayment provisions of section 327 of this title.”.

12 (z) SURFACE WARFARE OFFICERS EXTENDING PE-
13 RIOD OF ACTIVE DUTY.—Subsection (f) of section 319 of
14 such title is amended to read as follows:

15 “(f) REPAYMENT OF BONUS.—An officer who, having
16 entered into a written agreement under subsection (b) and
17 having received all or part of a bonus under this section,
18 does not complete the period of active duty as a depart-
19 ment head on a surface vessel specified in the agreement,
20 shall be subject to the repayment provisions of section 327
21 of this title.”.

22 (aa) JUDGE ADVOCATE CONTINUATION PAY.—Sub-
23 section (f) of section 321 of such title is amended to read
24 as follows:

1 “(f) REPAYMENT.—An officer who has entered into
2 a written agreement under subsection (b) and has received
3 all or part of the amount payable under the agreement
4 but who does not complete the total period of active duty
5 specified in the agreement, shall be subject to the repay-
6 ment provisions of section 327 of this title.”.

7 (bb) 15-YEAR CAREER STATUS BONUS FOR MEM-
8 BERS ENTERING SERVICE ON OR AFTER AUGUST 1,
9 1986.—Subsection (f) of section 322 of such title is
10 amended to read as follows:

11 “(f) REPAYMENT OF BONUS.—If a person paid a
12 bonus under this section does not complete a period of
13 active duty beginning on the date on which the election
14 of the person under subsection (a)(1) is received and end-
15 ing on the date on which the person completes 20 years
16 of active duty service as described in subsection (a)(2),
17 the person shall be subject to the repayment provisions
18 of section 327 of this title.”.

19 (cc) RETENTION INCENTIVES FOR MEMBERS QUALI-
20 FIED IN A CRITICAL MILITARY SKILL.—Subsection (g) of
21 section 323 of such title is amended to read as follows:

22 “(g) REPAYMENT OF BONUS.—A member who has
23 entered into a written agreement under subsection (a),
24 and who does not complete the total period of active duty

1 specified in the agreement, shall be subject to the repay-
2 ment provisions of section 327 of this title.”.

3 (dd) ACCESSION BONUS FOR NEW OFFICERS IN
4 CRITICAL SKILLS.—Subsection (f) of section 324 of such
5 title is amended to read as follows:

6 “(f) REPAYMENT OF BONUS.—An individual who,
7 having received all or part of the bonus under an agree-
8 ment referred to in subsection (a), is not thereafter com-
9 missioned as an officer or does not commence or does not
10 complete the total period of active duty service specified
11 in the agreement, shall be subject to the repayment provi-
12 sions of section 327 of this title.”.

13 (ee) INCENTIVE BONUS: SAVINGS PLAN FOR EDU-
14 CATION EXPENSES AND OTHER CONTINGENCIES.—Sub-
15 section (g) of section 325 of such title is amended to read
16 as follows:

17 “(g) REPAYMENT.—If a person does not complete the
18 qualifying service for which the person is obligated under
19 a commitment for which a benefit has been paid under
20 this section, the person shall be subject to the repayment
21 provisions of section 327 of this title.”.

22 (ff) INCENTIVE BONUS FOR CONVERSION TO MILI-
23 TARY OCCUPATIONAL SPECIALTY.—Subsection (e) of sec-
24 tion 326 of such title is amended to read as follows:

1 “(e) REPAYMENT OF BONUS.—A member who does
2 not convert to and complete the period of service in the
3 military occupational specialty specified in the agreement
4 executed under subsection (a) shall be subject to the re-
5 payment provisions of section 327 of this title.”.

6 (gg) ENLISTMENT INCENTIVES FOR PURSUIT OF
7 SKILLS TO FACILITATE NATIONAL SERVICE.—Subsection
8 (i) of section 510 of title 10, United States Code, is
9 amended to read as follows:

10 “(i) REPAYMENT.—If a National Call to Service par-
11 ticipant who has entered into an agreement under sub-
12 section (b) and received or benefitted from an incentive
13 under subsection (e)(1) or (e)(2) fails to complete the total
14 period of service specified in such agreement, the National
15 Call to Service participant shall be subject to the repay-
16 ment provisions of section 327 of title 37.”.

17 (hh) ADVANCED EDUCATION ASSISTANCE.—Section
18 2005 of such title is amended—

19 (1) in subsection (a), by amending paragraph
20 (3) to read as follows:

21 “(3) that if such person does not complete the
22 period of active duty specified in the agreement, or
23 does not fulfill any term or condition prescribed pur-
24 suant to clause (4), such person shall be subject to
25 the repayment provisions of section 327 of title 37.”;

1 (2) by striking subsections (c), (d), (g) and (h);

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

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

6 “(d) The Secretary concerned shall require, as a con-
7 dition to the Secretary providing financial assistance
8 under section 2107 or 2107a of this title to any person,
9 that such person enter into an agreement described in sub-
10 section (a). In addition to the requirements of subsections
11 (a)(1) through (a)(4), any agreement required by this sub-
12 section shall provide that if such person does not complete
13 the education requirements specified in the agreement, or
14 does not fulfill any term or condition prescribed pursuant
15 to subsection (a)(4), the person shall be subject to the re-
16 payment provisions of section 327 of title 37 without the
17 Secretary first ordering such person to active duty as pro-
18 vided for under subsection (a)(2) and sections 2107(f) and
19 2107a(f) of this title.”.

20 (ii) TUITION FOR OFF-DUTY TRAINING OR EDU-
21 CATION.—Section 2007 of such title is amended by adding
22 at the end the following new subsection:

23 “(f) If such person does not complete the period of
24 active duty specified in the agreement under subsection

1 (b), such person shall be subject to the repayment provi-
2 sions of section 327 of title 37.”.

3 (jj) ADVANCED TRAINING, FAILURE TO COMPLETE
4 OR TO ACCEPT COMMISSION.—Section 2105 of such title
5 is amended—

6 (1) by striking “A member” and inserting “(a)
7 A member”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) If such person does not complete the period of
11 active duty specified under subsection (a), the person shall
12 be subject to the repayment provisions of section 327 of
13 title 37.”.

14 (kk) FINANCIAL ASSISTANCE PROGRAM FOR SPE-
15 CIALLY SELECTED MEMBERS.—Section 2107 of such title
16 is amended by adding at the end the following new sub-
17 section:

18 “(j) A person after signing a written agreement who
19 thereafter is not commissioned as an officer or does not
20 complete the period of service as specified in subsection
21 (b), (f) or (h)(2), shall be subject to the repayment provi-
22 sions of section 327 of title 37.”.

23 (ll) HEALTH PROFESSIONS SCHOLARSHIP AND FI-
24 NANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.—

1 Subparagraph (C) of section 2123(e)(1) of such title is
2 amended to read as follows:

3 “(C) If such person does not complete the period of
4 active duty obligation specified under subsection (a), such
5 person shall be subject to the repayment provisions of sec-
6 tion 327 of title 37.”.

7 (mm) FINANCIAL ASSISTANCE: NURSE OFFICER
8 CANDIDATES.—Subsection (d) of section 2130a of such
9 title is amended to read as follows:

10 “(d) REPAYMENT.—A person who does not complete
11 a nursing degree program in which the person is enrolled
12 in accordance with the agreement entered into under sub-
13 section (a), or having completed the nursing degree pro-
14 gram, does not become an officer in the Nurse Corps of
15 the Army or the Navy or an officer designated as a nurse
16 officer of the Air Force or commissioned corps of the Pub-
17 lic Health Service; or does not complete the period of obli-
18 gated active service required under the agreement, shall
19 be subject to the repayment provisions of section 327 of
20 title 37.”.

21 (nn) EDUCATION LOAN REPAYMENT PROGRAM:
22 COMMISSIONED OFFICERS IN SPECIFIED HEALTH PRO-
23 FESSIONS.—Subsection (g) of section 2173 of such title
24 is amended—

25 (1) by inserting “(1)” after “(g)”; and

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

3 “(2) An officer who does not complete the pe-
4 riod of active duty specified in the agreement en-
5 tered into under subsection (b)(3), or the alternative
6 obligation under paragraph (1), shall be subject to
7 the repayment provisions of section 327 of title 37.”.

8 (oo) SCHOLARSHIP PROGRAM FOR DEGREE PRO-
9 GRAM FOR DEGREE OR CERTIFICATION IN INFORMATION
10 ASSURANCE.—Section 2200a of such title is amended—

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

13 “(e) REPAYMENT FOR PERIOD OF UNSERVED OBLI-
14 GATED SERVICE.—(1) A member of an armed force who
15 does not complete the period of active duty specified in
16 the service agreement under section (b) shall be subject
17 to the repayment provisions of section 327 of title 37.

18 “(2) A civilian employee of the Department of De-
19 fense who voluntarily terminates service before the end of
20 the period of obligated service required under an agree-
21 ment entered into under subsection (b) shall refund to the
22 United States an amount determined by the Secretary of
23 Defense as being appropriate to obtain adequate service
24 in exchange for financial assistance and otherwise to
25 achieve the goals set forth in section 2200(a) of this title.

1 “(A) OBLIGATION AS DEBT.—An obligation to
2 reimburse the United States imposed under para-
3 graph (1) is for all purposes a debt owed to the
4 United States.

5 “(B) REPAYMENT.—The Secretary of Defense
6 may waive, in whole or in part a refund required
7 under paragraph (1) if the Secretary determines
8 that recovery would be against equity and good con-
9 science or would be contrary to the best interests of
10 the United States.

11 “(C) EFFECT OF DISCHARGE IN BANK-
12 RUPTCY.—A discharge in bankruptcy under title 11
13 that is entered less than five years after the termi-
14 nation of an agreement under this section does not
15 discharge the person signing such agreement from a
16 debt arising under such agreement or under this
17 subsection.”;

18 (2) by striking subsection (f); and

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

21 (pp) CADETS: AGREEMENT TO SERVICE AS OFFI-
22 CER.—Section 4348 of such title is amended by adding
23 at the end the following new subsection:

24 “(f) A cadet or former cadet who does not fulfill the
25 terms of the agreement as specified under section (a), or

1 the alternative obligation under subsection (b), shall be
2 subject to the repayment provisions of section 327 of title
3 37.”.

4 (qq) MIDSHIPMEN: AGREEMENT FOR LENGTH OF
5 SERVICE.—Section 6959 of such title is amended by add-
6 ing at the end the following new subsection:

7 “(f) A midshipman or former midshipman who does
8 not fulfill the terms of the agreement as specified under
9 section (a), or the alternative obligation under subsection
10 (b), shall be subject to the repayment provisions of section
11 327 of title 37.”.

12 (rr) CADETS: AGREEMENT TO SERVICE AS OFFI-
13 CER.—Section 9348 of such title is amended by adding
14 at the end the following new subsection:

15 “(f) A cadet or former cadet who does not fulfill the
16 terms of the agreement as specified under section (a), or
17 the alternative obligation under subsection (b), shall be
18 subject to the repayment provisions of section 327 of title
19 37.”.

20 (ss) CADETS: NUMBER, APPOINTMENT, OBLIGATION
21 TO SERVE.—Section 182 of title 14, United States Code,
22 is amended by adding at the end the following new sub-
23 section:

24 “(g) A cadet or former cadet who does not fulfill the
25 terms of the obligation to serve as specified under section

1 (b), or the alternative obligation under subsection (c),
2 shall be subject to the repayment provisions of section 327
3 of title 37.”.

4 (tt) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
5 THE SELECTED RESERVE.—Section 16135 of title 10
6 United States Code, is amended to read as follows:

7 **“§ 16135. Failure to participate satisfactorily; pen-**
8 **alties**

9 “(a) A member of the Selected Reserve of the Ready
10 Reserve of an armed force who does not participate satis-
11 factorily in required training as a member of the Selected
12 Reserve during a term of enlistment or other period of
13 obligated service that created entitlement of the member
14 to educational assistance under this chapter, and during
15 which the member has received such assistance, shall, at
16 the option of the Secretary concerned—

17 “(1) be ordered to active duty for a period of
18 two years or the period of obligated service the per-
19 son has remaining under section 16132 of this title,
20 whichever is less; or

21 “(2) be subject to the repayment provisions
22 under section 327 of title 37.

23 “(b) Any repayment under the provisions of section
24 327 of title 37 shall not affect the period of obligation

1 of such member to serve as a Reserve in the selected Re-
2 serve.”.

3 (uu) HEALTH PROFESSIONS STIPEND PROGRAM—
4 PENALTIES AND LIMITATIONS.—Subparagraph (B) of
5 section 16203(a)(1) of such title is amended to read as
6 follows:

7 “(B) shall be subject to the repayment pro-
8 visions of section 327 of title 37.”.

9 (vv) MARINE CORPS PLATOON LEADERS CLASS:
10 COLLEGE TUITION ASSISTANCE PROGRAM.—Subsection
11 (f) of section 16401 of such title is amended—

12 (1) in paragraph (1), by striking “may be re-
13 quired to repay the full amount of financial assist-
14 ance” and inserting “shall be subject to the repay-
15 ment provisions of section 327 of title 37”; and

16 (2) by amending paragraph (2) to read as fol-
17 lows:

18 “(2) Any requirement to repay any portion of
19 financial assistance received under this section shall
20 be administered under Secretary of Defense regula-
21 tions issued under section 327 of title 37. The Sec-
22 retary of the Navy may waive the obligations ref-
23 erenced in paragraph (1) in the case of a person
24 who—”.

1 (ww) EFFECTIVE DATE.—(1) The amendments made
2 by this section shall take effect on April 1, 2006.

3 (2) Notwithstanding paragraph (1)—

4 (A) the amendments made by this section do
5 not apply to any bonus, incentive, special pay or
6 similar payment (such as education assistance or sti-
7 pend), which the United States became obligated to
8 pay before April 1, 2006; and

9 (B) the following provisions in effect on March
10 30, 2006, shall continue to apply, in accordance with
11 the provisions thereof, with respect to any bonus, in-
12 centive, special pay, or an educational benefit or sti-
13 pend, which the United States became obligated to
14 pay before April 1, 2006:

15 (i) sections 301b(g), 301d(e), 301e(d),
16 302(f), 302a(b)(4), 302b, 302d(d), 302e, 302f,
17 302g, 302h, 302j, 308(d), 308b(d), 308c(d),
18 308e(d), 308g(d), 308h(c), 308i(d), 309(b),
19 312(b), 312b(a)(2), 314(d), 318(h), 319(h),
20 321(f), 322(f), 323(g), 324(f), 325(g), and
21 326(e) of title 37, United States Code;

22 (ii) sections 510, 2005(a)(3), 2005(c),
23 2005(d), 2005(f), 2005(g), 2007, 2105, 2107,
24 2123(e)(1)(C), 2130a(d), 2173(g), 2200a(e)(3),
25 4348, 6959, 9348, 16135, 16203(a)(1)(B), and

1 16401(f)(1) of title 10, United States Code;
2 and
3 (iii) section 182 of title 14, United States
4 Code.

5 **SEC. 616. INCREASE IN MAXIMUM MONTHLY RATE AUTHOR-**
6 **IZED FOR HARDSHIP DUTY PAY.**

7 (a) INCREASE.—Section 305(a) of title 37, United
8 States Code, is amended by striking “\$300” and inserting
9 “\$750”.

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

12 **Subtitle C—Retired Pay**

13 **SEC. 621. PROHIBIT COURT-ORDERED PAYMENTS BEFORE**
14 **RETIREMENT BASED ON IMPUTATION OF RE-**
15 **TIRED PAY.**

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

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

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

21 “(B) A court may not order a member to
22 make payments based upon an imputation of a
23 property interest in future retired pay of any
24 kind to a spouse or former spouse before the
25 date of the member’s actual retirement.”.

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

5 **Subtitle D—Other Matters**

6 **SEC. 631. PAYMENT OF EXPENSES TO OBTAIN PROFES-** 7 **SIONAL CREDENTIALS.**

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

11 **“§ 2015. Payment of expenses for members of the** 12 **armed forces to obtain professional cre-** 13 **dentials**

14 “The Secretary of Defense and the Secretary of
15 Homeland Security, with respect to the Coast Guard when
16 it is not operating as a service in the Navy, may use appro-
17 priated funds, or funds otherwise available to such Sec-
18 retary, to pay for—

19 “(1) expenses for members of the armed forces
20 to obtain professional credentials, including expenses
21 for professional accreditation, State-imposed and
22 professional licenses, and professional certification;
23 and

24 “(2) examinations to obtain such credentials.”.

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

“2015. Payment of expenses for members of the armed forces to obtain profes-
 sional credentials.”.

4 **SEC. 632. MONTHLY DISBURSEMENT TO THE STATES OF**
 5 **STATE INCOME TAX VOLUNTARILY WITH-**
 6 **HELD FROM RETIRED OR RETAINED PAY.**

7 Section 1045(a) of title 10, United States Code, is
 8 amended—

9 (1) by striking “quarter” the first place it ap-
 10 pears and inserting “month”; and

11 (2) by striking “during the month following
 12 that calendar quarter” and inserting “during the fol-
 13 lowing calendar month”.

14 **SEC. 633. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO A**
 15 **DEPLOYABLE SHIP OR MOBILE UNIT OR**
 16 **OTHER DUTY.**

17 Subparagraph (B) of section 701(f)(1) of title 10,
 18 United States Code, is amended to read as follows:

19 “(B) This subsection applies to a member—

20 “(i) who serves on active duty for a continuous
 21 period of at least 120 days in an area in which the
 22 member is entitled to special pay under section
 23 310(a) of title 37; or

1 “(ii) who is assigned to a deployable ship or
2 mobile unit or to other duty designated for the pur-
3 pose of this section.”.

4 **TITLE VII—HEALTH CARE**
5 **PROVISIONS**
6 **Subtitle A—Enhanced Benefits for**
7 **Reserves**

8 **SEC. 701. CORRECTION TO ELIGIBILITY FOR HEALTH CARE**
9 **PENDING ACTIVE DUTY FOLLOWING COMMIS-**
10 **SIONING.**

11 Clause (iii) of section 1074(a)(2)(B) of title 10,
12 United States Code, is amended by inserting before the
13 semicolon the following: “, or the member has been issued
14 orders but has not entered active duty”.

15 **Subtitle B—Other Benefits**
16 **Improvements**

17 **SEC. 711. AUTHORITY TO RELOCATE PATIENT SAFETY CEN-**
18 **TER; RENAMING MEDTEAMS PROGRAM.**

19 (a) REPEAL OF REQUIREMENT TO LOCATE THE DE-
20 PARTMENT OF DEFENSE PATIENT SAFETY CENTER
21 WITHIN THE ARMED FORCES INSTITUTE OF PATHOL-
22 OGY.—Subsection (c)(3) of section 754 of the Floyd D.
23 Spence National Defense Authorization Act for Fiscal
24 Year 2001 (Public Law 106–398; 114 Stat. 1654A–196)

1 is amended by striking “within the Armed Forces Institute
2 of Pathology”.

3 (b) RENAMING MEDTEAMS PROGRAM.—Subsection
4 (d) of such section is amended by striking “MEDTEAMS”
5 in the heading and inserting “MEDICAL TEAM TRAINING”.

6 **Subtitle C—Planning,**
7 **Programming, and Management**

8 **SEC. 721. MODIFICATION OF HEALTH CARE QUALITY IN-**
9 **FORMATION AND TECHNOLOGY ENHANCE-**
10 **MENT REPORTING REQUIREMENT.**

11 Section 723(e) of the National Defense Authorization
12 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
13 697) is amended by striking paragraphs (1) through (4)
14 and inserting the following:

15 “(1) Quality measures, including structure,
16 process and outcomes.

