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109TH CONGRESS
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H. R. 1815

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2005

Received; read twice and referred to the Committee on Armed Services

AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

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Sec. 2303. Improvements to military family housing units.
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Sec. 2811. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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Subtitle A—National Security Programs Authorizations

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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Sec. 3301. Authorized uses of National Defense Stockpile funds.
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Sec. 3303. Revision of fiscal year 2000 authority to dispose of certain materials in the National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.
Sec. 3502. Payments for State and regional maritime academies.
Sec. 3503. Maintenance and repair reimbursement pilot program.

Sec. 3504. Tank vessel construction assistance.
Sec. 3505. Improvements to the Maritime Administration vessel disposal program.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
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 Apache Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor.
Sec. 113. Multiyear procurement authority for Apache Block II conversion.
Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.
Sec. 115. Limitation on Army Modular Force Initiative.
Sec. 116. Contract requirement for Objective Individual Combat Weapon - Increment 1.

Subtitle C—Navy Programs

Sec. 121. Virginia-class submarine program.
Sec. 122. LHA Replacement amphibious assault ship program.
Sec. 123. Future major surface combatant, destroyer type.
Sec. 124. Littoral Combat Ship (LCS) program.
Sec. 125. Authorization of two additional Arleigh Burke class destroyers.
Sec. 126. Refueling and complex overhaul of the U.S.S. Carl Vinson.
Sec. 127. Report on propulsion system alternatives for surface combatants.
Sec. 128. Aircraft carrier force structure.
Sec. 129. Contingent transfer of additional funds for CVN–21 Carrier Replacement Program.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for C–17 aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Requirement that all tactical unmanned aerial vehicles use specified standard data link.
Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $2,861,380,000.

(2) For missiles, $1,242,919,000.

(3) For weapons and tracked combat vehicles, $1,601,978,000.

(4) For ammunition, $1,750,772,000.

(5) For other procurement, $4,043,289,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $10,042,526,000.

(2) For weapons, including missiles and torpedoes, $2,775,041,000.

(3) For ammunition, $869,770,000.

(4) For shipbuilding and conversion, $10,779,773,000.

(5) For other procurement, $5,634,318,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $1,407,605,000.

SEC. 103. AIR FORCE.

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

(1) For aircraft, $12,793,756,000.

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

(3) For missiles, $5,490,287,000.

(4) For other procurement, $14,068,789,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for Defense-wide procurement in the amount of $2,715,446,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60/MH–60 HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2007 program year, for procurement of up to 461 helicopters in the UH–60M configuration and, acting as executive agent for the Department of the Navy, in the MH–60S configuration.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR APACHE MODERNIZED TARGET ACQUISITION DESIGNATION SIGHT/PILOT NIGHT VISION SENSOR.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year and for four program years, for procurement of 612 Apache Modernized Target Acquisition Designation Sights/Pilot Night Vision Sensors.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR APACHE BLOCK II CONVERSION.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year and for four program years, for procurement of conversion of 96 Apache helicopters to the Block II configuration.

SEC. 114. ACQUISITION STRATEGY FOR TACTICAL WHEELED VEHICLE PROGRAMS.

(a) ARMY.—If, in carrying out a program for modernization and recapitalization of the fleet of tactical wheeled vehicles of the Army, the Secretary of the Army determines to award a contract for procurement of a new vehicle class for the next-generation tactical wheeled vehicle (other than a contract for modifications, upgrades, or

product improvements to the existing fleet of vehicles), the Secretary shall award and execute the acquisition program under that contract as a joint service program with the Marine Corps.

(b) MARINE CORPS.—If, in carrying out a program for modernization and recapitalization of the fleet of tactical wheeled vehicles of the Marine Corps, the Secretary of the Navy determines to award a contract for procurement of a new vehicle class for the next-generation tactical wheeled vehicle (other than a contract for modifications, upgrades, or product improvements to the existing fleet of vehicles), the Secretary shall award and execute the acquisition program under that contract as a joint service program with the Army.

SEC. 115. LIMITATION ON ARMY MODULAR FORCE INITIATIVE.

(a) LIMITATION.—From funds available to the Army for fiscal year 2006, not more than $3,000,000,000 may be obligated or expended for acquisition programs for the Army Modular Force Initiative until the Secretary of the Army submits to the congressional defense committees a report described in subsection (b).

(b) REPORT.—A report under subsection (a) shall set forth the following:

(1) An outline of the full scope of acquisition programs that are considered part of the Modular Force Initiative and the acquisition objectives for each such program.

(2) An outline of the funding levels provided in the fiscal year 2007 Future Years Defense Program for each program specified under paragraph (1) and, for each such program, the adequacy of that funding for achieving the acquisition objectives referred to in paragraph (1).