17 “(2) Population health.

18 “(3) Patient safety.

19 “(4) Patient satisfaction.

20 “(5) The extent of use of evidence-based prac-
21 tices.

22 “(6) Biosurveillance.”.

1 **Subtitle D—Medical Readiness**
2 **Tracking and Health Surveillance**

3 **SEC. 731. REVISION OF REQUIREMENTS FOR PHYSICAL EX-**
4 **AMINATIONS AND CERTIFICATES OF PHYS-**
5 **ICAL CONDITION FOR MEMBERS OF THE SE-**
6 **LECTED RESERVE.**

7 Subsection (a) of section 10206 of title 10, United
8 States Code, is amended—

9 (1) in paragraph (1), by striking “examined”
10 and all that follows through “necessary” and insert-
11 ing “provided a periodic health assessment on a fre-
12 quency basis established by the Secretary con-
13 cerned”; and

14 (2) in paragraph (2), by striking “annually to
15 the Secretary concerned” and inserting “to the Sec-
16 retary concerned, on a frequency basis established
17 by the Secretary,”.

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

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

7 **SEC. 801. JOINT WARFIGHTING SCIENCE AND TECHNOLOGY**
8 **PLAN.**

9 (a) SUBMITTAL OF THE JOINT WARFIGHTING
10 SCIENCE AND TECHNOLOGY PLAN.—Section 270 of the
11 National Defense Authorization Act for Fiscal Year 1997
12 (Public Law 104–201; 110 Stat. 2469; 10 U.S.C. 2501
13 note), as amended by sections 242 and 1067 of the Na-
14 tional Defense Authorization Act for Fiscal Year 2000
15 (Public Law 106–65; 113 Stat. 551, 774), is amended—

16 (1) by striking “(a) Annual” and inserting “Bi-
17 ennial”; and

18 (2) by striking “On March 1 of each year” and
19 inserting “By March 1, 2006, and biennially there-
20 after,”.

21 (b) TECHNOLOGY AREA REVIEW AND ASSESSMENT
22 SUMMARIES.—Section 270 of the National Defense Au-
23 thorization Act for Fiscal Year 1997 (Public Law 104–
24 201; 110 Stat. 2469), as amended by section 242 of the
25 National Defense Authorization Act for Fiscal Year 2000

1 (Public Law 106–65; 113 Stat. 551), is further amended
2 by striking subsection (b).

3 **SEC. 802. MAKING THE STATUTORY EXECUTIVE COMPENSA-**
4 **TION CAP PROSPECTIVE FROM THE DATE OF**
5 **THE LEGISLATION.**

6 Section 808(e)(2) of the National Defense Authoriza-
7 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
8 Stat. 1838), is amended by striking “before, on,” and in-
9 serting “on”.

10 **SEC. 803. CLARIFICATION OF RAPID ACQUISITION AUTHOR-**
11 **ITY TO RESPOND TO COMBAT EMERGENCIES.**

12 Section 806 of the Bob Stump National Defense Au-
13 thorization Act for Fiscal Year 2003 (Public Law 107–
14 314; 116 Stat. 2607; 10 U.S.C. 2302 note), as amended
15 by section 811 of the Ronald W. Reagan National Defense
16 Authorization Act for Fiscal Year 2005 (Public Law 108–
17 375; 118 Stat. 2012), is further amended—

18 (1) in subsection (c)—

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

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

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

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

5 (E) by striking paragraph (4) and insert-
6 ing the following:

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

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

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

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

19 (2) in subsection (d)(1)—

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

22 (B) in subparagraph (B), by striking “or”

23 (C) in subparagraph (C), by striking the
24 period at the end and inserting “; or”; and

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

3 “(D) domestic source and domestic content
4 restrictions that would inhibit or impede the
5 rapid acquisition of protective materials.”.

6 **SEC. 804. CLARIFICATION OF BUY AMERICAN REQUIRE-**
7 **MENTS.**

8 Section 2533a of title 10, United States Code, is
9 amended—

10 (1) in subsection (a), by striking “(h)” and in-
11 serting “(i)”;

12 (2) by redesignating subsections (f) through (j)
13 as subsections (g) through (k), respectively;

14 (3) by inserting after subsection (e) the fol-
15 lowing new subsection (f):

16 “(f) EXCEPTION FOR CIVIL-MILITARY INTEGRA-
17 TION.—Subsection (a) does not preclude the procurement
18 of an item containing specialty metals produced outside
19 the United States if:

20 “(1) the contractor that produced the item (or,
21 alternatively, in the case of a component that con-
22 tains specialty metals, the producer of the compo-
23 nent)—

24 “(A) used the same production processes
25 for the production of the item or component

1 being delivered to the Department of Defense
2 as it uses for similar items to be delivered to
3 other customers; and

4 “(B) purchased an amount of domestically-
5 melted specialty metals equivalent in quality
6 and amount to what would have been used to
7 produce the item or component for delivery to
8 the Department of Defense if this exception
9 were not being relied upon;

10 “(2) the contractor purchased the domestically-
11 melted specialty metals before delivery of the item to
12 the Department of Defense and after the date of the
13 award of the contract; and

14 “(3) the contractor notifies the contracting offi-
15 cer before delivery of the item that it intends to rely
16 upon this exception and that it has complied with,
17 or will comply with, paragraphs (1) and (2) above.”;
18 and

19 (4) in subsection (i) (as so redesignated), by
20 adding at the end the following new sentence: “Sub-
21 section (a) does not apply to the procurement of cov-
22 ered items with textile components or materials that
23 are not produced or manufactured in the United
24 States if the total cost of all such textile components
25 and materials is not greater than (i) the simplified

1 acquisition threshold referred to in section 2304(g)
2 of this title, or (ii) 10 percent of the total price of
3 the covered items, whichever is less.”.

4 **SEC. 805. INCREASE LIMITATION ON ADVANCE BILLING OF**
5 **WORKING CAPITAL FUND CUSTOMERS.**

6 Section 2208(l)(3) of title 10, United States Code,
7 is amended by striking “\$1,000,000,000” and inserting
8 “\$4,000,000,000”.

9 **SEC. 806. PROCUREMENT OF SUPPLIES AND SERVICES**
10 **FROM EXCHANGE STORES; RAISING DOLLAR**
11 **LIMITATION.**

12 Subsection 2424(b) of title 10, United States Code,
13 is amended by striking “\$50,000” and inserting
14 “\$100,000”.

15 **SEC. 807. AUTHORIZATION TO ENTER INTO ACQUISITION**
16 **AND CROSSSERVICING AGREEMENTS WITH**
17 **REGIONAL ORGANIZATIONS OF WHICH THE**
18 **UNITED STATES IS NOT A MEMBER.**

19 (a) Section 2341(1) of title 10, United States Code,
20 is amended by striking “of which the United States is a
21 member”.

22 (b) Section 2342(a)(1)(C) of such title is amended
23 by striking “of which the United States is a member”.

24 (c) Section 2344(b)(4) of such title is amended by
25 striking “of which the United States is a member”.

1 (d) Section 2347 of such title is repealed.

2 **Subtitle B—Amendments to Gen-**
3 **eral Contracting Authorities,**
4 **Procedures, and Limitations**

5 **SEC. 811. DEFENSE ACQUISITION WORKFORCE IMPROVE-**
6 **MENTS.**

7 (a) Section 1732 of title 10, United States Code, is
8 amended—

9 (1) in subsection (c)—

10 (A) by striking “(b)(2)(A) and (b)(2)(B)”
11 wherever it appears and inserting “(b)(1)(A)
12 and (b)(1)(B)”;

13 (B) by striking paragraph (3); and

14 (2) in paragraph (d)(2), by striking
15 “(b)(2)(A)(ii)” and inserting “(b)(1)(A)(ii)”.

16 (b) Section 1733(b)(1)(A) of such title is amended
17 to read as follows:

18 “(A) Any acquisition position, which is re-
19 quired to be filled by a senior civilian employee
20 or a senior commissioned officer of the Army,
21 Navy, Air Force, or Marines Corps, as deter-
22 mined in accordance with guidelines prescribed
23 by the Secretary.”.

1 **SEC. 812. PROCUREMENT OF PERISHABLE FOOD FOR ES-**
2 **TABLISHMENTS OUTSIDE OF THE UNITED**
3 **STATES.**

4 Paragraph 2533a(d)(3) of title 10, United States
5 Code, is amended—

6 (1) by inserting “by,” after “emergency pro-
7 curements”; and

8 (2) by inserting “, or for,” after “perishable
9 foods by”.

10 **Subtitle C—United States Defense**
11 **Industrial Base Provisions**

12 **SEC. 821. REVISION OF AUTHORITY TO DISPOSE OF CER-**
13 **TAIN MATERIALS IN NATIONAL DEFENSE**
14 **STOCKPILE.**

15 (a) Section 3303(a) of the Strom Thurmond National
16 Defense Authorization Act for Fiscal Year 1999 (Public
17 Law 105–261; 50 U.S.C. 98d note), as amended by sec-
18 tion 3302 of the Ronald W. Reagan National Defense Au-
19 thorization Act for Year 2005 (Public Law 108–375; 50
20 U.S.C. 98d note), is amended by striking paragraph (5)
21 and inserting the following new paragraph:

22 “(5) \$970,000,000 by the end of fiscal year 2013.”.

23 (b) Section 3402(b) of the National Defense Author-
24 ization Act for Fiscal Year 2000 (Public Law 106–65; 113
25 Stat. 972; 50 U.S.C. 98d note), as amended by section
26 3302 of the National Defense Authorization Act for Fiscal

1 Year 2004 (Public Law 108–136; 50 U.S.C. 98d note),
2 is amended by striking paragraph (4) and inserting the
3 following new paragraph:

4 “(4) \$550,000,000 by the end of fiscal year 2013.”.

5 **Subtitle D—Extension of**
6 **Temporary Program Authorities**

7 **SEC. 831. MODIFICATION OF EQUIPMENT WITHIN FIVE**
8 **YEARS OF ITS RETIREMENT OR DISPOSAL.**

9 (a) IN GENERAL.—Chapter 137 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 2333. Modification of equipment within five years**
13 **of its retirement or disposal**

14 “(a) PROHIBITION.—A military department shall not
15 modify an aircraft, weapon, ship or other item of equip-
16 ment that the military department concerned plans to re-
17 tire or otherwise dispose of within 5 years after completion
18 of the modification.

19 “(b) EXCEPTIONS.—The prohibition in subsection (a)
20 shall not apply—

21 “(1) to safety modifications; or

22 “(2) when the total cost of such modification,
23 including procurement, installation, and removal
24 costs, does not exceed \$100,000.

1 “(c) WAIVER.—The Secretary of a military depart-
 2 ment may waive the prohibition in subsection (a) if the
 3 Secretary determines it is in the best national security in-
 4 terest of the United States to provide such waiver and so
 5 notifies the congressional defense committees in writing.”.

6 (b) CONFORMING AND CLERICAL AMENDMENTS.—

7 (1) Section 8053 of the Department of Defense Appro-
 8 priations Act, 1998 (Public Law 105–56; 111 Stat. 1232),
 9 is repealed.

10 (2) The table of sections at the beginning of chapter
 11 137 of title 10, United States Code, is amended by adding
 12 at the end the following new item:

“2333. Modification of equipment within five years of its retirement or dis-
 posal.”.

13 **SEC. 832. AMENDMENT OF AUTHORITY TO PROVIDE LOGIS-**
 14 **TICS SUPPORT AND SERVICES.**

15 Section 365(g)(1) of the Bob Stump National De-
 16 fense Authorization Act for Fiscal Year 2003 (Public Law
 17 107–314; 116 Stat. 2520) is amended by striking “2007”
 18 and inserting “2010”.

19 **Subtitle E—Other Acquisition**
 20 **Matters**

21 **SEC. 841. PROCUREMENT OF BALL AND ROLLER BEARINGS.**

22 (a) LIMITATION.—Paragraph (a)(5) of section 2534
 23 of title 10, United States Code, is amended to read as
 24 follows:

1 “(5) BALL BEARINGS AND ROLLER BEARINGS.—Ball
2 bearings and roller bearings or bearing components, ex-
3 cept ball bearings and roller bearings being procured for
4 use in an end product manufactured by a manufacturer
5 that does not satisfy the requirements of subsection (b)
6 or in a component part manufactured by such a manufac-
7 turer. ‘Bearing components’ means the bearing element,
8 retainer, inner race, or outer race.”.

9 (b) INAPPLICABILITY TO CERTAIN CONTRACTS.—
10 Paragraph (2) of subsection (j) of such section is amended
11 to read as follows:

12 “(2) This section does not apply with respect to a
13 contract or subcontract to purchase items described in
14 subsection (a)(5) if such contract or subcontract is for the
15 acquisition of commercial items, unless commercial ball
16 and roller bearings are being acquired as end items.”.

17 **SEC. 842. REVITALIZATION OF DEPARTMENT OF DEFENSE**
18 **LABORATORIES.**

19 (a) LABORATORY REVITALIZATION.—Section 2805 of
20 title 10, United States Code, is amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (e) the fol-
24 lowing new subsection (d):

1 “(d) LABORATORY REVITALIZATION.—(1) For the
2 revitalization of laboratories owned by the United States
3 and under the jurisdiction of the Secretary concerned, the
4 Secretary may spend from appropriations available—

5 “(A) for operation and maintenance amounts
6 necessary to carry out an unspecified minor military
7 construction project costing not more than
8 \$1,500,000; or

9 “(B) for military construction not otherwise au-
10 thORIZED by law amounts necessary to carry out an
11 unspecified minor military construction project cost-
12 ing not more than \$3,000,000.

13 “(2) For projects conducted pursuant to this sub-
14 section, \$1,500,000 shall be the amount applied for pur-
15 poses of subsection (b)(1).

16 “(3) For purposes of this subsection, a laboratory in-
17 cludes—

18 “(A) a research, engineering, and development
19 center;

20 “(B) a test and evaluation activity; and

21 “(C) any buildings, structures, or facilities lo-
22 cated at and supporting such centers or activities.”.

23 (b) STYLISTIC AND CLERICAL AMENDMENTS.—Such
24 section is further amended—

1 (1) in subsection (a), by inserting “Military
2 Construction Funding.—” after “(a)”;

3 (2) in subsection (b), by inserting “Notifica-
4 tions.—” after “(b)”;

5 (3) in subsection (c), by inserting “Operation
6 and Maintenance Funding.—” after “(c)”; and

7 (4) in subsection (e), as redesignated by sub-
8 section (a) of this section, by inserting “Limita-
9 tions.—” after “(e)”.

10 **TITLE IX—DEPARTMENT OF DE-**
11 **FENSE ORGANIZATION AND**
12 **MANAGEMENT**

13 **Subtitle A—Intelligence-Related**
14 **Matters**

15 **SEC. 901. OPERATIONAL FILES OF THE DEFENSE INTEL-**
16 **LIGENCE AGENCY.**

17 (a) PROTECTION OF OPERATIONAL FILES OF DE-
18 FENSE INTELLIGENCE AGENCY.—Title I of the National
19 Security Act of 1947 (50 U.S.C. 401 et. seq.) is amended
20 by inserting after section 705 the following new section:

21 **“§ 706. Operational files of the Defense Intelligence**
22 **Agency**

23 “(a) EXEMPTION OF OPERATIONAL FILES.—The Di-
24 rector of the Defense Intelligence Agency, in coordination
25 with the Director of National Intelligence, may exempt

1 operational files of the Defense Intelligence Agency from
2 the provisions of section 552 of title 5, United States
3 Code, which require publication, disclosure, search, or re-
4 view in connection therewith.

5 “(b) OPERATIONAL FILES DEFINED.—(1) In this
6 section, the term ‘operational files’ means:

7 “(A) files of the Directorate of Human Intel-
8 ligence of the Defense Intelligence Agency (and any
9 successor organization of that directorate) that doc-
10 ument the conduct of foreign intelligence or counter-
11 intelligence operations or intelligence or security liai-
12 son arrangements or information exchanges with for-
13 eign governments or their intelligence or security
14 services; and

15 “(B) files of the Directorate of Technology of
16 the Defense Intelligence Agency (and any successor
17 organization of that directorate) that document the
18 means by which foreign intelligence or counterintel-
19 ligence is collected through technical systems.

20 “(2) Files that are the sole repository of dis-
21 seminated intelligence are not operational files.

22 “(c) SEARCH AND REVIEW FOR INFORMATION.—
23 Notwithstanding subsection (a) of this section, exempted
24 operational files shall continue to be subject to search and
25 review for information concerning:

1 “(1) United States citizens or aliens lawfully
2 admitted for permanent residence who have re-
3 quested information on themselves pursuant to the
4 provisions of section 552 or 552a of title 5, United
5 States Code.

6 “(2) Any special activity the existence of which
7 is not exempt from disclosure under the provisions
8 of section 552 of title 5, United States Code.

9 “(3) The specific subject matter of an investiga-
10 tion by any of the following for any impropriety, or
11 violation of law, Executive Order, or Presidential di-
12 rective, in the conduct of an intelligence activity:

13 “(A) The Committee on Armed Services
14 and the Permanent Select Committee on Intel-
15 ligence of the House of Representatives.

16 “(B) The Committee on Armed Services
17 and the Select Committee on Intelligence of the
18 Senate.

19 “(C) The Intelligence Oversight Board.

20 “(D) The Department of Justice.

21 “(E) The Office of General Counsel of the
22 Department of Defense or of the Defense Intel-
23 ligence Agency.

1 “(F) The Office of Inspector General of
2 the Department of Defense or of the Defense
3 Intelligence Agency.

4 “(G) The Office of the Director of the De-
5 fense Intelligence Agency.

6 “(d) INFORMATION DERIVED OR DISSEMINATED
7 FROM EXEMPTED OPERATIONAL FILES.—(1) Files that
8 are not exempted under subsection (a) of this section
9 which contain information derived or disseminated from
10 exempted operational files shall be subject to search and
11 review.

12 “(2) The inclusion of information from exempted
13 operational files in files that are not exempted under sub-
14 section (a) of this section shall not affect the exemption
15 under subsection (a) of this section of the originating
16 operational files from search, review, publication, or dis-
17 closure.

18 “(3) Records from exempted operational files that
19 have been disseminated to and referenced in files that are
20 not exempted under subsection (a) of this section and that
21 have been returned to exempted operational files for sole
22 retention shall be subject to search and review.

23 “(e) ALLEGATION; IMPROPER WITHOLDING OF
24 RECORDS; JUDICIAL REVIEW.—(1) Except as provided in
25 paragraph (2), whenever any person who has requested

1 agency records under section 552 of title 5, alleges that
2 the Defense Intelligence Agency has withheld records im-
3 properly because of failure to comply with any provision
4 of this section, judicial review shall be available under the
5 terms set forth in section 552(a)(4)(B) of title 5, United
6 States Code.

7 “(2) Judicial review shall not be available in the man-
8 ner provided under paragraph (1) as follows:

9 “(A) In any case in which information specifi-
10 cally authorized under criteria established by an Ex-
11 ecutive order to be kept secret in the interest of na-
12 tional defense or foreign relations which is filed
13 with, or produced for, the court by the Defense In-
14 telligence Agency, such information shall be exam-
15 ined ex parte, in camera by the court.

16 “(B) The court shall determine, to the fullest
17 extent practicable, determine issues of fact based on
18 sworn written submissions of the parties.

19 “(C) When a complaint alleges that requested
20 records were improperly withheld because of im-
21 proper placement solely in exempted operational
22 files, the complainant shall support such allegation
23 with a sworn written submission based upon per-
24 sonal knowledge or otherwise admissible evidence.

1 “(D)(i) When a complainant alleges that re-
2 requested records were improperly withheld because of
3 improper exemption of operational files, the Defense
4 Intelligence Agency shall meet its burden under sec-
5 tion 552(a)(4)(B) of title 5, United States Code, by
6 demonstrating to the court by sworn written submis-
7 sion that exempted operational files likely to contain
8 responsible records currently perform the functions
9 set forth in subsection (b).

10 “(ii) The court may not order the Defense In-
11 telligence Agency to review the content of any ex-
12 empted operational file or files in order to make the
13 demonstration required under clause (i) of this para-
14 graph, unless the complainant disputes the Defense
15 Intelligence Agency’s showing with a sworn written
16 submission based on personal knowledge or other-
17 wise admissible evidence.

18 “(E) In proceedings under subparagraphs (C)
19 and (D), the parties shall not obtain discovery pur-
20 suant to rules 26 through 36 of the Federal Rules
21 of Civil Procedure, except that requests for admis-
22 sion may be made pursuant to rules 26 and 36.

23 “(F) If the court finds under this subsection
24 that the Defense Intelligence Agency has improperly
25 withheld requested records because of failure to com-

1 ply with any provision of this subsection, the court
2 shall order the Defense Intelligence Agency to search
3 and review the appropriate exempted operational file
4 or files for the requested records and make such
5 records, or portions thereof, available in accordance
6 with the provisions of section 552 of title 5, United
7 States Code, and such order shall be the exclusive
8 remedy for failure to comply with this section (other
9 than subsection(g)).

10 “(G) If at any time following the filing of a
11 complaint pursuant to this subsection the Defense
12 Intelligence Agency agrees to search the appropriate
13 exempted operational file or files for the requested
14 records, the court shall dismiss the claim based upon
15 such complaint.

16 “(H) Any information filed with, or produced
17 for the court pursuant to subparagraphs (A) and
18 (D) shall be coordinated with the Director of Na-
19 tional Intelligence before submission to the court.

20 “(f) DECENNIAL REVIEW OF EXEMPTED OPER-
21 ATIONAL FILES.—(1) Not less than once every ten years,
22 the Director of the Defense Intelligence Agency and the
23 Director of National Intelligence shall review the exemp-
24 tions in force under subsection (a) to determine whether
25 such exemptions may be removed from a category of ex-

1 emptied files or any portion thereof. The Director of Na-
2 tional Intelligence must approve any determinations to re-
3 move such exemptions.

4 “(2) The review required by paragraph (1) shall in-
5 clude consideration of the historical value or other public
6 interest in the subject matter of the particular category
7 of files or portions thereof and the potential for declas-
8 sifying a significant part of the information contained
9 therein.

10 “(3) A complainant that alleges that the Defense In-
11 telligence Agency has improperly withheld records because
12 of failure to comply with this section may seek judicial
13 review in the district court of the United States of the
14 district in which any of the parties reside, or in the Dis-
15 trict of Columbia. In such a proceeding, the court’s review
16 shall be limited to determining the following:

17 “(A) Whether the Defense Intelligence Agency
18 has conducted the review required by paragraph (1)
19 before the expiration of the 10-year period beginning
20 on the date of the enactment of this section or be-
21 fore the expiration of the 10-year period beginning
22 on the date of the most recent review.

23 “(B) Whether the Defense Intelligence Agency,
24 in fact, considered the criteria set forth in paragraph
25 (2) in conducting the required review.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such title is amended by inserting after
3 the item relating to section 705 the following new item:

“706. Operational files of the Defense Intelligence Agency.”.

4 (c) OTHER AMENDMENTS.—The National Security
5 Act of 1947 is further amended—

6 (1) by inserting at the end of section
7 702(a)(3)(C) the following new clause:

8 “(vii) The Office of the Inspector General of
9 the National Geospatial-Intelligence Agency.”;

10 (2) by inserting at the end of section
11 703(a)(3)(C) the following new clause:

12 “(vii) The Office of the Inspector General of
13 the NRO.”; and

14 (3) by inserting at the end of section 704(e)(3)
15 the following subparagraph:

16 “(H) The Office of the Inspector General
17 of the National Security Agency.”.

18 **SEC. 902. DEFENSE COUNTERINTELLIGENCE POLYGRAPH**
19 **PROGRAM.**

20 Section 1564a of title 10, United States Code, is
21 amended—

22 (1) in subsection (a), by inserting “or successor
23 directive” before the period at the end; and

24 (2) in subsection (b), by inserting after “(or a
25 successor Executive order)” the following: “, or who

1 have access to other information whose unauthorized
2 disclosure or manipulation would have significant
3 potential impact upon national security, as deter-
4 mined under standards established by the Secretary
5 of Defense,”.

6 **Subtitle B—Other Matters**

7 **SEC. 911. OPERATIONAL TEST AND EVALUATION; EXPAND-** 8 **ING THE ELIGIBILITY CRITERIA FOR THE** 9 **LEADERSHIP OF DEPARTMENT OF DEFENSE** 10 **TEST RESOURCE MANAGEMENT CENTER.**

11 Section 196(b) of title 10, United States Code, is
12 amended—

13 (1) by amending paragraph (1) to read as fol-
14 lows:

15 “(1) At the head of the Center shall be a Direc-
16 tor, selected by the Secretary from among individ-
17 uals who have substantial experience in the field of
18 test and evaluation.”; and

19 (2) in paragraph (2), by striking “senior civil-
20 ian officers and employees of the Department of De-
21 fense” and inserting “individuals”.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE**
4 **BUDGET REQUEST FOR PROCUREMENT OF**
5 **RESERVE EQUIPMENT.**

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

8 **SEC. 1002. REPEAL OF REQUIREMENT FOR TWO-YEAR**
9 **BUDGET CYCLE FOR THE DEPARTMENT OF**
10 **DEFENSE.**

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

13 **SEC. 1003. CAPTURE OF ALL EXPIRED FUNDS FROM THE**
14 **MILITARY PERSONNEL AND OPERATION AND**
15 **MAINTENANCE APPROPRIATION ACCOUNTS**
16 **FOR USE IN THE FOREIGN CURRENCY FLUC-**
17 **TUATIONS ACCOUNT.**

18 (a) IN GENERAL.—Section 2779 of title 10, United
19 States Code, is amended—

20 (1) in subsection (a)(2), by striking “second fis-
21 cal year” and inserting “fifth fiscal year”; and

22 (2) in subsection (d)(2), by striking “second fis-
23 cal year” and inserting “fifth fiscal year”.

24 (b) LIMITATION ON FUNDS TRANSFERRED.—Funds
25 transferred in fiscal year 2006 pursuant to the additional

1 transfer authority authorized in subsection (a) may not
2 exceed \$10,000,000.

3 **SEC. 1004. AUTHORITY TO USE FUNDS APPROPRIATED FOR**
4 **ACTIVE FORCES TO SUPPORT RESERVE COM-**
5 **PONENT FORCES NOTIFIED OF MOBILIZA-**
6 **TION.**

7 (a) IN GENERAL.—Chapter 1805 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 18506. Reserve components: premobilization sup-**
11 **port with funds appropriated for active**
12 **forces**

13 “Whenever the Secretary concerned determines that
14 it is in the interest of national security, the Secretary may
15 authorize the use of funds appropriated for active compo-
16 nent forces to support reserve component forces that have
17 been notified they are to be ordered to active duty in sup-
18 port of a contingency operation.”.

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

“18506. Reserve components: premobilization support with funds appropriated
for active forces.”.

1 **SEC. 1005. PURCHASE AND DISPOSAL OF WEAPONS OVER-**
2 **SEAS.**

3 (a) **AUTHORITY.**—Funds available to the Department
4 of Defense for operations and maintenance may be used
5 to purchase weapons from any person, foreign govern-
6 ment, international organization or other entity for the
7 purpose of protecting United States forces engaged in
8 military operations overseas.

9 (b) **DISPOSITION OF WEAPONS PURCHASED.**—Weap-
10 ons purchased under the authority of this section may be
11 disposed of by transfer to the military or security forces
12 of another country, with the concurrence of the Secretary
13 of State, or by destruction.

14 (c) **CONGRESSIONAL NOTIFICATION.**—The Secretary
15 of Defense shall promptly notify the congressional defense
16 committees when weapons are purchased or transferred to
17 another country pursuant to this section.

18 **SEC. 1006. FUNDING OF ARMY MULTIPLE-COMPONENT**
19 **UNITS.**

20 (a) **IN GENERAL.**—Chapter 307 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

23 **“§ 3085. Funding of Army multiple-component units**

24 “(a) **AUTHORITY.**—Funds authorized to be appro-
25 priated for ‘Operation and Maintenance, Army’ may be
26 obligated and expended to support elements of the reserve

1 components that are part of a multiple-component unit of
 2 the Army, or may be transferred to Operation and Mainte-
 3 nance, Army Reserve, or Operation and Maintenance,
 4 Army National Guard, for such purposes.

5 “(b) DEFINITION.—For the purposes of this section,
 6 a ‘multiple-component unit’ is a unit comprised of per-
 7 sonnel or equipment, or both, from active and reserve com-
 8 ponents, as determined by the Secretary of Defense.”.

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

“3085. Funding of Army multiple-component units.”.

12 **Subtitle B—Counter-Drug**
 13 **Activities**

14 **SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR**
 15 **COUNTER-DRUG ACTIVITIES.**

16 Section 1021 of the National Defense Authorization
 17 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.
 18 1212), is amended—

19 (1) in subsection (a), by striking “2002 through
 20 2006” and inserting “2006 through 2011”; and

21 (2) in paragraph (b)(4), by inserting at the end
 22 the following new sentence: “Bases of operations and
 23 training facilities may be for any aspect of counter-
 24 drug activities, including detection, interdiction, and
 25 prosecution.”.

Subtitle C—Reports

1 **Subtitle C—Reports**
2 **SEC. 1021. RELIEF OF REQUIREMENT TO SUBMIT ANNUAL**
3 **REPORTS TO CONGRESS REGARDING GLOBAL**
4 **STRIKE.**

5 Section 1032 of the National Defense Authorization
6 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
7 1605), is amended—

8 (1) in subsection (a), by striking “(a) INTE-
9 GRATED PLAN FOR PROMPT GLOBAL STRIKE CAPA-
10 BILITY.—”; and

11 (2) by striking subsection (b).

12 **SEC. 1022. REPEAL OF REQUIRED REPORTS ON TRANSFERS**
13 **FROM HIGH-PRIORITY READINESS APPRO-**
14 **PRIATIONS.**

15 (a) IN GENERAL.—Section 483 of title 10, United
16 States Code, is repealed.

17 (b) CONFORMING AMENDMENT.—The table of sec-
18 tions at the beginning of chapter 23 of such title is amend-
19 ed by striking the item relating to section 483.

1 **Subtitle D—Defense Against Ter-**
2 **rorism and Other Domestic Se-**
3 **curity Matters**

4 **SEC. 1031. TESTING OF PREPAREDNESS FOR EMERGENCIES**
5 **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**
6 **ICAL, BIOLOGICAL, AND HIGHYIELD EXPLO-**
7 **SIVES WEAPONS.**

8 Section 1415 of the National Defense Authorization
9 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.
10 2720), is amended—

11 (1) in subsection (a)—

12 (A) by inserting “NUCLEAR, RADIO-
13 LOGICAL,” after “INVOLVING” in the heading;

14 (B) in paragraph (1)—

15 (i) by striking “Secretary of Defense”
16 and inserting “Secretary of Homeland Se-
17 curity”; and

18 (ii) by striking “biological weapons
19 and related materials and emergencies in-
20 volving chemical weapons and related ma-
21 terials” and inserting “nuclear, radio-
22 logical, biological, and chemical weapons
23 and related materials”;

24 (C) in paragraph (2), by striking “during
25 each of five successive fiscal years beginning

1 with fiscal year 1997” and inserting “in accord-
2 ance with subsection (c) of section 102 and sub-
3 section (c)(1) of section 430 of the Homeland
4 Security Act of 2002 (Public Law 107–296;
5 116 Stat. 2135)”;

6 (D) in paragraph (3), by striking “the Di-
7 rector of the Federal Bureau of Investigation,
8 the Director of the Federal Emergency Man-
9 agement Agency,” and inserting “the Secretary
10 of Defense, the Director of the Federal Bureau
11 of Investigation,”;

12 (2) by striking subsections (b) and (d);

13 (3) by redesignating subsections (c) and (e) as
14 subsections (b) and (c), respectively; and

15 (4) in subsection (b), as redesignated by para-
16 graph (3), by striking “or (b)”.

17 **Subtitle E—Personnel Security** 18 **Matters**

19 **SEC. 1041. UPDATE OF INTERNAL SECURITY ACT OF 1950.**

20 Section 21 of title I of the Internal Security Act of
21 1950 (Public Law 81–831; 64 Stat. 1005), is amended
22 by striking “commander” and inserting “commander or
23 military or civilian director”.

1 **Subtitle F—Transportation-Related**
2 **Matters**

3 **SEC. 1051. TRANSPORTATION OF FAMILY MEMBERS INCI-**
4 **DENT TO THE REPATRIATION OF**
5 **SERVICEMEMBERS OR CIVILIANS HELD CAP-**
6 **TIVE.**

7 (a) **MILITARY CAPTIVES.**—Chapter 7 of title 37,
8 United States Code, is amended by inserting after section
9 411i the following new section:

10 **“§ 411j. Travel and transportation allowances: trans-**
11 **portation of family members incident to**
12 **the repatriation of members held captive**

13 “(a) **ALLOWANCE FOR FAMILY MEMBERS.**—(1)
14 Under uniform regulations prescribed by the Secretary
15 concerned, travel and transportation described in sub-
16 section (c) may be provided for not more than three family
17 members of a member described in paragraph (3). In cir-
18 cumstances determined to be appropriate by the Secretary
19 concerned, the Secretary may waive the limitation on the
20 number of family members provided travel and transpor-
21 tation under this section.

22 “(2) In addition to the persons authorized to be pro-
23 vided travel and transportation under paragraph (1), the
24 Secretary may provide such travel and transportation to

1 an attendant to accompany a family member described in
2 paragraph (3) if the Secretary concerned determines—

3 “(A) the family member to be accompanied is
4 unable to travel unattended because of age, physical
5 condition, or other reason determined by the Sec-
6 retary; and

7 “(B) no other family member who is eligible for
8 travel and transportation under subsection (a) is
9 able to serve as an attendant for the family member.

10 “(3) A member referred to in paragraph (a)(1) is a
11 member of the uniformed services who—

12 “(A) is serving on active duty;

13 “(B) was held captive, as determined by the
14 Secretary, and

15 “(C) is repatriated to a site in or outside the
16 United States.

17 “(b) ELIGIBLE FAMILY MEMBERS.—(1) In this sec-
18 tion, the term ‘family member’ has the meaning given the
19 term in section 411h(b) of this title.

20 “(2) If no family member is able to travel to the repa-
21 triation site, such travel and transportation allowances
22 may be provided to not more than two persons related to
23 and selected by the member.

24 “(c) TRAVEL AND TRANSPORTATION AUTHOR-
25 IZED.—(1) The transportation authorized by subsection

1 (a) is round-trip transportation between the home of the
2 family member (or home of the attendant or person pro-
3 vided transportation under subsection (a)(2) or (b)(2), as
4 the case may be) and the location of the repatriation site
5 at which the member is located.

6 “(2) In addition to the transportation authorized by
7 subsection (a), the Secretary concerned may provide a per
8 diem allowance or reimbursement for the actual and nec-
9 essary expenses of the travel, or a combination thereof,
10 but not to exceed the rates established under section
11 404(d) of this title.

12 “(3) The transportation authorized by subsection (a)
13 may be provided by any of the means described in section
14 411h(d)(1) of this title.

15 “(4) An allowance under this subsection may be paid
16 in advance.

17 “(5) Reimbursement payable under this subsection
18 may not exceed the cost of government-procured round-
19 trip air travel.”

20 (b) CIVILIAN CAPTIVES.—Chapter 57 of title 5,
21 United States Code, is amended by adding at the end the
22 following new section:

1 **“§ 5760. Travel and transportation allowances: trans-**
2 **portation of family members incident to**
3 **the repatriation of employees held cap-**
4 **tive**

5 “(a) ALLOWANCE FOR FAMILY MEMBERS.—(1)
6 Under uniform regulations prescribed by the head of an
7 agency, travel and transportation described in subsection
8 (c) may be provided for not more than three family mem-
9 bers of an employee described in paragraph (3). In cir-
10 cumstances determined to be appropriate by the head of
11 an agency, the head of an agency may waive the limitation
12 on the number of family members provided travel and
13 transportation under this section.

14 “(2) In addition to the persons authorized to be pro-
15 vided travel and transportation under paragraph (1), the
16 head of an agency may provide such travel and transpor-
17 tation to an attendant to accompany a family member de-
18 scribed in paragraph (3) if the head of an agency con-
19 cerned determines—

20 “(A) the family member to be accompanied is
21 unable to travel unattended because of age, physical
22 condition, or other reason determined by the Sec-
23 retary; and

24 “(B) no other family member who is eligible for
25 travel and transportation under subsection (a) is
26 able to serve as an attendant for the family member.

1 “(3) An employee referred to in paragraph (a)(1) is
2 an employee as defined in section 2105 of this title who—

3 “(A) was held captive, as determined by the
4 head of an agency, and

5 “(B) is repatriated to a site in or outside the
6 United States.

7 “(b) ELIGIBLE FAMILY MEMBERS.—(1) In this sec-
8 tion, the term ‘family member’ has the meaning given the
9 term in section 411h(b) of title 37.

10 “(2) If no family member is able to travel to the repa-
11 triation site, such travel and transportation allowances
12 may be provided to not more than two persons related to
13 and selected by the member.

14 “(c) TRAVEL AND TRANSPORTATION AUTHOR-
15 IZED.—(1) The transportation authorized by subsection
16 (a) is round-trip transportation between the home of the
17 family member (or home of the attendant or person pro-
18 vided transportation under subsection (a)(2) or (b)(2), as
19 the case may be) and the location of the repatriation site
20 at which the employee is located.

21 “(2) In addition to the transportation authorized by
22 subsection (a), the head of an agency may provide a per
23 diem allowance or reimbursement for the actual and nec-
24 essary expenses of the travel, or a combination thereof,

1 but not to exceed the rates established under section
2 404(d) of title 37.

3 “(3) The transportation authorized by subsection (a)
4 may be provided by any of the means described in section
5 411h(d)(1) of title 37.

6 “(4) An allowance under this subsection may be paid
7 in advance.

8 “(5) Reimbursement payable under this subsection
9 may not exceed the cost of government-procured round-
10 trip air travel.”.

11 (c) CLERICAL AMENDMENT.—(1) The table of sec-
12 tions at the beginning of chapter 7 of title 37 is amended
13 by adding at the end the following new item:

“411j. Travel and transportation allowances: transportation of family members
incident to the repatriation of members held captive.”.

14 (2) The table of sections at the beginning of chapter
15 57 of title 5 is amended by adding at the end the following
16 new item:

“5760. Travel and transportation allowances: transportation of family members
incident to the repatriation of employees held captive.”.