(3) A detailed accounting of the use of funds provided for the Modular Force Initiative in title I of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terrorism, and Tsunami Relief Act, 2005.

SEC. 116. CONTRACT REQUIREMENT FOR OBJECTIVE INDIVIDUAL COMBAT WEAPON - INCREMENT 1.

In awarding a contract for procurement of the Objective Individual Combat Weapon - Increment 1, the Secretary of the Army shall ensure that the contractor is selected through a full and open competition process that allows potential offerors adequate time to prepare and submit qualifying proposals.

Subtitle C—Navy Programs

SEC. 121. VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the five Virginia-class submarines designated as SSN–779, SSN–780, SSN–781, SSN–782, and SSN–783 may not exceed the following amounts (such amounts being the estimated total procurement end cost of those vessels in the fiscal year 2006 budget):

(1) For the SSN–779 submarine, $2,143,700,000.

(2) For the SSN–780 submarine, $2,238,800,000.

(3) For the SSN–781 submarine, $2,402,000,000.

(4) For the SSN–782 submarine, $2,581,300,000.

(5) For the SSN–783 submarine, $2,690,000,000.

(b) ADJUSTMENT OF LIMITATION AMOUNTS.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for any Virginia-class submarine specified in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) NOTICE TO CONGRESS OF PROGRAM CHANGES.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in any of the amounts set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

SEC. 122. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of each ship of the LHA Replacement (LHA(R)) amphibious assault ship program may not exceed $2,000,000,000.

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth

in subsection (a) for the program referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(d) LIMITATION ON PROCUREMENT FUNDS.—Funds available to the Navy for Shipbuilding and Conversion, Navy, may be obligated or expended for procurement for the LHA Replacement ship program only after the Secretary of Defense certifies in writing to the congressional defense committees that—

(1) the Joint Requirements Oversight Council has approved a detailed Operational Requirements Document for the program; and

(2) there exists a stable design for the LHA(R) class of vessels.

(e) STABLE DESIGN.—For purposes of this section, the design of a class of vessels shall be considered to be stable when no substantial change to the design is anticipated.

SEC. 123. FUTURE MAJOR SURFACE COMBATANT, DESTROYER TYPE.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of each ship for the future major surface combatant, destroyer type, may not exceed $1,700,000,000 (such amount being the estimated total procurement end cost of that ship in the fiscal year 2006 budget).

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for the ship type referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount provided in section 201(2) for Research and Development, Navy, for fiscal year 2006, $700,000,000 is available for technology development and demonstration for the ship referred to in subsection (a).

(e) ACQUISITION PLAN.—In developing the acquisition plan for the future major surface combatant, destroyer type, the Secretary shall ensure that the resulting acquisition program—

(1) uses technologies from the DD(X) and CG(X) programs, as well as any other technology the Secretary considers appropriate;

(2) has an overall capability not less than that of the Flight IIA version of the Arleigh Burke (DDG–51) class destroyer; and

(3) would be ready for lead-ship procurement not later than fiscal year 2011.

SEC. 124. LITTORAL COMBAT SHIP (LCS) PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of each ship for the Littoral Combat Ship (LCS) program, including amounts for mission modules, may not exceed $400,000,000 (such amount being the estimated total procurement end cost of that ship in the fiscal year 2006 budget).

(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust the amount set forth in subsection (a) for the ships referred to in that subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2005.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2005.

(c) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall annually submit to Congress, at the same time as the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in subsection (a) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in subsection (b).

(d) LIMITATION ON SHIPS AND MISSION MODULES.—No funds available to the Navy may be used for the acquisition of Littoral Combat Ships, or Littoral Combat Ship mission modules until the Secretary of Defense submits to the congressional defense committees—

(1) the results of an operational evaluation of the first four Littoral Combat Ships conducted by the Director of Operational Test and Evaluation Force of the Department of Defense; and

(2) the Secretary's certification in writing that there exists a stable design for the Littoral Combat Ship class of vessels.

(e) STABLE DESIGN.—For purposes of this section, the design of a class of vessels shall be considered to be stable when no substantial change to the design is anticipated.

SEC. 125. AUTHORIZATION OF TWO ADDITIONAL ARLEIGH BURKE CLASS DESTROYERS.

Of the amount provided in section 102(a)(4) for Shipbuilding and Conversion, Navy, for fiscal year 2006, the amount of $2,500,000,000 is available for construction of two additional Arleigh Burke class destroyers, to be constructed under a single contract which shall be competitively awarded.

SEC. 126. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. CARL VINSON.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount authorized to be appropriated by section 102(a)(4), for fiscal year 2006, $1,493,563,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70). The amount made available in the preceding sentence is the first increment in the incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

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

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

fiscal year 2006 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 127. REPORT ON PROPULSION SYSTEM ALTERNATIVES FOR SURFACE COMBATANTS.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to the congressional defense committees a report on the results of the study directed by the Chief of Naval Operations and in progress in mid-2005 on alternative propulsion methods for surface combatant vessels of the Navy. The report shall be submitted not later than the date of the President's submission of the budget of the United States Government for fiscal year 2007.