17 **SEC. 1052. RESEARCH, DEVELOPMENT, TEST AND EVALUA-**
18 **TION FOR TRANSPORTATION RELATED PRO-**
19 **GRAMS.**

20 (a) IN GENERAL.—Chapter 6 title 10, United States
21 Code, is amended by inserting after section 164 the fol-
22 lowing new section:

1 **“§ 164a. Combatant command research and develop-**
2 **ment**

3 “(a) The Secretary of Defense may authorize the
4 Commander, United States Transportation Command,
5 to—

6 “(1) develop and acquire transportation and
7 distribution-peculiar equipment;

8 “(2) acquire transportation and distribution-pe-
9 culiar material, supplies, and services; and

10 “(3) coordinate efforts with the Services and in-
11 dustry for developing, testing, and fielding advance
12 technologies relative to transportation and the dis-
13 tribution process.

14 “(b) In addition to the activities of a combatant com-
15 mand for which funding may be requested under section
16 166(b) of this title, a budget proposal for the Transpor-
17 tation Command shall include requests for funding for—

18 “(1) development and acquisition of transpor-
19 tation and distribution-peculiar equipment; and

20 “(2) acquisition of other material, supplies, or
21 services that are peculiar to transportation and dis-
22 tribution activities.

23 “(c) The Secretary of Defense may prescribe regula-
24 tions for the activities of the Transportation Command.
25 Such regulations may include safeguards to preclude du-
26 plication of efforts. Basic aircraft, ship, truck and railcar

1 research, development and acquisition shall remain the re-
2 sponsibility of the Service Secretaries.”.

3 “(b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 164 the following new
6 item:

“164a. Combatant command research and development.”.

7 **Subtitle G—Other Matters**

8 **SEC. 1061. PILOT PROGRAM FOR THE EMPLOYMENT, USE,** 9 **AND STATUS OF RESERVE CIVILIAN MARI-** 10 **NERS.**

11 (a) AUTHORITY.—Chapter 1007 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new section:

14 **“§ 10219. Reserve civilian mariners pilot program**

15 “(a) AUTHORITY.—Notwithstanding any other provi-
16 sion of law, the Secretary of the Navy may conduct a pilot
17 program to condition the employment of certain civil serv-
18 ice mariners of the Military Sealift Command on their en-
19 rollment and continued membership in a new, specialized
20 and limited category of the Naval Reserve that is subject
21 to activation in order to serve on certain designated war-
22 ships. Subject to the limitations in section (e), the Sec-
23 retary is authorized to designate vessels to participate in
24 the pilot program and may prescribe regulations to imple-
25 ment this section.

1 “(b) APPLICATION.—The provisions of subsection (a)
2 shall apply only to:

3 “(1) civil service mariners of the Military Sea-
4 lift Command employed on the date of enactment of
5 this section who elect to serve on designated war-
6 ships; and

7 “(2) any civil service mariner appointed to a
8 position and assigned to serve on designated war-
9 ships after the date of enactment of this section.

10 “(c) ACTIVATION.—(1) The Secretary of the Navy
11 may activate Reserve civilian mariners only when the war-
12 ships on which they serve are conducting operations in
13 which members of the armed forces are or may become
14 involved in military actions, operations, or hostilities
15 against an enemy of the United States or against an op-
16 posing military force.

17 “(2) Reserve civilian mariners shall be subject to the
18 Uniform Code of Military Justice only when activated pur-
19 suant to paragraph (1).

20 “(3) When activated, Reserve Civilian Mariners will
21 perform navigation, vessel engineering, steward and
22 housekeeping functions, deck department duties, ship-
23 board security, firefighting, and similar vessel support
24 functions.

1 “(4) The rights and benefits contained in subpart F
2 of part III of title 5 shall not apply to Reserve civilian
3 mariners on active duty.

4 “(d) BENEFITS.—(1) When activated pursuant to
5 this section, a Reserve civilian mariner shall retain his sta-
6 tus as an employee of the Department of the Navy within
7 the meaning of section 2105 of title 5 for purposes of re-
8 taining and continuing to be entitled to:

9 “(A) leave without loss of, or reduction in, pay
10 (including overtime) as a civil service employee pur-
11 suant to subparts D and E of part III of title 5;

12 “(B) leave to which such mariner otherwise
13 would have been entitled as a civil service employee
14 pursuant to subpart E of part III of title 5;

15 “(C) credit for time or service, or performance
16 or efficiency rating for each day of activation as ap-
17 plicable to a civil service employee pursuant to sub-
18 parts C and G of part III of title 5;

19 “(D) allowances, entitlements, emoluments and
20 benefits pursuant to subpart G of part III of title
21 5; and

22 “(E) such additional compensation, if any, the
23 Secretary of the Navy deems appropriate.

24 “(2) Notwithstanding section 8906(e)(3)(B)(iv) of
25 title 5, with respect to any period of activation of more

1 than 30 days under this section, in lieu of providing any
2 military health care benefits under chapter 55 of this title,
3 the Department of the Navy shall pay both the employee
4 and Government contributions, and any additional admin-
5 istrative expenses otherwise chargeable to the employee,
6 with respect to health care coverage for an activated Re-
7 serve civilian mariner and his family in accordance with
8 section 8906(e)(3) of title 5.

9 “(3) Reserve civilian mariners shall not be entitled
10 to or be paid any rights or benefits under section 12741
11 of this title as a result of activation under this section.

12 “(4) Activation shall not exceed the maximum num-
13 ber of days of military leave authorized for Federal civil
14 service employees under 6323 of title 5 unless the Sec-
15 retary waives this limit due to military exigency.

16 “(e) DEFINITION.—For purposes of this section, the
17 term ‘designated warship’ is limited to a vessel under the
18 command of a commissioned Navy officer or a commis-
19 sioned officer of the United States Armed Services, that
20 is designated ‘USS’ and is also:

21 “(1) a vessel designed for or employed primarily
22 as a command and control vessel, designated Am-
23 phibious Command Ship (LCC), Miscellaneous Com-
24 mand Ship (AGF), or Joint Command Ship (JCC);

1 “(2) a vessel designed for or primarily employed
2 as an afloat forward staging base in support of air-
3 craft engaged in combat, small boats engaged in
4 combat, or special warfare operations;

5 “(3) a submarine tender; or

6 “(4) a Seabasing vessel or Seabasing support
7 vessel.

8 “(f) EXPIRATION AND REPORTING REQUIREMENT.—

9 (1) Not later than October 1, 2008, the Secretary of the
10 Navy will provide a report on the pilot program to the
11 Secretary of Defense.

12 “(2) The authority for this program shall expire on
13 September 30, 2010.”.

14 (b) MILITARY LEAVE.—Section 6323(d)(1) of title 5,
15 United States Code, is amended by inserting “, or a civil
16 service mariner of the Military Sealift Command who is
17 a member of the Naval Reserve pursuant to section 10219
18 of title 10 and serving aboard a designated warship,” after
19 “section 8401(30)”.

20 (c) CLERICAL AMENDMENTS.—(1)(A) The heading of
21 section 6323 of such title is amended to read as follows:

1 **“§ Military leave; reserves, national guardsmen, and**
2 **reserve civilian mariners”.**

3 (B) The item for such section in the table of sections
4 at the beginning of chapter 63 of such title is amended
5 to read as follows:

“6323. Military leave; reserves, national guardsmen, and reserve civilian mariners.”.

6 (2) The table of sections at the beginning of chapter
7 1007 of title 10, United States Code, is amended by add-
8 ing at the end the following new item:

“10219. Reserve civilian mariners pilot program.”.

9 **SEC. 1062. DELETION OF OBSOLETE DEFINITIONS IN TI-**
10 **TLES 10 AND 32, UNITED STATES CODE.**

11 (a) DELETING OBSOLETE DEFINITION OF “TERRI-
12 TORY” IN TITLE 10.—Title 10, United States Code, is
13 amended—

14 (1) by striking paragraph (2) of section 101(a);

15 (2) by striking the terms “Territory or”, “or
16 Territory”, “a Territorial Department,” “or a Ter-
17 ritory”, “Territory and”, “its Territories,” and
18 “and Territories” each place they appear in the fol-

19 lowing sections: 101(a)(3), 332, 822, 1072, 1103,
20 2671, 3037, 5148, 8037, 8074, 12204, and 12642;

21 (3) by striking the terms “Territory,” and
22 “Territories,” each place they appear in the fol-

1 lowing sections: 849, 858, 888, 2668, 2669, 7545,
2 and 9773;

3 (4) in section 808, by striking “Territory, Com-
4 monwealth, or possession,” and inserting “Common-
5 wealth, possession,”;

6 (5) by striking “Territories, Commonwealths, or
7 possessions each place it appears and inserting
8 “Commonwealths or possessions” in the following
9 sections: 846, 847, 2734, 3062, 3074, 4747, 4778,
10 5986, 7652, 7653, 8062, 9778, and 12406;

11 (6) by Striking “Territories, Commonwealths,
12 and possessions” each place it appears and inserting
13 “Commonwealths and possessions” in the following
14 sections: 3062, 3074, 4747, 4778, 8062, and 9778;

15 (7) in section 312, by striking “States and Ter-
16 ritories, and Puerto Rico” and inserting “States, the
17 Commonwealth of Puerto Rico, Guam, and the Vir-
18 gin Islands”;

19 (8) in section 335, by striking “the unincor-
20 porated territories of”;

21 (9) in sections 4301 and 9301, by striking
22 “State or Territory, Puerto Rico, or the District of
23 Columbia” each place it appears and inserting
24 “State, the Commonwealth of Puerto Rico, the Dis-
25 trict of Columbia, Guam, or the Virgin Islands”;

1 (10) in sections 4685 and 9685, by striking
2 “State or Territory concerned” each place it appears
3 and inserting “State concerned or Guam or the Vir-
4 gin Islands” and by striking “State and Territorial”
5 each place it appears and inserting “State, Guam,
6 and the Virgin Islands”;

7 (11) in section 7851, by striking “States, the
8 Territories, and the District of Columbia” and in-
9 serting “States, the District of Columbia, Guam,
10 and the Virgin Islands”; and

11 (12) In section 7854, by striking “any State,
12 any Territory, or the District of Columbia” and in-
13 serting “any State, the District of Columbia, Guam,
14 or the Virgin Islands”.

15 (b) DELETING OBSOLETE DEFINITION OF “TERRI-
16 TORY” IN TITLE 32.—Title 32, United States Code, is
17 amended—

18 (1) by striking paragraph (1) of section 101
19 and inserting “(1) For purposes of other laws relat-
20 ing to the militia, the National Guard, the Army Na-
21 tional Guard of the United States, and the Air Na-
22 tional Guard of the United States, “Territory” in-
23 cludes Guam and the Virgin Islands.”;

24 (2) in sections 103, 104(c), 314, 315, 708(d),
25 and 711, by striking “State and Territory, Puerto

1 Rico and the District of Columbia” and “State or
2 Territory, Puerto Rico, and the District of Colum-
3 bia” each place they appear and inserting “State,
4 the Commonwealth of Puerto Rico, the District of
5 Columbia, Guam, and the Virgin Islands”;

6 (3) in sections 104(d), 107, 109, 503, 703, 704,
7 710, and 712, by striking “State or Territory, Puer-
8 to Rico or the District of Columbia” and “State or
9 Territory, Puerto Rico, the Virgin Islands or the
10 District of Columbia” each place they appear and in-
11 sserting “State, the Commonwealth of Puerto Rico,
12 the District of Columbia, Guam, or the Virgin Is-
13 lands”;

14 (4) in sections 104(a), 505, 702(a), and 708(a),
15 by striking “State or Territory and Puerto Rico”
16 and “State or Territory, Puerto Rico” each place
17 they appear and inserting “State, the Common-
18 wealth of Puerto Rico, Guam, and the Virgin Is-
19 lands”;

20 (5) in section 324, by striking “State or Terri-
21 tory of whose National Guard he is a member, or by
22 the laws of Puerto Rico, or the District of Columbia,
23 if he is a member of its National Guard” and insert-
24 ing “State of whose National Guard he is a member,
25 or by the laws of the Commonwealth of Puerto Rico,

1 or the District of Columbia, Guam, or the Virgin Is-
2 lands, whose National Guard he is a member”;

3 (6) in section 325, by striking “State or Terri-
4 tory, or of Puerto Rico” and “State or Territory or
5 Puerto Rico” each place they appear and inserting
6 “State, or of the Commonwealth of Puerto Rico,
7 Guam, or the Virgin Islands”; and

8 (7) in sections 326, 327, and 501, by striking
9 “States and Territories, Puerto Rico, and the Dis-
10 trict of Columbia” each place it appears and insert-
11 ing “States, the Commonwealth of Puerto Rico, the
12 District of Columbia, Guam, and the Virgin Is-
13 lands”.

14 **SEC. 1063. REORGANIZATION OF AND TECHNICAL CORREC-**
15 **TIONS TO REAL PROPERTY PROVISIONS IN**
16 **TITLE 10 WITHOUT SUBSTANTIVE CHANGE**
17 **AND CLARIFICATION OF AUTHORITY RELAT-**
18 **ING TO THE PENTAGON RESERVATION.**

19 (a) ACQUISITION AUTHORITY.—Section 2663 of title
20 10, United States Code, is amended to read as follows:

21 **“§ 2663. Acquisition: authority**

22 “(a) IN GENERAL.—(1) The Secretary of a military
23 department may have proceedings brought in the name of
24 the United States, in a court of proper jurisdiction, to ac-

1 quire by condemnation any interest in land, including tem-
2 porary use, needed for—

3 “(A) the site, construction, or operation of for-
4 tifications, coast defenses, or military training
5 camps;

6 “(B) the construction and operation of plants
7 for the production of nitrate and other compounds,
8 and the manufacture of explosives or other muni-
9 tions of war; or

10 “(C) the development and transmission of
11 power for the operation of plants under subpara-
12 graph (B).

13 “(2) In time of war or when war is imminent, the
14 United States may, immediately upon the filing of a peti-
15 tion for condemnation under subsection (a)(1), take and
16 use the land to the extent of the interest sought to be
17 acquired.

18 “(3) The Secretary of the military department con-
19 cerned may contract for or buy any interest in land, in-
20 cluding temporary use, needed for any purpose named in
21 subsection (a)(1), as soon as the owner fixes a price for
22 it and the Secretary considers that price to be reasonable.

23 “(4) The Secretary of the military department con-
24 cerned may accept for the United States a gift of any in-

1 terest in land, including temporary use, for any purpose
2 named in subsection (a)(1).

3 “(b) LOW-COST INTERESTS IN LAND.—

4 (1) ACQUISITION AUTHORITY.—The Secretary
5 of a military department may acquire any interest in
6 land that—

7 “(A)(i) the Secretary determines is needed
8 in the interest of national defense; and

9 “(ii) does not cost more than \$750,000,
10 exclusive of administrative costs and the
11 amounts of any deficiency judgments; or

12 “(B)(i) the Secretary determines is needed
13 solely to correct a deficiency that is life-threat-
14 ening, health-threatening, or safety-threatening;
15 and

16 “(ii) does not cost more than \$1,500,000,
17 exclusive of administrative costs and the
18 amounts of any deficiency judgments.

19 “(2) ACQUISITION OF MULTIPLE PARCELS.—

20 This subsection does not apply to the acquisition, as
21 a part of the same project, of more than one parcel
22 of land unless the parcels are noncontiguous or, if
23 contiguous, unless the total cost is not more than
24 \$750,000, in the case of an acquisition under para-

1 graph (1)(A), or \$1,500,000, in the case of an ac-
2 quisition under paragraph (1)(B).

3 “(3) FUND SOURCE.—Appropriations available
4 to the Department of Defense for operation and
5 maintenance or for military construction may be
6 used for the acquisition of land or interests in land
7 under this subsection.

8 “(c) INTERESTS IN LAND WHEN NEED IS UR-
9 GENT.—(1) The Secretary of a military department may
10 acquire any interest in land that—

11 “(A) the Secretary determines is needed in the
12 interest of national defense;

13 “(B) is required to maintain the operational in-
14 tegrity of a military installation; and

15 “(C) considerations of urgency do not permit
16 the delay necessary to include the required acquisi-
17 tion in an annual Military Construction Authoriza-
18 tion Act.

19 “(2) Not later than 10 days after the date on which
20 the Secretary of a military department determines to ac-
21 quire an interest in land under the authority of this sub-
22 section, the Secretary shall submit to the Committee on
23 Armed Services of the Senate and the Committee on
24 Armed Services of the House of Representatives written

1 notice containing a description of the property and interest
2 to be acquired and the reasons for the acquisition.

3 “(3) Appropriations available for military construc-
4 tion may be used for the purposes of this subsection.

5 “(d) EXTENT OF AUTHORITY.—The authority to ac-
6 quire interests in real property (including a temporary in-
7 terest) under this section includes authority to—

8 “(1) make surveys; and

9 “(2) acquire interests in real property by gift,
10 purchase, exchange of real property owned by the
11 United States, or otherwise.”.

12 (b) ACQUISITION LIMITATIONS.—Chapter 159 of
13 such title is amended by inserting after section 2663 the
14 following new section:

15 **“§ 2664. Acquisition: limitations**

16 “(a) AUTHORIZATION REQUIRED.—No military de-
17 partment may acquire real property not owned by the
18 United States unless the acquisition is expressly author-
19 ized by law. The foregoing limitation shall not apply to
20 the acceptance by a military department of real property
21 acquired under the authority of the Administrator of Gen-
22 eral Services to acquire property by the exchange of Gov-
23 ernment property pursuant to subtitle I of title 40 (40
24 U.S.C. 101 et seq.) and title III of the Federal Property

1 and Administrative Services Act of 1949, as amended (41
2 U.S.C. 251 et seq.)

3 “(b) COST LIMITATIONS.—(1) Except as provided in
4 paragraph (2), the cost authorized for a land acquisition
5 project may be increased by not more than 25 percent of
6 the amount appropriated for the project by Congress or
7 200 percent of the amount specified by law as the max-
8 imum amount for a minor military construction project,
9 whichever is lesser, if the Secretary concerned determines
10 (i) that such an increase is required for the sole purpose
11 of meeting unusual variations in cost, and (ii) that such
12 variations in cost could not have been reasonably antici-
13 pated at the time the project was originally approved by
14 Congress.

15 “(2) A land acquisition project may not be placed
16 under contract if, based upon the agreed price for the land
17 or, in the case of land to be acquired by condemnation,
18 the amount to be deposited with the court as just com-
19 pensation for the land—

20 “(A) the scope of the acquisition, as approved
21 by Congress, is proposed to be reduced by more than
22 25 percent; or

23 “(B) the agreed price for the land or, in the
24 case of land to be acquired by condemnation, the
25 amount to be deposited with the court as just com-

1 pensation for the land, exceeds the amount appro-
2 priated for the project by more than (i) 25 percent,
3 or (ii) 200 percent of the amount specified by law
4 as the maximum amount for a minor military con-
5 struction project, whichever is lesser, until para-
6 graph (3) is complied with.

7 “(3) The limitations on reduction in scope or increase
8 in cost of a land acquisition in paragraph (2) do not apply
9 if the reduction in scope or the increase in cost, as the
10 case may be, is approved by the Secretary concerned and
11 a written notification of the facts relating to the proposed
12 reduced scope or increased cost (including a statement of
13 the reasons therefor) is submitted by the Secretary con-
14 cerned to the Congressional defense committees. A con-
15 tract for the acquisition may then be awarded only after
16 a period of 21 days elapses from the date the notification
17 is received by the committees or, if over sooner, a period
18 of 14 days elapses from the date on which a copy of that
19 notification is provided in an electronic medium pursuant
20 to section 480 of this title.

21 “(4) The Secretary concerned shall promptly pay any
22 deficiency judgment against the United States awarded by
23 a court in an action for condemnation of any interest in
24 land or resulting from a final settlement of an action for
25 condemnation of any interest in land. Payments under this

1 paragraph may be made from funds available to the Sec-
2 retary concerned for military construction projects and
3 without regard to the limitations of paragraphs (2) and
4 (3).

5 “(c) COMMISSIONS ON LAND PURCHASE CON-
6 TRACTS.—The maximum amount payable as a commission
7 on a contract for the purchase of land from funds appro-
8 priated for the Department of Defense is two percent of
9 the purchase price.”.

10 (c) REPEAL OF RELOCATED SECTIONS.—Subsection
11 (c) of section 2661 and sections 2672, 2672a, and 2676
12 of such title are repealed.

13 (d) CLERICAL AMENDMENTS.—The table of sections
14 at the beginning of chapter 159 of such title is amended—

15 (1) by amending the item relating to section
16 2663 to read as follows:

“2663. Acquisition: authority.”;

17 (2) by inserting after the item relating to sec-
18 tion 2663 the following new item:

“2664. Acquisition: limitations.”;

19 and

20 (3) by striking the items relating to sections
21 2672, 2672a, and 2676.

22 (e) TRANSFER OF FORD ISLAND PROVISION IN
23 TITLE 10.—(1) Section 2814 of such title is transferred

1 to chapter 645 of subtitle C of such title, and is redesignig-
2 nated as section 7525.

3 (2) TECHNICAL AMENDMENTS.—Section 7525(I), as
4 transferred and redesignated by paragraph (1), is amend-
5 ed in paragraphs (2) and (3)(B) by striking “this chapter”
6 and inserting “chapter 169 of this title”.

7 (3) CLERICAL AMENDMENTS.—(A) The table of sec-
8 tions at the beginning of chapter 169 of such title is
9 amended by striking the item relating to section 2814.

10 (B) The table of sections at the beginning of chapter
11 645 of such title is amended by adding at the end the
12 following new item:

“7525. Special authority for development of Ford Island, Hawaii.”.

13 (f) TECHNICAL CORRECTION.—Section 2665 of such
14 title is amended—

15 (1) by striking subsection (a);

16 (2) in subsection (c), by striking “subsection
17 (a) or (b)” and inserting “subsection (b)”; and

18 (3) in subsection (f)(2), by striking “sub-
19 sections (a) and (b)” and inserting “subsection (b)”.

20 (g) APPLICATION OF CHAPTER 159 AUTHORITIES TO
21 PENTAGON RESERVATION.—Section 2661 of such title, as
22 amended by subsection (c) of this section, is further
23 amended by adding at the end the following new sub-
24 section:

1 ried out by, or for the use of, an intelligence compo-
2 nent of the Department of Defense, the Permanent
3 Select Committee on Intelligence of the House of
4 Representatives and the Select Committee on Intel-
5 ligence of the Senate.”.

6 (B) Section 2694a is amended by striking sub-
7 section (i) and inserting the following new subsection
8 (i):

9 “(i)(1) DEFINITION OF SECRETARY CONCERNED.—
10 The term ‘Secretary concerned’ means the Secretary of
11 a military department.

12 “(2) DEFINITION OF STATE.—The term ‘State’ in-
13 cludes the District of Columbia, the Commonwealth of
14 Puerto Rico, Guam, the Virgin Islands, American Samoa,
15 and the Commonwealth of the Northern Mariana Is-
16 lands.”.

17 (b) CLERICAL AND CONFORMING AMENDMENTS FOR
18 THE DEFINITION OF “BASE CLOSURE LAWS”.—(1) Sec-
19 tion 2871 of title 10, United States Code, is amended by
20 redesignating paragraphs (3) through (8) as paragraphs
21 (2) through (7), respectively.

22 (2) Title 5, United States Code, is amended by strik-
23 ing paragraph (1) of section 3341(e) and inserting the fol-
24 lowing new paragraph (1):

1 “(1) the term ‘base closure law’ has the meaning
2 given such term in section 101(a)(17) of title 10.”.

3 (3) Title 40, United States Code, is amended—

4 (A) by striking paragraph (1) of section 554(a)
5 and inserting the following new paragraph (1):

6 “(1) BASE CLOSURE LAW.—The term ‘base clo-
7 sure law’ has the meaning given such term in section
8 101(a)(17) of title 10.”; and

9 (B) by striking subparagraph (B) of paragraph
10 (1) of section 572(b) and inserting the following new
11 subparagraph (B):

12 “(B) BASE CLOSURE LAW.—The term ‘base clo-
13 sure law’ has the meaning given such term in section
14 101(a)(17) of title 10.”.

15 (4) Section 120(h) of the Comprehensive Environ-
16 mental Response, Compensation, and Liability Act of
17 1980 (Public Law 96–510, 42 U.S.C. 9620(h)) is amend-
18 ed by striking clause (ii) of subparagraph (E) of para-
19 graph (4) and inserting the following new clause (ii):

20 “(ii) For purposes of this paragraph, the term ‘base
21 closure law’ has the meaning given such term in 10 U.S.C.
22 101(a)(17).”.

23 (5) The National Defense Authorization Act for Fis-
24 cal Year 1994 (Public Law 103–160; 107 Stat. 1800) is

1 amended by striking paragraph (1) of section 1333(i) and
2 inserting the following new paragraph (1):

3 “(1) The term ‘base closure law’ has the meaning
4 given such term in 10 U.S.C. 101(a)(17).”.

5 (6) The National Defense Authorization Act for Fis-
6 cal Year 1995 (Public Law 103–337, 108 Stat. 3056) is
7 amended by striking section 2814(b) and inserting the fol-
8 lowing new subsection (b):

9 “(b) BASE CLOSURE LAW DEFINED.—The term
10 ‘base closure law’ has the meaning given such term in 10
11 U.S.C. 101(a)(17).”.

12 (7) The Act of November 13, 2000, entitled “An Act
13 to Amend the Organic Act of Guam, and for other pur-
14 poses” (Public Law 106–504; 114 Stat. 2309), is amend-
15 ed by striking paragraph (2) of section 1(c) and inserting
16 the following new paragraph (2):

17 “(2) The term ‘base closure law’ has the mean-
18 ing given such term in 10 U.S.C. 101(a)(17).”.

19 (c) CONFORMING AMENDMENT TO DEFENSE ENVI-
20 RONMENTAL RESTORATION PROGRAM.—Section 2703(b)
21 of title 10, United States Code, is amended by striking
22 “The terms ‘unexploded ordnance’, ‘discarded military
23 munitions’, and” and inserting “The terms ‘discarded
24 military munitions’ and”.

1 (d) TECHNICAL CORRECTION TO DEFINITION OF
2 “MILITARY MUNITIONS”.—Section 101(e)(4)(B)(ii) of
3 title 10, United States Code, is amended by striking “ex-
4 plosives, and” and inserting “explosives and”.

5 **SEC. 1065. PROHIBIT UNAUTHORIZED WEARING, MANUFAC-**
6 **TURE, OR SALE OF CIVILIAN MEDALS OR**
7 **DECORATIONS.**

8 Chapter 57 of title 10, United States Code, is amend-
9 ed by adding at the end the following new section:

10 **“§ 1135. Civilian medals or decorations of the Depart-**
11 **ment of Defense**

12 “(a) PROHIBITION.—Except with the written permis-
13 sion of the Secretary of Defense, no person may knowingly
14 use, in connection with any merchandise, retail product,
15 impersonation, solicitation, or commercial activity in a
16 manner reasonably calculated to convey the impression
17 that such use is approved, endorsed, or authorized by the
18 Secretary, medals, decorations, or other insignia intended
19 for recognition of Department of Defense civilian employ-
20 ees and other civilian individuals who render service to the
21 Department of Defense.

22 “(b) AUTHORITY TO ENJOIN VIOLATIONS.—When-
23 ever it appears to the Attorney General that any person
24 is engaged or is about to engage in an act or practice
25 which constitutes or will constitute conduct prohibited by

1 subsection (a), the Attorney General may initiate a civil
2 proceeding in a district court of the United States to en-
3 join such act or practice. Such court shall proceed as soon
4 as practicable to the hearing and determination of such
5 action and may, at any time before final determination,
6 enter such restraining orders or prohibitions, or take such
7 other actions as is warranted, including imposing a civil
8 penalty not to exceed \$25,000 for each violation, to pre-
9 vent injury to the United States or to any person or class
10 of persons for whose protection the action is brought.”.

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

“1135. Civilian medals or decorations of the Department of Defense.”.

14 **TITLE XI—DEPARTMENT OF**
15 **DEFENSE CIVILIAN PERSONNEL**
16 **SEC. 1101. SCIENCE, MATHEMATICS, AND RESEARCH FOR**
17 **TRANSFORMATION (SMART) DEFENSE EDU-**
18 **CATION PROGRAM.**

19 Section 1105 of the Ronald W. Reagan National De-
20 fense Authorization Act for Fiscal Year 2005 (Public Law
21 108–375; 118 Stat. 1811), is amended to read as follows:

1 **“§ 1105. Science, Mathematics, and Research for**
2 **Transformation (SMART) Defense Edu-**
3 **cation Program—National Defense Edu-**
4 **cation Act (NDEA), Phase I**

5 “(a) REQUIREMENT FOR PROGRAM.—(1) Notwith-
6 standing the provisions of Chapter 41 of title 5 United
7 States Code, the Secretary of Defense may carry out a
8 program to provide financial assistance for education in
9 science, mathematics, engineering, technology, and foreign
10 languages critical to the national security functions of the
11 Department of Defense and needed in the Department of
12 Defense workforce.

13 “(2) The goal of this program is to increase the devel-
14 opment, recruitment, and retention of individuals with
15 knowledge, skills and abilities in science, mathematics, en-
16 gineering, and foreign languages critical to the mission of
17 the Department of Defense.

18 “(b) SCHOLARSHIPS AND FELLOWSHIPS.—(1) The
19 Secretary of Defense may award a scholarship or fellow-
20 ship in accordance with this section to a person who—

21 “(A) is a citizen of the United States;

22 “(B) is pursuing an associates, undergraduate,
23 or advanced degree in a critical skill or discipline de-
24 scribed in subsection (a) at an accredited institution
25 of higher education; and

1 “(C) enters into a service agreement with the
2 Secretary of Defense as described in subsection (e).

3 “(2) The amount of the financial assistance provided
4 under a scholarship or fellowship awarded under this sec-
5 tion:

6 “(A) may be paid directly to the recipient of
7 such scholarship or fellowship or to an administering
8 entity that shall disburse such funds;

9 “(B) shall be the amount necessary, as deter-
10 mined by the Secretary of Defense, to pay all or part
11 of the expenses associated with education and pro-
12 gram participation including, but not limited to, tui-
13 tion, fees, cost of books, laboratory expenses, equip-
14 ment, research support, tutors, travel, stipends,
15 room and board, educational enhancement activities
16 such as internships, conferences, meetings, training,
17 and other activities and endeavors that reinforce the
18 education of the participant and prepare him or her
19 to excel when they begin fulfilling the service agree-
20 ment under section (e).

21 “(c) RELATIONSHIP TO OTHER LAW.—The Secretary
22 of Defense may use the authorities set forth in section
23 2192 of title 10, United States Code, in furtherance of
24 the program described in subsection (a) of this section.

1 “(d) EMPLOYMENT OPTION.—The Secretary of De-
2 fense may—

3 “(1) retain an employee, in an over-strength po-
4 sition—

5 “(A) during pursuit of his or her degree,
6 and

7 “(B) for a period not to exceed two years
8 after completion of the degree, provided—

9 “(i) there is no readily available ap-
10 propriate position for the employee and

11 “(ii) there is an active and ongoing ef-
12 fort to identify and assign the employee to
13 an appropriate position as soon as prac-
14 ticable.

15 “(2) if there is no appropriate position available
16 after two years, separate an employee described
17 under this subsection without regard to any other
18 provisions of law.

19 “(3) require an employee appointed under this
20 subsection to complete any remaining period of obli-
21 gated service under subsection (d) upon assignment
22 to an available appropriate position.

23 “(4) apply subsections (1) through (3) of this
24 section to the initial appointment to an appropriate
25 position of any person who has—

1 “(A) received financial assistance under
2 this program, or

3 “(B) completed his or her degree.

4 “(e) SERVICE AGREEMENT FOR RECIPIENTS OF AS-
5 SISTANCE.—(1) To receive financial assistance under this
6 section—

7 “(A) in the case of an employee of the Depart-
8 ment of Defense, the employee shall be required to
9 enter into a written agreement to continue in the
10 employment of the department for the period of obli-
11 gated service determined under paragraph (2) of this
12 subsection; and

13 “(B) in the case of a person not an employee
14 of the Department of Defense, the person shall be
15 required to enter into a written agreement to accept
16 employment in the Department of Defense for the
17 period of obligated service determined under para-
18 graph (2) of this subsection.

19 “(2) For the purposes of this section, the period of
20 obligated service for a recipient of a scholarship or fellow-
21 ship shall be determined by the Secretary of Defense. Gen-
22 erally, the period of obligated service may not be less than
23 the total period for which the recipient was provided finan-
24 cial assistance. The period of obligated service is in addi-

1 tion to any other period for which the recipient is obligated
2 to serve in the civil service of the United States.

3 “(3) An agreement entered into under this subsection
4 shall include any terms and conditions that the Secretary
5 of Defense determines necessary to protect the interests
6 of the United States or otherwise appropriate for carrying
7 out this section.

8 “(f) REFUND FOR PERIOD OF UNSERVED OBLI-
9 GATED SERVICE.—(1) A person who is not an employee
10 under this program, but who receives financial assistance
11 under this section and who voluntarily fails to complete
12 the educational program for which financial assistance has
13 been provided, or fails to maintain satisfactory academic
14 progress as determined in accordance with regulations
15 issued by the Secretary, shall refund to the United States
16 an appropriate amount, as determined by the Secretary;

17 “(2) A person who is an employee under this program
18 who—

19 “(A) voluntarily fails to complete the edu-
20 cational program for which financial assistance has
21 been provided, or fails to maintain satisfactory aca-
22 demic progress as determined in accordance with
23 regulations issued by the Secretary; or

24 “(B) before completion of the period of obli-
25 gated service required—

1 “(i) voluntarily terminates his or her em-
2 ployment, or

3 “(ii) is removed from his or her employ-
4 ment on the basis of misconduct, shall refund
5 to the United States an appropriate amount, as
6 determined by the Secretary of Defense.

7 “(3) An obligation to reimburse the United States
8 imposed under paragraph (1) is for all purposes a debt
9 owed to the United States.

10 “(4) The Secretary of Defense may waive, in whole
11 or in part, a refund required under paragraph (1) of this
12 subsection if the Secretary determines that recovery would
13 be against equity and good conscience or would be con-
14 trary to the best interests of the United States.

15 “(5) A discharge in bankruptcy under title 11, United
16 States Code, that is entered less than five years after the
17 termination of an agreement under this section does not
18 discharge the person signing such agreement from a debt
19 arising under such agreement or under this subsection.

20 “(g) CRITICAL HIRING NEED.—Section 3304(a)(3)
21 of title 5, United States Code, is amended by striking sub-
22 paragraph (B) and inserting the following new subpara-
23 graph:

24 “(B)(i) the Office of Personnel Manage-
25 ment has determined that there exists a severe

1 shortage of candidates or there is a critical hir-
2 ing need; or

3 “(ii) the candidate is a participant in the
4 Science, Mathematics, and Research for Trans-
5 formation (SMART) Defense Scholarship Pilot
6 Program under section 1105 of the Ronald W.
7 Reagan National Defense Authorization Act for
8 Fiscal Year 2005 (Public Law 108–375; 118
9 Stat. 2074); or

10 “(iii) the candidate is a participant in the
11 Science, Mathematics, and Research for Trans-
12 formation (SMART) Defense Education Pro-
13 gram—National Defense Education Act
14 (NDEA), Phase 1 for Fiscal Year 2006.’.

15 “(h) RELATIONSHIP TO OTHER PROGRAMS.—The
16 program under this section is in addition to the authorities
17 provided in chapter 111 of title 10, United States Code.
18 The Secretary of Defense shall coordinate the provision
19 of financial assistance under the authority of this section
20 with the provision of financial assistance under the au-
21 thorities provided in such chapter in order to maximize
22 the benefits derived by the Department of Defense from
23 the exercise of all such authorities.

24 “(i) AUTHORITY TO PROVIDE ADVANCE PAY-
25 MENTS—Notwithstanding subsections (a) and (b) of sec-

1 tion 3324 of title 31, United States Code, and without
2 fiscal year limitation, the Secretary may provide advance
3 payments for allowable and approved expenses incurred
4 under this section.

5 “(j) RECEIPT OR SALE OF PROPERTY FOR PRO-
6 GRAM.—In order to conduct the program under this sec-
7 tion, the Secretary may—

8 “(1) receive money and other property donated,
9 bequeathed, or devised, without condition or restric-
10 tion other than that it be used for the purpose of
11 conducting the program authorized under this sec-
12 tion; and

13 “(2) may use, sell, or otherwise dispose of such
14 property for that purpose.

15 “(k) REGULATIONS.—The Secretary of Defense may
16 issue such regulations as may be necessary to implement
17 this section.

18 “(l) DEFINITIONS.—For the purposes of this section:

19 “(1) The term ‘institution of higher education’
20 has the meaning given such term in section 101 of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1001).

23 “(2) The term ‘scholarship’ means a financial
24 award to a student pursuing an Associates or Bach-
25 elors degree.

1 “(3) The term ‘fellowship’ means a financial
2 award to a student pursuing a Masters or Doctoral
3 degree.

4 “(4) The term ‘appropriate position’ means a
5 position in which a program participant utilizes his
6 or her education, knowledge, skills, and abilities in
7 a discipline or disciplines critical to the mission of
8 DoD and for which the program participant is re-
9 ceiving or has received financial assistance.”.

10 **SEC. 1102. INCREASED ENROLLMENT FOR CERTAIN DE-**
11 **FENSE INDUSTRY CIVILIANS IN THE DE-**
12 **FENSE PRODUCT DEVELOPMENT PROGRAM.**

13 “Section 7049(a) of title 10, United States Code, is
14 amended—

15 “(1) by inserting “and systems engineering”
16 after “curriculum related to defense product develop-
17 ment”; and

18 “(2) by striking “10” and inserting “25”.

19 **SEC. 1103. PRIORITY PLACEMENT OF DISPLACED CIVILIAN**
20 **EMPLOYEES.**

21 (a) IN GENERAL.—Chapter 81 of title 10, United
22 States Code, is amended by adding at the end the fol-
23 lowing new section:

1 **“§ 1599e. Defense priority placement program**

2 “(a) PRIORITY PLACEMENT.—The Secretary of De-
3 fense, at his sole and exclusive discretion and notwith-
4 standing the provisions of title 5, may establish one or
5 more programs to promote stability of employment for De-
6 partment of Defense civilian employees affected by chang-
7 ing mission requirements, streamlining efforts, overseas
8 rotations (including rotations undertaken pursuant to sec-
9 tion 1586 of this title), preferences established by law, and
10 other such actions as the Secretary shall determine, by
11 providing such employees priority consideration, as de-
12 fined by the Secretary, for placement in other positions
13 within the Department of Defense.