(b) MATTERS TO BE INCLUDED.—The report of the Secretary of the Navy under subsection (a) shall include the following:

(1) The objectives and scope of the study referred to in subsection (a) and the timeframes for analysis under the study and the key assumptions used in carrying out the study.

(2) The methodology and analysis techniques used to conduct the study.

(3) A description of current and future technology relating to propulsion that has been incorporated in recently-designed surface combatants or

is expected to be available within the next 10-to-20 years.

(4) The propulsion alternatives for surface combatants considered under the study and the analysis and evaluation under the study of each of those alternatives from an operational and cost-effectiveness standpoint.

(5) The conclusions and recommendations of the study, including those conclusions and recommendations that could impact the design of future ships or lead to modifications of existing ships.

(6) The Secretary's intended actions and timeframes for implementation, if any, of the findings and conclusions of the study.

SEC. 128. AIRCRAFT CARRIER FORCE STRUCTURE.

(a) REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN THE NAVY.—Section 5062 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (a) the following new subsection (b):

''(b) The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier

includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.''.

(b) U.S.S. JOHN F. KENNEDY.—

(1) FULLY MISSION CAPABLE STATUS.—The Secretary of Defense shall take all necessary actions to ensure that the U.S.S. John F. Kennedy (CVN–67) is maintained in a fully mission capable status.

(2) MAINTENANCE.—From the amounts provided under section 301 for operation and maintenance of the Navy for fiscal year 2006, $60,000,000 is authorized for the operation and routine maintenance of the U.S.S. John F. Kennedy.

SEC. 129. CONTINGENT TRANSFER OF ADDITIONAL FUNDS FOR CVN–21 CARRIER REPLACEMENT PROGRAM.

If the Director of Program Analysis and Evaluation of the Office of the Secretary of Defense certifies to Congress that an additional amount of $86,700,000 for fiscal year 2006 for advance procurement for the CVN–21 Carrier Replacement Program would allow construction of the CVN–21 vessel to begin in fiscal year 2007, then upon such certification the amount of $86,700,000 shall, to the extent provided in advance in appropriations Acts, be transferred from amounts available for fiscal year 2006

for Defense-wide Operation and Maintenance, to be derived from amounts for Defense-wide Advisory and Assistance Services, to amounts available for fiscal year 2006 for Shipbuilding and Conversion, Navy, to be available for advance procurement for the CVN–21 Carrier Replacement Program.

Subtitle D—Air Force Programs

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

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year, for procurement of up to 42 additional C–17 aircraft.

Subtitle E—Joint and Multiservice Matters

SEC. 141. REQUIREMENT THAT ALL TACTICAL UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.

(a) REQUIREMENT.—The Secretary of Defense shall take such steps as necessary to ensure that all tactical unmanned aerial vehicles (UAVs) of the Army, Navy, Marine Corps, and Air Force are equipped and configured so that—

(1) the data link used by those vehicles is the Department of Defense standard tactical unmanned aerial vehicle data link known as the Tactical Common Data Link (TCDL), until such time as the Tactical Common Data Link standard is replaced by an updated standard for use by those vehicles; and

(2) those vehicles use data formats consistent with the architectural standard for tactical unmanned aerial vehicles known as STANAG 4586, developed to facilitate multinational interoperability among NATO member nations.

(b) FUNDING LIMITATION.—After December 1, 2006, no funds available to the Department of Defense may be used to equip a tactical unmanned aerial vehicle with data links other than as required by subsection (a)(1).

(c) REPORT.—Not later than February 1, 2006, the Secretary of each military department shall submit to Congress a report on the status of compliance by all tactical unmanned aerial vehicles under the jurisdiction of the Secretary with subsection (a).

SEC. 142. LIMITATION ON INITIATION OF NEW UNMANNED AERIAL VEHICLE SYSTEMS.

(a) LIMITATION.—Funds available to the Department of Defense may not be used to procure an unmanned

aerial vehicle (UAV) system, including any air vehicle, data link, ground station, sensor, or other associated equipment for any such system, or to modify any such system to include any form of armament, unless such procurement or modification is authorized in writing in advance by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(b) EXCEPTION FOR EXISTING SYSTEMS.—The limitation in subsection (a) does not apply with respect to an unmanned aerial vehicle (UAV) system for which funds have been appropriated for procurement before the date of the enactment of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Annual Comptroller General report on Future Combat Systems program.
Sec. 212. Objective requirements for non-line-of-sight cannon system not to be diminished to meet weight requirements.
Sec. 213. Independent analysis of Future Combat Systems manned ground vehicle transportability requirement.
Sec. 214. Amounts for Armored Systems Modernization program.
Sec. 215. Limitation on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.
Sec. 216. Testing of Internet Protocol version 6 by Naval Research Laboratory.
Sec. 217. Program to design and develop next-generation nuclear submarine.
Sec. 218. Extension of requirements relating to management responsibility for naval mine countermeasures programs.
Sec. 219. Single joint requirement for heavy lift rotorcraft.