14 “(b) CONSTRUCTION.—The content of any program
15 developed under subsection (a), and any personnel action
16 undertaken pursuant to such program, shall not be review-
17 able outside the Department of Defense except to the ex-
18 tent that may be required by the United States Constitu-
19 tion.”.

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

“1599e. Defense priority placement program.”.

1 **TITLE XII—MATTERS RELATING**
2 **TO OTHER NATIONS**
3 **Subtitle A—Matters Related to**
4 **Iraq, Afghanistan, and Global**
5 **War on Terrorism**

6 **SEC. 1201. BUILDING THE PARTNERSHIP SECURITY CAPAC-**
7 **ITY OF FOREIGN MILITARY AND SECURITY**
8 **FORCES.**

9 (a) **AUTHORITY.**—The President may authorize
10 building the capacity of partner nations' military or secu-
11 rity forces to disrupt or destroy terrorist networks, close
12 safe havens, or participate in or support United States,
13 coalition, or international military or stability operations.

14 (b) **TYPES OF PARTNERSHIP SECURITY CAPACITY**
15 **BUILDING.**—The partnership security capacity building
16 authorized under subsection (a) may include the provision
17 of equipment, supplies, services, training, and funding.

18 (c) **LIMITATIONS.**—The Secretary of Defense, with
19 the concurrence of the Secretary of State, may implement
20 partnership security capacity building as authorized under
21 section (a). The amount of such partnership security ca-
22 pacity building provided by the Department of Defense
23 under this section may not exceed \$750,000,000 in any
24 fiscal year.

1 (d) CONGRESSIONAL NOTIFICATION.—Before build-
2 ing partnership security capacity under this section, the
3 Secretaries of State and Defense shall submit to their con-
4 gressional oversight committees a notification of the na-
5 tions with which partnership security capacity will be built
6 under this section and the nature and amounts of security
7 capacity building to occur. Any such notification shall be
8 submitted not less than 7 days before the provision of such
9 partnership security capacity building.

10 (e) MILITARY AND SECURITY FORCES DEFINED.—
11 For purposes of this section, the term ‘military and secu-
12 rity forces’ includes armies, guard, border security, civil
13 defense, infrastructure protection, and police forces.

14 (f) COMPLEMENTARY AUTHORITY.—The authority to
15 build partnership security capacity under this section is
16 in addition to any other authority of the Department of
17 Defense to provide assistance to a foreign country.

18 **SEC. 1202. LOGISTICAL SUPPORT FOR FOREIGN MILITARY**
19 **FORCES.**

20 (a) AUTHORITY.—The Secretary of Defense, with the
21 concurrence of the Secretary of State, may provide sup-
22 plies, services, transportation, including airlift and sealift,
23 and other logistical support on a non-reimbursable basis
24 to coalition or other forces participating in, or otherwise
25 supporting, military and stability operations if the Sec-

1 retary of Defense determines that the participation or sup-
2 port of such forces will eliminate the need to deploy U.S.
3 forces, or reduce the number of U.S. forces deployed, in
4 connection with such an operation.

5 (b) CONGRESSIONAL NOTIFICATION.—The Secretary
6 of Defense shall provide quarterly reports to the congres-
7 sional defense committees regarding support provided
8 under this section.

9 **SEC. 1203. REIMBURSEMENT OF CERTAIN COALITION**
10 **COUNTRIES FOR SUPPORT PROVIDED TO U.S.**
11 **MILITARY OPERATIONS.**

12 (a) AUTHORITY.—From funds available to the De-
13 partment of Defense for Operation and Maintenance, the
14 Secretary of Defense may, with the concurrence of the
15 Secretary of State, reimburse key cooperating nations for
16 logistical and military support provided, or to be provided,
17 to United States military operations in connection with
18 military action in Iraq, Afghanistan, and the global war
19 on terrorism.

20 (b) DETERMINATIONS.—Payments authorized under
21 subsection (a) may be made in such amounts as the Sec-
22 retary of Defense, in consultation with the Director of the
23 Office of Management and Budget, may determine, in his
24 discretion, based on documentation determined by the Sec-
25 retary of Defense to adequately account for the support

1 provided. Such determination by the Secretary of Defense
2 shall be final and conclusive upon the accounting officers
3 of the United States.

4 (c) LIMITATION ON USE OF AUTHORITY.—(1) Pay-
5 ments made under the authority of this section may not
6 exceed \$1,500,000,000 in any fiscal year.

7 (2) The Secretary of Defense may waive the limita-
8 tion in paragraph (1) if the Secretary determines that the
9 ability to make additional payments is vital to the national
10 security, and notifies the congressional defense committees
11 of the reasons for that determination.

12 (d) CONGRESSIONAL NOTIFICATION.—The Secretary
13 of Defense shall notify the congressional defense commit-
14 tees not less than 15 days before making a payment under
15 the authority of this section, and shall provide quarterly
16 reports to such committees on the use of this authority.

17 **SEC. 1204. SECURITY AND STABILIZATION ASSISTANCE.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, upon a request from the Secretary of State
20 and upon a determination by the Secretary of Defense
21 that an unforeseen emergency exists that requires imme-
22 diate reconstruction, security, or stabilization assistance
23 to a foreign country for the purpose of restoring or main-
24 taining peace and security in that country, and that the
25 provision of such assistance is in the national security in-

1 terests of the United States, the Secretary of Defense may
2 authorize the use or transfer of defense articles, services,
3 training or other support, including support acquired by
4 contract or otherwise, to provide such assistance.

5 (b) AVAILABILITY OF FUNDS.—Subject to subsection
6 (a), the Secretary of Defense may transfer funds available
7 to the Department of Defense to the Department of State,
8 or to any other federal agency, to carry out the purposes
9 of this section, and funds so transferred shall remain
10 available until expended.

11 (c) LIMITATION.—The aggregate value of assistance
12 provided or funds transferred under the authority of this
13 section may not exceed \$200,000,000.

14 (d) COMPLEMENTARY AUTHORITY.—The authority
15 to provide assistance under this section shall be in addition
16 to any other authority to provide assistance to a foreign
17 country.

18 (e) EXPIRATION.—The authority in this section shall
19 expire on September 30, 2006.

20 **Subtitle B—Other Matters**

21 **SEC. 1211. WAR RESERVES STOCKPILE, ALLIES, KOREA:** 22 **TRANSFER OF OBSOLETE OR SURPLUS ITEMS** 23 **AND FINAL TERMINATION OF PROGRAM.**

24 (a) ITEMS IN THE WAR RESERVES STOCKPILE, AL-
25 LIES, KOREA.—

1 (1) IN GENERAL.—Notwithstanding section 514
2 of the Foreign Assistance Act of 1961 (22 U.S.C.
3 2321h), the President is authorized to transfer to
4 the Republic of Korea, on such conditions as the
5 President may determine, any or all of the items de-
6 scribed in paragraph (2).

7 (2) COVERED ITEMS.—The items referred to in
8 paragraph (1) are munitions, equipment, and mate-
9 riel such as tanks, trucks, artillery, mortars, general
10 purpose bombs, repair parts, barrier material, and
11 ancillary equipment, if such items are:

12 (A) obsolete or surplus items;

13 (B) in the inventory of the Department of
14 Defense;

15 (C) intended for use as reserve stocks for
16 the Republic of Korea; and

17 (D) as of the date of the enactment of this
18 Act, located in a stockpile in the Republic of
19 Korea or Japan.

20 (3) DISPOSAL OF REMAINING ITEMS.—At the
21 conclusion of negotiations to transfer War Reserves
22 Stockpile, Allies, Korea items to the Republic of
23 Korea, the War Reserves Stockpile, Allies, Korea
24 program will be terminated. Any items that the Re-
25 public of Korea does not accept for transfer will be

1 removed and/or disposed of by the Department of
2 Defense.

3 (b) VALUATION OF CONCESSIONS.—The value of con-
4 cessions negotiated pursuant to subsection (a) shall be at
5 least equal to the fair market value of the items trans-
6 ferred, less the savings to the Department of Defense from
7 avoiding the cost of removal of the items from the Repub-
8 lic of Korea and/or disposal of the items. The concessions
9 may include cash compensation; services; waiver of
10 charges otherwise payable by the United States, such as
11 charges for demolition of U.S.-owned or U.S.-intended
12 munitions; and other items of value.

13 (c) TERMINATION OF AUTHORITY.—No transfer may
14 be made under the authority of this section more than 3
15 years after the date of the enactment of this Act.

16 **SEC. 1212. DEPARTMENT OF DEFENSE REGIONAL CENTERS**
17 **FOR SECURITY STUDIES; ACCEPTANCE OF**
18 **GIFTS AND DONATIONS.**

19 (a) IN GENERAL.—Section 2611 of title 10, United
20 States Code, is amended to read as follows:

21 **“§ 2611. Regional Centers for Security Studies: ac-**
22 **ceptance of gifts and donations**

23 “(a) ACCEPTANCE OF GIFTS AND DONATIONS.—Sub-
24 ject to paragraph (1) below, the Secretary of Defense may
25 accept, on behalf of one or more Regional Centers, from

1 any source, and may hold, administer, and use, gifts or
2 donations of money or real or personal property or services
3 described in subsection (b) in order to defray the costs
4 of, or enhance the operation of, the Regional Center(s).

5 “(1) LIMITATION.—The Secretary may not ac-
6 cept a gift or donation under subsection (a) if the
7 acceptance of the gift or donation would compromise
8 or appear to compromise—

9 “(A) the ability of the Department of De-
10 fense, any employee of the Department or mem-
11 bers of the armed forces to carry out the re-
12 sponsibility or duty of the Department in a fair
13 and objective manner; or

14 “(B) the integrity of any program of the
15 Department of Defense or any person involved
16 in such a program.

17 “(2) CRITERIA FOR ACCEPTANCE.—The Sec-
18 retary shall prescribe written guidance setting forth
19 the criteria to be used in determining whether the
20 acceptance of a gift or donation would have a result
21 described in paragraph (1).

22 “(3) SOURCES OF GIFTS AND DONATIONS.—
23 The sources from which gifts and donations may be
24 accepted under subsection (a)(1) include any source
25 as limited by (a)(1).

1 “(4) CREDITING OF FUNDS.—There is estab-
2 lished in the Treasury of the United States a special
3 account to be known as the ‘Regional Centers for
4 Security Studies Account.’ Gifts and donations of
5 money, and the proceeds from the sale of property,
6 received under this subsection (a) shall be credited
7 to the ‘Regional Centers for Security Studies Ac-
8 count’ and shall be available until expended, without
9 further appropriation, to defray the costs of, or en-
10 hance the operation of, the Regional Center(s).

11 “(b) DEFINITION OF GIFTS AND DONATIONS.—In
12 this section the term ‘gifts and donations’ means gifts and
13 donations of funds, materials (including research mate-
14 rials), property, or services (including lecture services and
15 faculty services).”.

16 (b) CONFORMING AMENDMENTS.—(1) Section 1306
17 of the National Defense Authorization Act for Fiscal Year
18 1995 (Public Law 103–337; 108 Stat. 2892), is repealed.

19 (2) Section 1065 of the National Defense Authoriza-
20 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
21 Stat. 2653), is amended—

22 (A) by striking subsections (a) and (b); and

23 (B) by striking “(c)”.

24 (3) Section 1595 of title 10, United States Code, is
25 amended—

1 (A) in subsection (c), by striking paragraphs
2 (3) and (5);

3 (B) by redesignating paragraphs (c)(4) and
4 (c)(6) as paragraphs (c)(3) and (c)(4), respectively;
5 and

6 (C) by striking subsection (e).

7 (c) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 155 of title 10, United States
9 Code, is amended by amending the item relating to section
10 2611 to read as follows:

“2611. Regional Centers for Security Studies: acceptance of gifts and dona-
tions.”.

11 **SEC. 1213. AUTHORITY TO USE APPROPRIATED FUNDS FOR**
12 **PAYMENT OF ALL COSTS OF ATTENDANCE OF**
13 **FOREIGN STUDENTS UNDER REGIONAL DE-**
14 **FENSE COMBATING TERRORISM FELLOW-**
15 **SHIP PROGRAM.**

16 (a) IN GENERAL.—Section 2249c of title 10, United
17 States Code, is amended to read as follows:

18 **“§ 2249c. Authority to use appropriated funds for all**
19 **costs of attendance of foreign students**
20 **under Regional Defense Combating Ter-**
21 **rorism Fellowship Program**

22 “(a) AUTHORITY TO USE FUNDS.—Under regula-
23 tions prescribed by the Secretary of Defense, funds appro-
24 priated to the Department of Defense for the Combating

1 Terrorism Fellowship Program (CTFP) may be used to
2 provide training for military and civilian personnel of for-
3 eign armed forces, ministries of defense, or other foreign
4 government agencies with anti-terrorism or counter-ter-
5 rorism responsibilities to assist in the development of ef-
6 fective national and regional programs to combat ter-
7 rorism. Education and training may be provided at mili-
8 tary or civilian educational institutions, regional centers,
9 conferences, seminars, or similar events. Funds made
10 available for such purpose may be used to cover all costs
11 associated with such education and training, including the
12 costs of transportation, travel and subsistence costs, re-
13 lated orientation programs, and the cost of United States
14 Government personnel participation when it is necessary
15 to facilitate the education and training.

16 “(b) LIMITATION.—The total amount of funds used
17 under the authority in subsection (a) in any fiscal year
18 may not exceed \$20,000,000.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 134 of such title is amended
21 by amending the item relating to section 2249c to read
22 as follows:

“2249c. Authority to use appropriated funds for all costs of attendance of for-
eign students under Regional Defense Combating Terrorism
Fellowship Program.”.

1 **SEC. 1214. HUMANITARIAN AND CIVIC ASSISTANCE WITH**
2 **RESPECT TO THE DETECTION AND CLEAR-**
3 **ANCE OF LANDMINES AND EXPLOSIVE REM-**
4 **NANTS OF WAR.**

5 Chapter 20 of title 10, United States Code, is amend-
6 ed—

7 (1) in section 401—

8 (A) by striking paragraphs (a)(4), (c)(3),
9 and (e)(5), and subparagraph (c)(2)(B); and

10 (B) by redesignating paragraph (c)(4) as
11 (c)(3);

12 (2) at the end of such chapter, by adding the
13 following new section:

14 **“§ 406. Humanitarian assistance with respect to the**
15 **detection and clearance of landmines and**
16 **explosive remnants of war**

17 “(a) IN GENERAL.—(1) Under regulations prescribed
18 by the Secretary of Defense, United States Armed Forces
19 and Department of Defense civilian technicians may pro-
20 vide on-site education, training, and technical assistance
21 in support of the physical detection, clearance or destruc-
22 tion of landmines or explosive remnants of war in a foreign
23 country, if these activities will promote—

24 “(A) the security interests of both the United
25 States and the country in which the activities are to
26 be carried out; or

1 “(B) the specific operational readiness skills of
2 the members of the armed forces who participate in
3 the activities.

4 “(2) The Secretary of Defense shall ensure that no
5 U.S. military personnel, while providing assistance under
6 this section—

7 “(A) engages in the physical detection, clear-
8 ance or destruction of landmines or explosive rem-
9 nants of war (unless the member does so for the
10 concurrent purpose of supporting a United States
11 military operation); or

12 “(B) provides such assistance as part of a mili-
13 tary operation that does not involve the U.S. Armed
14 Forces.

15 “(3) Humanitarian mine action assistance may not
16 be provided under this section to any foreign country un-
17 less the Secretary of State specifically approves the provi-
18 sion of such assistance.

19 “(b) AUTHORIZATION AND LIMITATIONS.—(1) To the
20 extent provided in law, funds authorized to be appro-
21 priated to the Department of Defense for a fiscal year for
22 humanitarian mine action assistance shall be used for the
23 purpose of providing assistance under this section.

24 “(2) Expenses covered include the following expenses
25 incurred:

1 **SEC. 1215. MODIFICATION OF THE GEOGRAPHIC RESTRIC-**
2 **TION OF BILATERAL OR REGIONAL CO-**
3 **OPERATION PROGRAMS: PAYMENT OF PER-**
4 **SONNEL EXPENSES.**

5 Paragraph 1051(b)(1) of title 10, United States
6 Code, is amended to read as follows:

7 “(1) Except as provided in paragraphs (2) and (3),
8 expenses authorized to be paid under subsection (a) may
9 be paid on behalf of personnel from a developing country
10 only in connection with travel to and within the area of
11 responsibility of the unified combatant command (as such
12 term is defined in section 161(c) of this title) or in connec-
13 tion with travel to Canada or Mexico.”.

14 **SEC. 1216. TRAVEL EXPENSES SUPPORT OF COALITION LI-**
15 **AISON OFFICERS.**

16 Section 1051a of title 10, United States Code, is
17 amended—

18 (1) in subsection (b), by adding at the end the
19 following new paragraph:

20 “(3) The Secretary may pay the mission-related
21 travel expenses of any foreign military officer in-
22 volved in coalition operations while temporarily as-
23 signed to the headquarters of a combatant com-
24 mand, component command, or subordinate oper-
25 ational command, when the commander directs
26 round-trip travel from the assigned headquarters to

1 various locations and such travel is determined to be
2 in support of United States national interests.”; and

3 (2) in subsection (e), by striking “2005” and
4 inserting “2009”.

5 **SEC. 1217. HUMANITARIAN AND CIVIC ASSISTANCE PRO-**
6 **VIDED TO HOST NATIONS IN CONJUNCTION**
7 **WITH MILITARY OPERATIONS.**

8 Section 401 of title 10, United States Code is amend-
9 ed—

10 (1) in subsection (c)(3), by striking
11 “\$5,000,000” and inserting “\$10,000,000”; and

12 (2) in subsection (e)(1), by inserting “, includ-
13 ing education, training, and technical assistance re-
14 lated to the care provided” before the period at the
15 end.

16 **SEC. 1218. EXPANSION OF HUMANITARIAN AND CIVIC AS-**
17 **SISTANCE TO INCLUDE DEVELOPING COMMU-**
18 **NICATIONS AND INFORMATION CAPACITY.**

19 Section 401 of title 10, United States Code, is
20 amended—

21 (1) in subsection (c), by adding at the end the
22 following new paragraph:

23 “(5) Expenses covered by paragraph (1) include
24 communications or information systems equipment
25 or supplies that are to be transferred or otherwise

1 furnished to a foreign country in furtherance of the
2 provision of assistance under this section.”; and

3 (2) in subsection (e), by adding at the end the
4 following new paragraph:

5 “(6) Restoring or developing the capacity of the
6 host nation’s information and communications tech-
7 nology, including activities relating to the furnishing
8 of education, training, and technical assistance with
9 respect to information and communications tech-
10 nology.”.

11 **TITLE XIII—COOPERATIVE**
12 **THREAT REDUCTION WITH**
13 **STATES OF THE FORMER SO-**
14 **VIET UNION**

15 **SEC. 1301. PERMANENT WAIVER OF RESTRICTIONS ON USE**
16 **OF FUNDS FOR THREAT REDUCTION IN**
17 **STATES OF THE FORMER SOVIET UNION AND**
18 **ELSEWHERE.**

19 Section 1306 of the National Defense Authorization
20 Act for Fiscal Year 2003 (Public Law 106–136; 116 Stat.
21 2673) is amended—

22 (1) by striking subsections (c) and (d); and

23 (2) by redesignating subsection (e) as sub-
24 section (c).

1 **DIVISION B—MILITARY CON-**
 2 **STRUCTION AUTHORIZA-**
 3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
 6 tion Authorization Act for Fiscal Year 2006”.

7 **TITLE XXI—ARMY**

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 9 **ACQUISITION PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2104(1), the Secretary of the Army may
 13 acquire real property and carry out military construction
 14 projects for the installations or locations inside the United
 15 States, and in the amounts set forth in the following table:

Army: Inside the United States

| State | Installation or location | Amount |
|----------------------|--|---------------|
| Alaska | Fort Wainwright | \$33,560,000 |
| California | Fort Irwin | \$17,000,000 |
| | Concord | \$11,850,000 |
| Colorado | Fort Carson | \$70,622,000 |
| Georgia | Fort Benning | \$28,211,000 |
| | Fort Gillem | \$3,900,000 |
| | Fort Stewart/Hunter Army Air Field. | \$57,980,000 |
| Hawaii | Pohakuloa Training Area | \$43,300,000 |
| | Schofield Barracks | \$53,900,000 |
| Kansas | Fort Riley | \$23,000,000 |
| Kentucky | Fort Campbell | \$104,575,000 |
| Louisiana | Fort Polk | \$28,887,000 |
| Missouri | Fort Leonard Wood | \$8,100,000 |
| New York | Fort Drum | \$63,650,000 |
| | United States Military Academy, West Point. | \$4,000,000 |
| North Carolina | Fort Bragg | \$289,850,000 |

Army: Inside the United States—Continued

| State | Installation or location | Amount |
|------------------|---------------------------------|-----------------|
| Oklahoma | McAlester | \$5,400,000 |
| | Fort Sill | \$2,700,000 |
| Texas | Fort Hood | \$46,438,000 |
| Utah | Dugway Proving Ground | \$25,000,000 |
| Virginia | Fort A.P. Hill | \$2,700,000 |
| | Fort Belvoir | \$18,000,000 |
| | Fort Myer | \$15,200,000 |
| Washington | Fort Lewis | \$99,949,000 |
| | Total | \$1,057,772,000 |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts set forth in the fol-
7 lowing table:

Army: Outside the United States

| Country | Installation or location | Amount |
|----------------|---------------------------------|---------------|
| Germany | Grafenwoehr | \$84,081,000 |
| Italy | Pisa | \$5,254,000 |
| Korea | Camp Humphreys | \$114,162,000 |
| | Yongpyong | \$1,450,000 |
| | Total | \$204,947,000 |

8 SEC. 2102. FAMILY HOUSING.

9 (a) CONSTRUCTION AND ACQUISITION.—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2104(5)(A), the Secretary of the
12 Army may construct or acquire family housing units (in-

1 cluding land acquisition and supporting facilities) at the
 2 installations or locations, for the purposes, and in the
 3 amounts set forth in the following table:

Army: Family Housing

| State | Installation or location | Purpose | Amount |
|----------------|--------------------------|-----------------|---------------|
| Alaska | Fort Richardson | 117 Units | \$49,000,000 |
| | Fort Wainwright | 180 Units | \$91,000,000 |
| Arizona | Fort Huachuca | 131 Units | \$31,000,000 |
| | Yuma Proving Ground | 35 Units | \$11,200,000 |
| Oklahoma | Fort Sill | 129 Units | \$24,000,000 |
| Virginia | Fort Lee | 96 Units | \$19,500,000 |
| | Fort Monroe | 21 Units | \$6,000,000 |
| Total | | | \$231,700,000 |

4 (b) PLANNING AND DESIGN.—Using amounts appro-
 5 priated pursuant to the authorization of appropriations in
 6 section 2104(5)(A), the Secretary of the Army may carry
 7 out architectural and engineering services and construc-
 8 tion design activities with respect to the construction or
 9 improvement of family housing units in an amount not
 10 to exceed \$17,536,000.

11 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 12 **UNITS.**

13 Subject to section 2825 of title 10, United States
 14 Code, and using amounts appropriated pursuant to the
 15 authorization of appropriations in section 2104(5)(A), the
 16 Secretary of the Army may improve existing military fam-
 17 ily housing units in an amount not to exceed
 18 \$300,400,000.

1 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2005, for mili-
4 tary construction, land acquisition, and military family
5 housing functions of the Department of the Army in the
6 total amount of \$2,842,470,000 as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2101(a),
9 \$1,079,901,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2101(b),
12 \$218,547,000.

13 (3) For unspecified minor military construction
14 projects authorized by section 2805 of title 10,
15 United States Code, \$20,000,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$161,393,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$549,636,000.

23 (B) For support of military family housing
24 (including the functions described in section
25 2833 of title 10, United States Code),
26 \$812,993,000.

1 (6) For the construction of phase 2 of a bar-
2 racks complex at Fort Campbell, Kentucky, author-
3 ized by section 2101(a) of the Military Construction
4 Authorization Act for Fiscal Year 2005 (division B
5 of Public Law 108–375; 118 Stat. 2100),
6 \$24,650,000.

7 (7) For the construction of phase 3 of the
8 Lewis & Clark instructional facility at Fort Leaven-
9 worth, Kansas, authorized by section 2101(a) of the
10 Military Construction Authorization Act for Fiscal
11 Year 2004 (division B of Public Law 108–136; 117
12 Stat. 1697), \$42,642,000.

13 (8) For the construction of phase 2 of trainee
14 barracks basic training complex 1 at Fort Knox,
15 Kentucky, authorized by section 2101(a) of the Mili-
16 tary Construction Authorization Act for Fiscal Year
17 2005 (division B of Public Law 108–375; 118 Stat.
18 2100), \$21,000,000.

19 (9) For the construction of phase 2 of a bar-
20 racks complex renewal at Fort Bragg, North Caro-
21 lina, authorized by section 2101(a) of the Military
22 Construction Authorization Act for Fiscal Year 2005
23 (division B of Public Law 108–375; 118 Stat.
24 2100), \$30,611,000.

1 (10) For the construction of phase 2 of a li-
2 brary and learning center at the United States Mili-
3 tary Academy, West Point, New York, authorized by
4 section 2101(a) of the Military Construction Author-
5 ization Act for Fiscal Year 2005 (division B of Pub-
6 lic Law 108–375; 118 Stat. 2100), \$25,470,000.

7 (11) For the construction of phase 2 of a bar-
8 racks complex at Vilseck, Germany, authorized by
9 section 2101(a) of the Military Construction Author-
10 ization Act for Fiscal Year 2004 (division B of Pub-
11 lic Law 108–136; 117 Stat. 1697), \$13,600,000.

12 (12) For the construction of phase 2 of a vehi-
13 cle maintenance facility at Schofield Barracks, Ha-
14 waii, authorized by section 2101(a) of the Military
15 Construction Authorization Act for Fiscal Year 2005
16 (division B of Public Law 108–375; 118 Stat.
17 2100), \$24,656,000.

18 (13) For the construction of phase 2 of the
19 Drum Road upgrade at Helemano Military Reserva-
20 tion, Hawaii, authorized by section 2101(a) of the
21 Military Construction Authorization Act for Fiscal
22 Year 2005 (division B of Public Law 108–375; 118
23 Stat. 2100), \$41,000,000.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts set forth in the following table:

Navy: Inside the United States

| State | Installation or location | Amount |
|----------------------|---|---------------|
| Arizona | Marine Corps Air Station, Yuma ... | \$3,637,000 |
| California | Marine Corps Air Station, Camp Pendleton. | \$1,400,000 |
| | Marine Corps Base, Camp Pendleton. | \$90,437,000 |
| | Naval Air Station, Lemoore | \$8,480,000 |
| | Naval Air Station, North Island | \$13,700,000 |
| | Naval Air Warfare Center, China Lake. | \$19,158,000 |
| Florida | Naval Air Station, Jacksonville | \$88,603,000 |
| | Naval Air Station, Pensacola | \$8,710,000 |
| | Naval Station, Mayport | \$10,750,000 |
| | Navy Diving and Salvage Training Center, Panama City. | \$9,678,000 |
| Georgia | Navy Submarine Base, Kings Bay | \$3,000,000 |
| Hawaii | Marine Corps Air Station, Kaneohe Bay. | \$5,700,000 |
| | Naval Base, Pearl Harbor | \$29,700,000 |
| Illinois | Recruit Training Command, Great Lakes. | \$167,750,000 |
| Maryland | Naval Air Warfare Center, Patuxent River. | \$5,800,000 |
| | United States Naval Academy, Annapolis. | \$51,720,000 |
| New Jersey | Naval Weapons Station, Earle | \$16,652,000 |
| North Carolina | Marine Corps Air Station, Cherry Point. | \$27,147,000 |
| | Marine Corps Base, Camp Lejeune | \$44,590,000 |
| | Marine Corps Air Station, New River. | \$2,530,000 |
| Texas | Naval Air Station, Kingsville | \$6,010,000 |

Navy: Inside the United States—Continued

| State | Installation or location | Amount |
|------------------|--------------------------------------|---------------|
| Virginia | Marine Corps Air Field, Quantico | \$19,698,000 |
| | Marine Corps Base, Quantico | \$14,791,000 |
| | Naval Air Station, Oceana | \$11,680,000 |
| | Naval Amphibious Base, Little Creek. | \$36,034,000 |
| | Naval Station, Norfolk | \$111,033,000 |
| Washington | Naval Station, Everett | \$70,950,000 |
| | Naval Submarine Base, Bangor | \$60,160,000 |
| | Total | \$939,498,000 |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amount set forth in the following table:

Navy: Outside the United States

| Country | Installation or location | Amount |
|----------------|---------------------------------|---------------|
| Guam | Naval Station, Guam | \$55,473,000 |
| | Total | \$55,473,000 |

7 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
8 appropriated pursuant to the authorization of appropria-
9 tions in section 2204(3), the Secretary of the Navy may
10 acquire real property and carry out military construction
11 projects for unspecified installations or locations in the
12 amount set forth in the following table:

Navy: Unspecified Worldwide

| Location | Installation or location | Amount |
|-----------------|---------------------------------|---------------|
| | Unspecified Worldwide | \$83,010,000 |
| | Total | \$83,010,000 |

1 SEC. 2202. FAMILY HOUSING.

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2204(5)(A), the Sec-
4 retary of the Navy may construct or acquire family hous-
5 ing units (including land acquisition and supporting facili-
6 ties) at the installations or locations, for the purposes and
7 in the amount set forth in the following table:

Navy: Family Housing

| State | Installation or loca- tion | Purpose | Amount |
|--------------|---------------------------------------|-----------------|---------------|
| Guam | Naval Station, Guam | 126 Units | \$43,495,000 |
| | | Total | \$43,495,000 |

**8 SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING
9 UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2204(5)(A), the
13 Secretary of the Navy may improve existing military fam-
14 ily housing units in an amount not to exceed
15 \$178,644,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2005, for mili-
4 tary construction, land acquisition, and military family
5 housing functions of the Department of the Navy in the
6 total amount of \$1,841,851,000, as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2201(a),
9 \$935,134,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2201(b),
12 \$25,584,000.

13 (3) For the military construction projects at
14 unspecified worldwide locations authorized by section
15 2201(c), \$39,019,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$29,512,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$218,942,000.

23 (B) For support of military family housing
24 (including functions described in section 2833
25 of title 10, United States Code), \$593,660,000.

1 (6) For the construction of increment 2 of the
2 Presidential Helicopter program support facility at
3 Naval Air Station, Patuxent River, Maryland, au-
4 thorized by section 2201(c) of the Military Construc-
5 tion Authorization Act for Fiscal Year 2005 (divi-
6 sion B of Public Law 108–375; 118 Stat. 2100),
7 \$40,700,000.

8 (7) For the construction of increment 2 of the
9 hangar recapitalization and west apron at Naval Air
10 Field, El Centro, California, authorized by section
11 2201(a) of the Military Construction Authorization
12 Act for Fiscal Year 2005 (division B of Public Law
13 108–375; 118 Stat. 2100), \$18,666,000.

14 (8) For the construction of increment 3 of pier
15 11 replacement at Naval Station, Norfolk, Virginia,
16 authorized by section 2201(a) of the Military Con-
17 struction Authorization Act for Fiscal Year 2004
18 (division B of Public Law 108–136; 117 Stat.
19 1704), \$40,200,000.

20 (9) For the construction of increment 2 of the
21 limited area production and storage complex at
22 Naval Submarine Base, Bangor, Washington, au-
23 thorized by section 2201(a) of the Military Construc-
24 tion Authorization Act of Fiscal Year 2005 (division

1 B of Public Law 108–375; 118 Stat. 2100),
 2 \$47,095,000.

3 **TITLE XXIII—AIR FORCE**

4 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 5 **LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2304(1), the Secretary of the Air Force
 9 may acquire real property and carry out military construc-
 10 tion projects for the installations or locations inside the
 11 United States, and in the amounts set forth in the fol-
 12 lowing table:

Air Force: Inside the United States

| State | Installation or location | Amount |
|----------------------|------------------------------------|---------------|
| Alabama | Maxwell Air Force Base | \$14,900,000 |
| Alaska | Clear Air Station | \$20,000,000 |
| | Elmendorf Air Force Base | \$84,820,000 |
| Arizona | Davis-Monthan Air Force Base | \$8,600,000 |
| | Luke Air Force Base | \$13,000,000 |
| Arkansas | Little Rock Air Force Base | \$2,500,000 |
| California | Beale Air Force Base | \$14,200,000 |
| | Edwards Air Force Base | \$103,000,000 |
| | Travis Air Force Base | \$31,600,000 |
| | Vandenberg Air Force Base | \$16,845,000 |
| Colorado | Buckley Air Force Base | \$20,100,000 |
| | Peterson Air Force Base | \$12,800,000 |
| | United States Air Force Academy | \$13,000,000 |
| Delaware | Dover Air Force Base | \$19,000,000 |
| District of Columbia | Bolling Air Force Base | \$14,900,000 |
| Florida | Hurlburt Field | \$2,540,000 |
| | MacDill Air Force Base | \$107,200,000 |
| | Tyndall Air Force Base | \$11,500,000 |
| Georgia | Robins Air Force Base | \$2,000,000 |
| Hawaii | Hickam Air Force Base | \$5,678,000 |
| Idaho | Mountain Home Air Force Base | \$9,835,000 |
| Massachusetts | Hanscom Air Force Base | \$10,000,000 |
| Mississippi | Keesler Air Force Base | \$47,500,000 |
| Nebraska | Offutt Air Force Base | \$50,280,000 |

Air Force: Inside the United States—Continued

| State | Installation or location | Amount |
|----------------------|---|---------------|
| Nevada | Indian Springs Air Force Auxiliary Field. | \$60,724,000 |
| | Nellis Air Force Base | \$19,570,000 |
| New Jersey | McGuire Air Force Base | \$13,185,000 |
| New Mexico | Kirtland Air Force Base | \$6,600,000 |
| North Dakota | Minot Air Force Base | \$8,700,000 |
| Ohio | Wright-Patterson Air Force Base .. | \$19,670,000 |
| Oklahoma | Tinker Air Force Base | \$31,960,000 |
| South Carolina | Charleston Air Force Base | \$2,583,000 |
| | Shaw Air Force Base | \$9,730,000 |
| Texas | Sheppard Air Force Base | \$36,000,000 |
| Utah | Hill Air Force Base | \$24,100,000 |
| Virginia | Langley Air Force Base | \$38,665,000 |
| | Total | \$907,285,000 |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts set forth in the fol-
7 lowing table:

Air Force: Outside the United States

| Country | Installation or location | Amount |
|----------------------|----------------------------------|---------------|
| Germany | Ramstein Air Base | \$11,650,000 |
| | Spangdahlem Air Base | \$12,474,000 |
| Guam | Andersen Air Force Base | \$18,500,000 |
| Italy | Aviano Air Base | \$22,660,000 |
| Korea | Kunsan Air Base | \$50,900,000 |
| | Osan Air Base | \$40,719,000 |
| Portugal | Lajes Field, Azores | \$12,000,000 |
| Turkey | Incirlik Air Base | \$5,780,000 |
| United Kingdom | Royal Air Force Lakenheath | \$5,125,000 |
| | Royal Air Force Mildenhall | \$13,500,000 |
| | Total | \$193,308,000 |

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2304(5)(A), the Secretary of the
 5 Air Force may construct or acquire family housing units
 6 (including land acquisition and supporting facilities) at the
 7 installations or locations, for the purposes, and in the
 8 amounts set forth in the following table:

Air Force: Family Housing

| State | Installation or loca- tion | Purpose | Amount |
|--------------------------|------------------------------------|-----------------|---------------|
| Alaska | Eielson Air Force Base ... | 392 Units | \$55,794,000 |
| California | Edwards Air Force Base | 226 Units | \$59,699,000 |
| District of Columbia. | Bolling Air Force Base ... | 159 Units | \$48,711,000 |
| Florida | MacDill Air Force Base .. | 109 Units | \$40,982,000 |
| Idaho | Mountain Home Air Force Base. | 194 Units | \$56,467,000 |
| Missouri | Whiteman Air Force Base. | 111 Units | \$26,917,000 |
| Montana | Malmstrom Air Force Base. | 296 Units | \$68,971,000 |
| North Caro- lina. | Seymour Johnson Air Force Base. | 255 Units | \$48,868,000 |
| North Da- kota. | Grand Forks Air Force Base. | 300 Units | \$86,706,000 |
| | Minot Air Force Base | 223 Units | \$44,548,000 |
| South Caro- lina. | Charleston Air Force Base. | 10 Units | \$15,935,000 |
| South Da- kota. | Ellsworth Air Force Base | 60 Units | \$14,383,000 |
| Texas | Dyess Air Force Base | 190 Units | \$43,016,000 |
| Germany | Ramstein Air Force Base | 101 Units | \$62,952,000 |
| | Spangdahlem Air Force Base. | 79 Units | \$45,385,000 |
| Turkey | Incirlik Air Force Base ... | 100 Units | \$22,730,000 |
| United Kingdom. | Royal Air Force Lakenheath. | 107 Units | \$48,437,000 |
| | | Total | \$790,501,000 |

1 (b) PLANNING AND DESIGN.—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(5)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$40,404,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(5)(A), the
13 Secretary of the Air Force may improve existing military
14 family housing units in an amount not to exceed
15 \$420,203,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 Funds are hereby authorized to be appropriated for
19 fiscal years beginning after September 30, 2005, for mili-
20 tary construction, land acquisition, and military family
21 housing functions of the Department of the Air Force in
22 the total amount of \$3,087,687,000, as follows:

23 (1) For military construction projects inside the
24 United States authorized by section 2301(a),
25 \$782,285,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2301(b),
3 \$193,308,000.

4 (3) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$15,000,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$79,047,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$1,251,108,000.

14 (B) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$766,939,000.