Sec. 220. Requirements for development of tactical radio communications systems.
Sec. 221. Limitation on systems development and demonstration of Personnel Recovery Vehicle.
Sec. 222. Separate program element required for each significant research, development, test, and evaluation project.
Sec. 223. Small Business Innovation Research Phase III Acceleration Pilot Program.
Sec. 224. Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.
Sec. 225. Shipbuilding Industrial Base Improvement Program for development of innovative shipbuilding technologies, processes, and facilities.
Sec. 226. Renewal of University National Oceanographic Laboratory System fleet.
Sec. 227. Limitation on VXX helicopter program.
Sec. 228. Funding for supersonic cruise missile engine qualification.

Subtitle C—Missile Defense Programs

Sec. 231. Report on capabilities and costs for operational boost/ascent-phase missile defense systems.
Sec. 232. Required flight-intercept test of ballistic missile defense groundbased midcourse system.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $9,777,372,000.

(2) For the Navy, $18,022,140,000.

(3) For the Air Force, $22,408,212,000.

(4) For Defense-wide activities, $19,261,263,000, of which $168,458,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2006.—Of the amounts authorized to be appropriated by section 201, $11,418,146,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ANNUAL COMPTROLLER GENERAL REPORT ON FUTURE COMBAT SYSTEMS PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the Future Combat Systems program and shall, not later than March 15 of each year, submit to Congress a report on the results of the most recent review. With each such report, the Comptroller General shall submit a certification as to whether the Comptroller General has had access to sufficient infor-

mation to enable the Comptroller General to make informed judgments on the matters covered by the report.

(b) MATTERS TO BE INCLUDED.—Each report on the Future Combat Systems program under subsection (a) shall include the following with respect to research and development under the program:

(1) The extent to which systems development and demonstration under the program is meeting established goals, including the goals established for performance, key performance parameters, technology readiness levels, cost, and schedule.

(2) The budget for the current fiscal year, and the projected budget for the next fiscal year, for all Department of Defense programs directly supporting the Future Combat Systems program and an evaluation of the contribution each such program makes to meeting the goals established for performance, key performance parameters, and technology readiness levels of the Future Combat Systems program.

(3) The plan for such systems development and demonstration (leading to production) for the fiscal year that begins in the year in which the report is submitted.

(4) The Comptroller General's conclusion regarding whether such systems development and dem-

onstration (leading to production) is likely to be completed at a total cost not in excess of the amount specified (or to be specified) for such purpose in the Selected Acquisition report for the Future Combat Systems program under section 2432 of title 10, United States Code, for the first quarter of the fiscal year during which the report of the Comptroller General is submitted.

(c) TERMINATION.—No report is required under this section after systems development and demonstration under the Future Combat Systems program is completed.

SEC. 212. OBJECTIVE REQUIREMENTS FOR NON-LINE-OF-SIGHT CANNON SYSTEM NOT TO BE DIMINISHED TO MEET WEIGHT REQUIREMENTS.

In carrying out the program required by section 216 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2482) to provide the Army with a non-line-of-sight cannon capability, the Secretary of Defense shall ensure that the objective requirements set forth in Appendix C of the Operational Requirements Document for the Future Combat Systems, dated April 14, 2003, are not reduced or diminished in order to achieve the weight requirements in existence as of April 14, 2003.

SEC. 213. INDEPENDENT ANALYSIS OF FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE TRANSPORTABILITY REQUIREMENT.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall ensure that an independent analysis is carried out with respect to the transportability requirement for the manned ground vehicles under the Future Combat Systems program. The purpose of the analysis shall be to determine whether—

(1) the requirement can be supported by the projected extended planning period inter-theater and intra-theater airlift force structure;

(2) the requirement is justified by any likely deployment scenario envisioned by current operational plans;

(3) mature technologies have been demonstrated that allow the requirement to be met while demonstrating at least equal lethality and survivability compared with the manned ground vehicles intended to be replaced by such manned ground vehicles; and

(4) the projected unit procurement cost warrants the investment required to deploy such manned ground vehicles.

(b) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense com-

mittees a report on the results of the analysis required by subsection (a).

SEC. 214. AMOUNTS FOR ARMORED SYSTEMS MODERNIZATION PROGRAM.

Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for the Armored Systems Modernization program—

(1) $100,000,000 may be made available for manned ground vehicles in advanced component development and prototypes;

(2) $2,322,197,000 may be made available for future combat systems common operating environment in systems development and demonstration;

(3) $47,203,000 may be made available for reconnaissance platforms and sensors in advanced component development and prototypes;

(4) $58,130,000 may be made available for reconnaissance platforms and sensors in advanced technology development;

(5) $2,504,000 may be made available for unattended sensors in advanced component development and prototypes; and

(6) $86,445,000 may be made available for robotic ground systems in advanced component development and prototypes.

SEC. 215. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF MANNED GROUND VEHICLES UNDER ARMORED SYSTEMS MODERNIZATION PROGRAM.

Of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for the Armored Systems Modernization program, no funds may be obligated for systems development and demonstration of manned ground vehicles until the objective requirements for those vehicles with respect to lethality and survivability have been met and demonstrated in a relevant environment to be at least equal to the lethality and survivability for the manned ground vehicles to be replaced by those vehicles.

SEC. 216. TESTING OF INTERNET PROTOCOL VERSION 6 BY NAVAL RESEARCH LABORATORY.

(a) IN GENERAL.—Section 331 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108—375; 118 Stat. 1850) is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following new subsection:

"(d) TESTING AND EVALUATION BY NAVAL RESEARCH LABORATORY.—In each of fiscal years 2006 through 2008, the Secretary of Defense shall carry out subsection (c) through the Naval Research Laboratory."; and

(3) in subsection (e) (as so redesignated) by adding at the end the following new paragraph:

"(3) For each of fiscal years 2006 through 2008, the Secretary of Defense shall, not later than the end of that fiscal year, submit to the congressional defense committees a report on the testing and evaluation carried out pursuant to subsection (d).".

(b) FUNDING.—Of the amount authorized to be appropriated by section 201(2), $10,000,000 shall be available in program element 63727D8Z only to carry out section 331 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

SEC. 217. PROGRAM TO DESIGN AND DEVELOP NEXT-GENERATION NUCLEAR SUBMARINE.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to design and develop a class of nuclear submarines that will serve as a successor to the Virginia class of nuclear submarines.

(b) OBJECTIVE.—The objective of the program required by subsection (a) is to develop, for procurement beginning with fiscal year 2014, a nuclear submarine that meets or exceeds the warfighting capability of a submarine of the Virginia class at a cost dramatically lower than the cost of a submarine of the Virginia class.

(c) REPORT.—

(1) IN GENERAL.—The Secretary of the Navy shall include, with the defense budget justification materials submitted in support of the President's budget for fiscal year 2007 submitted to Congress under section 1105 of title 31, United States Code, a report on the program required by subsection (a).

(2) CONTENTS.—The report shall include—

(A) an outline of the management approach to be used in carrying out the program;

(B) the goals for the program; and

(C) a schedule for the program.

SEC. 218. EXTENSION OF REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITY FOR NAVAL MINE COUNTERMEASURES PROGRAMS.

(a) IN GENERAL.—Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 212 of the Bob Stump National De-

fense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2480), is amended—

(1) in subsection (a), by striking ''2008'' and inserting ''2011'';

(2) in subsection (b)(1) by inserting after ''Secretary of Defense'' the following: '', and the Secretary of Defense has forwarded to the congressional defense committees,'';

(3) in subsection (b)(2) by inserting before the semicolon at the end the following: ''and, in so certifying, shall ensure that the budget meets the requirements of section 2437 of title 10, United States Code''; and

(4) by striking subsection (c) and inserting the following new subsection (c):

''(c) NOTIFICATION OF CERTAIN PROPOSED CHANGES.—

''(1) IN GENERAL.—With respect to a fiscal year, the Secretary may not carry out any change to the naval mine countermeasures master plan or the budget resources for mine countermeasures with respect to that fiscal year until after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a notification of the proposed change. Such

notification shall describe the nature of the proposed change and the effect of the proposed change on the naval mine countermeasures program or related programs with respect to that fiscal year.

"(2) EXCEPTION.—Paragraph (1) does not apply to a change if both—

"(A) the amount of the change is below the applicable reprogramming threshold; and

"(B) the effect of the change does not affect the validity of the decision to certify.".

(b) SUSTAINMENT PLAN.—Not later than December 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a plan for sustaining the MHC–51 class mine countermeasures ships and supporting dedicated mine countermeasures systems until the Littoral Combat Ship and next-generation mine countermeasures systems are deployed and capable of assuming the mission of the MHC–51 class mine countermeasures ships.

SEC. 219. SINGLE JOINT REQUIREMENT FOR HEAVY LIFT ROTORCRAFT.

(a) JOINT REQUIREMENT.—The Secretary of the Army and the Secretary of the Navy shall develop a single joint requirement for a next-generation heavy lift rotorcraft for the Army and the Marine Corps.

(b) APPROVAL BY JROC REQUIRED.—The Secretary of Defense may not authorize a new program start for the next-generation heavy lift rotocraft until the single joint requirement required by subsection (a) has been approved by the Joint Requirements Oversight Council.

SEC. 220. REQUIREMENTS FOR DEVELOPMENT OF TACTICAL RADIO COMMUNICATIONS SYSTEMS.

(a) INTERIM TACTICAL RADIO COMMUNICATIONS.—The Secretary of Defense shall—

(1) assess the immediate requirements of the military departments for tactical radio communications systems; and

(2) ensure that the military departments rapidly acquire tactical radio communications systems utilizing existing technology or mature systems readily available in the commercial marketplace.

(b) JOINT TACTICAL RADIO SYSTEM.—

(1) MILESTONE B.—The Secretary of Defense shall apply Department of Defense Instruction 5000.2 to the Joint Tactical Radio System in a manner that does not permit the Milestone B entrance requirements to be waived.

(2) MANAGEMENT OF FUNDS.—The head of the single joint program office designated under section 213 of the National Defense Authorization Act for

Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1416) shall manage and control all research and development funds for the entire Joint Tactical Radio System, including all waveform development.

(c) REPORT ON IMPLEMENTATION REQUIRED.—Not later than February 14, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of this section.

SEC. 221. LIMITATION ON SYSTEMS DEVELOPMENT AND DEMONSTRATION OF PERSONNEL RECOVERY VEHICLE.

None of the amounts made available pursuant to the authorization of appropriations in section 201 for systems development and demonstration of the Personnel Recovery Vehicle may be obligated until 30 days after the Secretary of Defense submits to the congressional defense committees each of the following:

(1) The Secretary's certification that the requirements and schedule for the Personnel Recovery Vehicle have been validated by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) The Secretary's certification that all technologies required to meet the requirements (as validated under paragraph (1)) for the Personnel Recovery Vehicle are mature and demonstrated in a relevant environment.

(3) The Secretary's certification that no other aircraft, and no other modification of an aircraft, in the inventory of the Department of Defense can meet the requirements (as validated under paragraph (1)) for the Personnel Recovery Vehicle.

(4) A statement setting forth the independent cost estimate and manpower estimate (as required by section 2434 of title 10, United States Code) for the Personnel Recovery Vehicle.

SEC. 222. SEPARATE PROGRAM ELEMENT REQUIRED FOR EACH SIGNIFICANT RESEARCH, DEVELOPMENT, TEST, AND EVALUATION PROJECT.

(a) PROGRAM ELEMENTS SPECIFIED.—The Secretary of Defense shall ensure that a project is assigned a separate, dedicated program element if—

(1) the project is carried out or proposed to be carried out using amounts for research, development, test, and evaluation activities; and

(2) the estimated expenditures and proposed appropriations for that project in the future-years defense program are $100,000,000 or more.

(b) DISPLAY IN BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for research, development, test, and evaluation activities shall be set forth in a manner that complies with subsection (a).

(c) NOT APPLICABLE TO MISSILE DEFENSE.—This section does not apply to the Missile Defense Agency.

SEC. 223. SMALL BUSINESS INNOVATION RESEARCH PHASE III ACCELERATION PILOT PROGRAM.

(a) PILOT PROGRAM TO EXPAND ROLE OF SMALL BUSINESS CONCERNS IN DEFENSE ACQUISITION.—

(1) PILOT PROGRAM.—The Secretary of Defense shall designate the Secretary of a military department to carry out a pilot program, to be known as the "Small Business Innovation Research Phase III Acceleration Pilot Program" to expand the role of small business concerns in the defense acquisition process by designating certain Department of Defense research or research and development projects

for accelerated transition under the Small Business Innovation Research Program (in this section referred to as the SBIR program), as defined in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)).

(2) ACCELERATED TRANSITION.—In this section, the term ''accelerated transition'' means the expeditious transfer under existing authority from the second phase of the SBIR program (as described in section 9(e)(4)(B) of the Small Business Act (15 U.S.C. 638(e)(4)(B))) to the third phase, in which applications of research or research and development projects are funded (as described in section 9(e)(4)(C)(i) of such Act).

(b) DESIGNATION OF PROJECTS FOR ACCELERATED TRANSITION.—For each of fiscal years 2006 through 2008, the Secretary designated under subsection (a)(1) shall designate for accelerated transition under the pilot program under this section at least 10 research or research and development projects for which funds have been provided by that Secretary through a second phase award under the SBIR program.

(c) REPORT.—Not later than September 30, 2008, the Secretary of Defense shall submit to the congressional defense committees a report which contains the following:

(1) The name of each research or research and development project designated for accelerated transition under subsection (b).