17 **TITLE XXIV—DEFENSE**
18 **AGENCIES**

19 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
20 **TION AND LAND ACQUISITION PROJECTS.**

21 (a) **INSIDE THE UNITED STATES.**—Using amounts
22 appropriated pursuant to the authorization of appropria-
23 tions in section 2403(1), the Secretary of Defense may
24 acquire real property and carry out military construction

- 1 projects for the installations or locations inside the United
 2 States, and in the amounts set forth in the following table:

Defense Agencies: Inside the United States

| Agency | Installation or location | Amount |
|---|---|---------------|
| Defense Intelligence Agency. | Bolling Air Force Base, District of Columbia. | \$7,900,000 |
| Defense Logistics Agency. | Cannon Air Force Base, New Mexico. | \$13,200,000 |
| | Defense Distribution Depot, New Cumberland, Pennsylvania. | \$6,500,000 |
| | Defense Distribution Depot, Tracy, California. | \$33,635,000 |
| | Fort Belvoir, Virginia | \$4,500,000 |
| | McConnell Air Force Base, Kansas | \$15,800,000 |
| | Miramar, California | \$23,000,000 |
| | Naval Station, Norfolk, Virginia ... | \$6,700,000 |
| | Seymour Johnson Air Force Base, North Carolina. | \$18,500,000 |
| | Yuma Proving Ground, Arizona | \$7,300,000 |
| | Fort Bragg, North Carolina | \$18,075,000 |
| Defense Education Agency. | Fort Stewart/Hunter Army Air Field, Georgia. | \$16,629,000 |
| | Augusta, Georgia | \$61,466,000 |
| National Security Agency. | Fort Meade, Maryland | \$28,049,000 |
| | Kunia, Hawaii | \$61,466,000 |
| Special Operations ... Command | Eglin Air Force Base, Florida | \$12,800,000 |
| | Fort Bragg, North Carolina | \$14,769,000 |
| | Fort Campbell, Kentucky | \$37,800,000 |
| | Fort Lewis, Washington | \$53,300,000 |
| | Fort Stewart/Hunter Army Air Field, Georgia. | \$10,000,000 |
| | Naval Surface Warfare Center, Corona, California. | \$28,350,000 |
| | Beale Air Force Base, California ... | \$18,000,000 |
| Tri-Care Management Activity. | Charleston, South Carolina | \$35,000,000 |
| | Fort Detrick, Maryland | \$55,200,000 |
| | Keesler Air Force Base, Mississippi | \$14,000,000 |
| | Lackland Air Force Base, Texas ... | \$11,000,000 |
| | Naval Hospital, San Diego, California. | \$15,000,000 |
| | Nellis Air Force Base, Nevada | \$1,700,000 |
| | Uniformed Services University of the Health Sciences, Bethesda, Maryland. | \$10,350,000 |
| | Peterson Air Force Base, Colorado | \$1,820,000 |
| | Total | \$641,809,000 |

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(2), the Secretary of Defense may
 4 acquire real property and carry out military construction
 5 projects for the installations or locations outside the
 6 United States, and in the amounts set forth in the fol-
 7 lowing table:

Defense Agencies: Outside the United States

| Agency | Installation or location | Amount |
|-------------------------------|------------------------------------|---------------|
| Defense Education Activity. | Landstuhl, Germany | \$6,543,000 |
| | Vilseck, Germany | \$2,323,000 |
| | Agana, Guam | \$40,578,000 |
| | Taegu, Korea | \$8,231,000 |
| | Naval Station, Rota, Spain | \$7,963,000 |
| Defense Logistics Agency. | Souda Bay, Greece | \$7,089,000 |
| Missile Defense Agency. | Kwajalien Atoll, Kwajalien | \$4,901,000 |
| National Security Agency. | Menwith Hall, United Kingdom | \$41,697,000 |
| Tri-Care Management Activity. | Bahrain, SWA | \$4,750,000 |
| | Total | \$124,075,000 |

8 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2403(6), the Secretary
 11 of Defense may carry out energy conservation projects
 12 under section 2865 of title 10, United States Code, in the
 13 amount of \$60,000,000.

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2005, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of Defense (other
7 than the military departments) in the total amount of
8 \$3,349,914,000, as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2401(a),
11 \$698,809,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2401(b),
14 \$123,104,000.

15 (3) For unspecified minor military construction
16 projects under section 2805 of title 10, United
17 States Code, \$15,736,000.

18 (4) For contingency construction projects of the
19 Secretary of Defense under section 2804 of title 10,
20 United States Code, \$10,000,000.

21 (5) For architectural and engineering services
22 and construction design under section 2807 of title
23 10, United States Code, \$135,081,000.

24 (6) For Energy Conservation projects author-
25 ized by section 2402, \$60,000,000.

1 (7) For base closure and realignment activities
2 funded through the account created pursuant to sec-
3 tion 2906 of, and authorized by, the Defense Base
4 Closure and Realignment Act of 1990 (part A of
5 title XXIX of Public Law 101–510, as amended; 10
6 U.S.C. 2687 note), \$377,827,000.

7 (8) For base closure and realignment activities
8 funded through the account created pursuant to sec-
9 tion 2906A of, and authorized by, the Defense Base
10 Closure and Realignment Act of 1990 (part A of
11 title XXIX of Public Law 101–510, as amended; 10
12 U.S.C. 2687 note), \$1,880,466,000.

13 (9) For military family housing functions:

14 (A) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$46,391,000.

17 (B) For credit to the Department of De-
18 fense Family Housing Improvement Fund es-
19 tablished by section 2883(a)(1) of title 10,
20 United States Code, \$2,500,000.

21 (10) For the construction of increment 2 of the
22 hospital replacement at Fort Belvoir, Virginia, au-
23 thorized by section 2401(a) of the Military Construc-
24 tion Authorization Act of Fiscal Year 2005 (division

1 B of Public Law 108–375; 118 Stat. 2100),
2 \$57,000,000.

3 **TITLE XXV—NORTH ATLANTIC**
4 **TREATY ORGANIZATION SE-**
5 **CURITY INVESTMENT PRO-**
6 **GRAM**

7 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
8 **ACQUISITION PROJECTS.**

9 The Secretary of Defense may make contributions for
10 the North Atlantic Treaty Organization Security Invest-
11 ment Program as provided in section 2806 of title 10,
12 United States Code, in an amount not to exceed the sum
13 of the amount authorized to be appropriated for this pur-
14 pose in section 2502 and the amount collected from the
15 North Atlantic Treaty Organization as a result of con-
16 struction previously financed by the United States.

17 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

18 Funds are hereby authorized to be appropriated for
19 fiscal years beginning after September 30, 2005, for con-
20 tributions by the Secretary of Defense under section 2806
21 of title 10, United States Code, for the share of the United
22 States of the cost of projects for the North Atlantic Treaty
23 Organization Security Investment Program authorized by
24 section 2501, in the amount of \$206,858,000.

1 **TITLE XXVI—GUARD AND**
2 **RESERVE FORCES FACILITIES**

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2005, for the
7 costs of acquisition, architectural and engineering services,
8 and construction of facilities for the reserve components,
9 and for contributions therefore, under chapter 1803 of
10 title 10, United States Code (including the cost of acquisi-
11 tion of land for those facilities), the following amounts:

12 (1) For the Department of the Army—

13 (A) for the Army National Guard of the
14 United States, \$327,012,000; and

15 (B) for the Army Reserve, \$106,077,000.

16 (2) For the Department of the Navy, for the
17 Naval and Marine Corps Reserve, \$45,226,000.

18 (3) For the Department of the Air Force—

19 (A) for the Air National Guard of the
20 United States, \$165,256,000; and

21 (B) for the Air Force Reserve,
22 \$79,260,000.

1 **TITLE XXVII—EXPIRATION AND**
2 **EXTENSION OF AUTHORIZA-**
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
8 YEARS.—Except as provided in subsection (b), all author-
9 izations contained in titles XXI through XXVII for mili-
10 tary construction projects, land acquisition, family housing
11 projects and facilities, and contributions to the North At-
12 lantic Treaty Organization Security Investment Program
13 (and authorizations of appropriations therefore) shall ex-
14 pire on the later of—

15 (1) October 1, 2008; or

16 (2) the date of the enactment of an Act author-
17 izing funds for military construction for fiscal year
18 2009.

19 (b) EXCEPTION.—Subsection (a) shall not apply to
20 authorizations for military construction projects, land ac-
21 quisition, family housing projects and facilities, and con-
22 tributions to the North Atlantic Treaty Organization Se-
23 curity Investment program (and authorizations of appro-
24 priations therefore), for which appropriated funds have
25 been obligated before the later of—

1 (1) October 1, 2008; or

2 (2) the date of the enactment of an Act author-
 3 izing funds for fiscal year 2009 for military con-
 4 struction projects, land acquisition, family housing
 5 projects and facilities, or contributions to the North
 6 Atlantic Treaty Organization Security Investment
 7 program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 2003 PROJECTS.**

10 (a) **EXTENSION.**—Notwithstanding section 2701 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 2003 (division B of Public Law 107–314; 116 Stat.
 13 2681), authorizations set forth in the tables in subsection
 14 (b), as provided in sections 2301, 2302, and 2401 of that
 15 Act, shall remain in effect until October 1, 2006, or the
 16 date of the enactment of an Act authorizing funds for mili-
 17 tary construction for fiscal year 2007, whichever is later.

18 (b) **TABLES.**—The tables referred to in subsection (a)
 19 are as follows:

Air Force: Extension of 2003 Project Authorizations

| State | Installation or loca- tion | Project | Amount |
|---------------|---------------------------------------|---|---------------|
| Florida | Eglin Air Force Base | Replace Family Housing (134 units). | \$15,906,000 |
| Florida | Eglin Air Force Base | Replace Family Housing Of- fice. | \$597,000 |

**Air Force: Extension of 2003 Project
Authorizations—Continued**

| State | Installation or location | Project | Amount |
|-----------------|----------------------------|---------------------------------------|--------------|
| Mississippi ... | Keesler Air Force Base ... | Replace Family Housing (117 units). | \$16,505,000 |
| Texas | Randolph Air Force Base | Replace Family Housing (112 units). | \$14,311,000 |
| Texas | Randolph Air Force Base | Replace Housing Maintenance Facility. | \$447,000 |
| Italy | Aviano Air Base | Consolidate Area A-1 and A-2. | \$5,000,000 |

**Defense Wide: Extension of 2003 Project
Authorizations**

| Agency | Installation or location | Project | Amount |
|-----------------------------|------------------------------------|---------------------|-------------|
| Special Operations Command. | Stennis Space Center, Mississippi. | SOF Training Range. | \$5,000,000 |

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2002 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2002 (division B of Public Law 107–107; 115 Stat.
6 1280), authorizations set forth in the tables in subsection
7 (b), as provided in sections 2101 and 2302 of that Act,
8 shall remain in effect until October 1, 2005, or the date
9 of the enactment of an Act authorizing funds for military
10 construction for fiscal year 2006, whichever is later.

1 (b) TABLES.—The tables referred to in subsection (a)
2 are as follows:

Army: Extension of 2002 Project Authorization

| State | Installation or location | Project | Amount |
|--------------|--------------------------|---------------|-------------|
| Hawaii | Pohakuloa Tng Area | Land Purchase | \$1,500,000 |

Air Force: Extension of 2002 Project Authorization

| State | Installation or location | Project | Amount |
|----------------|--------------------------|------------------------------------|-------------|
| Louisiana | Barksdale Air Force Base | Replace Family Housing (56 units). | \$7,300,000 |

3 **TITLE XXVIII—GENERAL**
4 **PROVISIONS**
5 **Subtitle A—Military Construction**
6 **and Military Family Housing**

7 **SEC. 2801. STREAMLINING MILITARY CONSTRUCTION TO**
8 **REDUCE FACILITY ACQUISITION AND CON-**
9 **STRUCTION CYCLE TIME.**

10 (a) THRESHOLDS.—(1) Section 2803(c)(1) of title
11 10, United States Code, is amended by striking
12 “\$45,000,000” and inserting “\$60,000,000”.

13 (2) Section 2805 of title 10, United States Code, is
14 amended—

15 (A) in subsection (a)(1)—

16 (i) by striking “\$1,500,000” and inserting
17 “\$3,000,000”; and

1 (ii) by striking the last sentence;

2 (B) in subsection (b)(1), by striking
3 “\$750,000” and inserting “\$1,500,000”; and

4 (C) in subsection (c)(1), by striking everything
5 following “more than” through the period at the end
6 of subparagraph (B) and inserting “\$3,000,000.”.

7 (b) CONGRESSIONAL NOTIFICATION.—(1) Subsection
8 (b) of section 2803 of title 10, United States Code, is
9 amended by striking the last sentence.

10 (2) Subsection (b) of section 2804 of title 10, United
11 States Code, is amended by striking the last sentence.

12 (3) Section 2805(b)(1) of title 10, United States
13 Code, is amended by inserting at the end the following
14 new sentence: “This paragraph shall not apply to unspec-
15 ified minor military construction projects using funds
16 made available for operation and maintenance in accord-
17 ance with subsection (c).”.

18 (4) Section 2807 of title 10, United States Code, is
19 amended—

20 (A) by striking subsection (b);

21 (B) by redesignating subsections (c) and (d) as
22 subsections (b) and (c), respectively; and

23 (C) in subsection (b), as redesignated—

24 (i), by striking “(1)”; and

1 (ii) by striking “, and (2)” and everything
2 that follows up to the end of the sentence.

3 (5) Section 2813(c) of title 10, United States Code,
4 is amended—

5 (A) by striking “30-day” and inserting “14-
6 day”; and

7 (B) by striking “21-day” and inserting “7-
8 day”.

9 (6) Subsection (b) of section 2854 of title 10, United
10 States Code, is amended by striking the last sentence.

11 (c) COST VARIATIONS.—Section 2853(a) of title 10,
12 United States Code, is amended by striking “or 200 per-
13 cent of the minor construction project ceiling specified in
14 section 2805(a)(1), whichever is less,”.

15 (d) CODIFICATION OF COMMITTEE LANGUAGE.—
16 Subsection (e) of section 2811 of title 10, United States
17 Code, is amended by adding at the end the following new
18 sentence: “A repair project and a military construction
19 project may be combined so long as, taken together, they
20 result in a complete and usable facility or a complete and
21 usable improvement to an existing facility.”.

22 **SEC. 2802. PURCHASE OF BUILD-TO-LEASE FAMILY HOUS-**
23 **ING AT EIELSON AIRFORCE BASE, ALASKA.**

24 (a) AUTHORITY TO PURCHASE.—The Secretary of
25 the Air Force may purchase the entire interest of the de-

1 veloper in the military family housing project at Eielson
2 Air Force Base, Alaska, described in subsection (b) if the
3 Secretary determines that the purchase is in the best eco-
4 nomic interests of the Air Force.

5 (b) DESCRIPTION OF PROJECT.—The military family
6 housing project referred to in this section is the 300-unit
7 military family housing project at Eielson Air Force Base
8 that was constructed by the developer and is leased by
9 the Secretary under the authority of former subsection (g)
10 of section 2828 of title 10, United States Code (now sec-
11 tion 2835 of such title), as added by section 801 of the
12 Military Construction Authorization Act, 1984 (Public
13 Law 98–115; 97 Stat. 782).

14 (c) PURCHASE PRICE.—The purchase price to be
15 paid by the Secretary under this section for the interest
16 of the developer in the military family housing project may
17 not exceed an amount equal to the fair market value of
18 the military family housing project.

19 (d) TIME FOR PURCHASE.—(1) Subject to paragraph
20 (2), the Secretary may elect to make the purchase author-
21 ized by subsection (a) at any time after the term of the
22 lease for the military family housing project.

23 (2) The Secretary may not make the purchase until
24 30 days after the date on which the Secretary notifies the

1 congressional defense committees of the Secretary's elec-
2 tion to make the purchase under paragraph (1).

3 **SEC. 2803. REPEAL REQUIREMENT TO DETERMINE THE**
4 **AVAILABILITY OF SUITABLE ALTERNATIVE**
5 **HOUSING FOR ACQUISITION IN LIEU OF CON-**
6 **STRUCTION OF NEW FAMILY HOUSING.**

7 (a) IN GENERAL.—Section 2823 of title 10, United
8 States Code, is repealed.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 169 of such title is amended
11 by striking the item relating to section 2823.

12 **SEC. 2804. IMPROVEMENTS AT FORT BUCHANAN FOR RE-**
13 **SERVE COMPONENT FACILITIES.**

14 Paragraph 1507(b)(2) of the Floyd D. Spence Na-
15 tional Defense Authorization Act for Fiscal Year 2001
16 (Public Law 106–398; 114 Stat. 1654A–355) is amended
17 to read as follows:

18 “(2) The construction, conversion, rehabilitation, ex-
19 tension, and improvement of reserve component facilities
20 and nonappropriated fund facilities.”.

21 **SEC. 2805. INCREASE IN NUMBER OF HIGH-COST LEASES**
22 **FOR ARMY FAMILY HOUSING IN KOREA.**

23 Section 2828(e)(4) of title 10, United States Code,
24 is amended by striking “2,400” and inserting “2,800”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. EXPAND AUTHORITY TO CONVEY PROPERTY AT**
4 **MILITARY INSTALLATIONS TO SUPPORT MILI-**
5 **TARY CONSTRUCTION.**

6 (a) **EXPANSION OF AUTHORITY.**—Section 2869(a) of
7 title 10, United States Code, is amended by striking “base
8 closure law” and inserting “base closure law or otherwise
9 determined to be surplus to the needs of the federal gov-
10 ernment”.

11 (b) **CLERICAL AMENDMENTS.**—(1) The heading for
12 such section is amended to read as follows:

13 **“§ 2869. Conveyance of property at military installa-**
14 **tions to support military construction”.**

15 (2) The table of sections at the beginning of chapter
16 169 of such title is amended by striking the item relating
17 to section 2869 and inserting the following new item:

 “§ 2869. Conveyance of property at military installations to support military
 construction.”.

18 **Subtitle C—Other Matters**

19 **SEC. 2821. STREAMLINING REAL PROPERTY ACTIONS TO**
20 **REDUCE CYCLE TIME.**

21 (a) **AMENDMENT TO SECTION 2662.**—Section 2662
22 of title 10, United States Code, is amended—

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

1 “(a) GENERAL NOTICE AND WAIT REQUIRE-
2 MENTS.—The Secretary concerned shall provide a report
3 of the facts concerning the proposed transaction to the
4 Committee on Armed Services of the Senate and the Com-
5 mittee on Armed Services of the House of Representatives
6 if the estimated price, annual rental, or value exceeds the
7 unspecified minor military construction ceiling in section
8 2805(a)(1) of this title. Such transactions are—

9 “(1) an acquisition of fee title to any real prop-
10 erty;

11 “(2) a lease of any real property to the United
12 States;

13 “(3) a lease or license of real property owned
14 by the United States;

15 “(4) a transfer of real property owned by the
16 United States to another Federal agency or another
17 military department or to a State;

18 “(5) a report of excess real property owned by
19 the United States to a disposal agency; or

20 “(6) any termination or modification by either
21 the grantor or grantee of an existing license or per-
22 mit to a military department of real property owned
23 by the United States, under which substantial in-
24 vestments have been or are proposed to be made in

1 connection with the use of the property by the mili-
2 tary department.”;

3 (2) in subsection (b), by striking “\$750,000”
4 and inserting “the unspecified minor military con-
5 struction project ceiling in section 2805(a)(1) of this
6 title”; and

7 (3) in subsection (e), by striking “\$750,000”
8 and inserting “the unspecified minor military con-
9 struction project ceiling in section 2805(a)(1) of this
10 title”.

11 (b) AMENDMENT TO SECTION 2672.—Section 2672
12 of such title is amended)—

13 (1) in subparagraph (a)(1)(B), by striking
14 “\$750,000” and inserting “the unspecified minor
15 military construction project ceiling in section
16 2805(a)(1) of this title”;

17 (2) in subsection (a)—

18 (A) by striking “(1)”;

19 (B) by striking paragraph (2); and

20 (C) by redesignating the remaining sub-
21 paragraphs (A) and (B) as paragraphs (1) and
22 (2), respectively; and

23 (3) in subsection (b), by striking “\$750,000”
24 and everything that follows through the period at
25 the end of the sentence and inserting “the unspec-

1 ified minor military construction project ceiling in
2 section 2805(a)(1) of this title.”.

○