(2) The rationale behind the selection of each such project.

(3) A recommendation as to whether the pilot program under this section should be extended.

(d) DEFINITION.—In this section, the term ''research'' or ''research and development'' has the same meaning as in section 9(e)(5) of the Small Business Act (15 U.S.C. 638(e)(5)).

SEC. 224. REVISED REQUIREMENTS RELATING TO SUBMISSION OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) BIENNIAL SUBMITTAL.—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 2501 note) is amended—

(1) by striking ''**ANNUAL**'' in the section heading and inserting ''**BIENNIAL**''; and

(2) by striking ''(a) ANNUAL PLAN REQUIRED.—On March 1 of each year'' and inserting ''Not later than March 1 of each even-numbered year,''.

(b) REPEAL OF REQUIREMENT FOR INCLUSION OF TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.—Subsection (b) of such section is repealed.

SEC. 225. SHIPBUILDING INDUSTRIAL BASE IMPROVEMENT PROGRAM FOR DEVELOPMENT OF INNOVATIVE SHIPBUILDING TECHNOLOGIES, PROCESSES, AND FACILITIES.

(a) PROGRAM FOR UNITED STATES PRIVATE SHIPYARDS.—The Secretary of the Navy shall establish a program under which the Secretary shall provide funds, in such amounts as are made available to carry out this program—

(1) to qualified applicants to facilitate the development of innovative design and production technologies and processes for naval vessels and the development of modernized shipbuilding infrastructure; and

(2) to private shipyards to facilitate their acquisition of such technologies, processes, and infrastructure.

(b) PURPOSES OF PROGRAM.—The purposes of the program referred to in subsection (a) are—

(1) to improve the efficiency and cost-effectiveness of the construction of naval vessels for the United States;

(2) to enhance the quality of naval vessel construction; and

(3) to promote the international competitiveness of United States shipyards for the construction of commercial ships and naval ships intended for sale to foreign governments.

(c) APPLICATION FOR DEVELOPMENT FUNDING.—An entity requesting assistance under the program referred to in subsection (a) to develop new design or production technologies or processes for naval vessels or to improve shipbuilding infrastructure shall submit to the Secretary of the Navy an application that describes the proposal of the entity and provides evidence of its capability to develop one or more of the following:

(1) Numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology designed to improve shipbuilding and related industrial productivity.

(2) Novel techniques and processes designed to improve shipbuilding quality, productivity, and practice on a broad and sustained basis, including in such areas as engineering design, quality assurance, concurrent engineering, continuous process produc-

tion technology, employee skills enhancement, and management of customers and suppliers.

(3) Technology, techniques, and processes appropriate to enhancing the productivity of shipyard infrastructure.

(d) SELECTION OF PARTICIPATING ENTITIES.—Using the applications submitted under subsection (c), the Secretary of the Navy shall select entities to receive funds under subsection (a)(1) based on their ability to research and develop innovative technologies, processes, and infrastructure to alleviate areas of shipyard construction inefficiencies discovered under the assessment described in subsection (f).

(e) SHIPYARD USE OF DEVELOPED TECHNOLOGIES, PROCESSES, AND INFRASTRUCTURE.—Upon making a determination that a technology, process, or infrastructure improvement developed using funds provided under subsection (a)(1) will improve the productivity and cost-effectiveness of naval vessel construction, the Secretary of the Navy may provide funds under subsection (a)(2) to a shipyard to facilitate the purchase of such technology, process, or infrastructure improvement.

(f) ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION INEFFICIENCIES.—

(1) PERIODIC ASSESSMENTS REQUIRED.—The Secretary of the Navy shall conduct, in the third quarter of each fiscal year or as often as necessary, an assessment of the following aspects of naval vessel construction to determine where and to what extent inefficiencies exist and to what extent innovative design and production technologies, processes, and infrastructure can be developed to alleviate such inefficiencies:

(A) Program design, engineering, and production engineering.

(B) Organization and operating systems.

(C) Steelwork production.

(D) Ship construction and outfitting.

(2) RELATION TO INDEPENDENT NAVY SHIP CONSTRUCTION ASSESSMENT.—The assessments required by paragraph (1) shall occur subsequent to, and take into consideration the results of, the study of the cost effectiveness of the ship construction program of the Navy required by section 1014 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2041).

(g) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 201(2) for

research, development, test, and evaluation for the Navy, $100,000,000 shall be available to the Secretary of the Navy only to provide assistance under this section.

(h) DEFINITIONS.—In this section:

(1) The term ''shipyard'' means a private shipyard located in the United States whose business includes the construction, repair, and maintenance of United States naval vessels.

(2) The term ''vessel'' has the meaning given such term in title 1, United States Code.

SEC. 226. RENEWAL OF UNIVERSITY NATIONAL OCEANOGRAPHIC LABORATORY SYSTEM FLEET.

(a) PROGRAM PLAN.—The Secretary of the Navy shall develop a plan for a program to renew the University National Oceanographic Laboratory System (UNOLS) fleet. The Secretary shall include in the plan provisions for the construction of up to four Ocean-class ships.

(b) FUNDING FOR PRELIMINARY DESIGN AND FEASIBILITY STUDIES.—Of the amount provided in section 201 for fiscal year 2006 for the Navy, $4,000,000 is available, through Program Element PE 63564N (Ship Preliminary Design and Feasibility Studies), to conduct feasibility assessments and initiate design of the first Ocean-class ship that would be constructed under the program referred to in subsection (a).

SEC. 227. LIMITATION ON VXX HELICOPTER PROGRAM.

No funds available to the Department of Defense for research, development, test, and evaluation, or for procurement, may be obligated for acquisition of pilot production helicopters for the VXX helicopter program until the Secretary of the Navy certifies to the congressional defense committees that the results of tests conducted by the fleet of test article helicopters for the VXX program demonstrate that VXX helicopters in the VXX mission configuration can be produced without significant further design modification.

SEC. 228. FUNDING FOR SUPERSONIC CRUISE MISSILE ENGINE QUALIFICATION.

(a) IN GENERAL.—The amount in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $10,000,000, to be available for supersonic cruise missile engine qualification, program element 0603216F, project 4921.

(b) OFFSET.—The amount in section 104 for procurement, Defense-wide, is hereby reduced by $10,000,000, to be derived from the chemical demilitarization program.

Subtitle C—Missile Defense Programs

SEC. 231. REPORT ON CAPABILITIES AND COSTS FOR OPERATIONAL BOOST/ASCENT-PHASE MISSILE DEFENSE SYSTEMS.

(a) SECRETARY OF DEFENSE ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the United States missile defense programs that are designed to provide capability against threat ballistic missiles in the boost/ascent phase of flight.

(b) PURPOSE.—The purpose of the assessment shall be to compare and contrast—

(1) capabilities of those programs (if operational) to defeat, while in the boost/ascent phase of flight, ballistic missiles launched from North Korea or a location in the Middle East against the continental United States, Alaska, or Hawaii; and

(2) asset requirements and costs for those programs to become operational with the capabilities referred to in paragraph (1).

(c) REPORT.—Not later than October 1, 2006, the Secretary shall submit to Congress a report providing the results of the assessment.

SEC. 232. REQUIRED FLIGHT-INTERCEPT TEST OF BALLISTIC MISSILE DEFENSE GROUNDBASED MIDCOURSE SYSTEM.

Of the amount provided for the Missile Defense Agency in section 201(4) for defense-wide research, development, test, and evaluation, the amount of $100,000,000, in addition to amounts otherwise available for the Ballistic Missile Defense Midcourse Defense Segment, shall be provided to conduct one flight-intercept test of the Ballistic Missile Defense Groundbased Midcourse system in addition to the flight tests planned for that system as of the submission of the President's budget for fiscal year 2006. The interceptor for such additional flight-intercept test shall be launched from an operational silo, and the test shall be conducted as soon as practicable.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

Sec. 311. Revision of required content of environmental quality annual report.
Sec. 312. Pilot project on compatible use buffers on real property bordering Fort Carson, Colorado.
Sec. 313. Repeal of Air Force report on military installation encroachment issues.
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Sec. 315. Study on use of biodiesel and ethanol fuel.

Subtitle C—Workplace and Depot Issues

Sec. 321. Proceeds from cooperative activities with non-Army entities.
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Sec. 323. Public-private competition pilot program.
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Subtitle D—Extension of Program Authorities

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Subtitle E—Utah Test and Training Range

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Sec. 346. Relation to other lands and laws.

Subtitle F—Other Matters

Sec. 351. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
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Sec. 353. Provision of Department of Defense support for certain paralympic sporting events.
Sec. 354. Development and explanation of budget models for base operations support, sustainment, and facilities recapitalization.
Sec. 355. Report on Department of Army programs for prepositioning of equipment and other materiel.
Sec. 356. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.
Sec. 357. Congressional notification requirements regarding placement of liquefied natural gas facilities, pipelines, and related structures on defense lands.
Sec. 358. Report regarding army and air force exchange system management of army lodging.

1 # Subtitle A—Authorization of
2 # Appropriations

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2006 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for

expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,383,873,000.

(2) For the Navy, $30,312,736,000.

(3) For the Marine Corps, $3,631,277,000.

(4) For the Air Force, $30,559,135,000.

(5) For Defense-wide activities, $18,375,781,000.

(6) For the Army Reserve, $1,998,282,000.

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

(8) For the Marine Corps Reserve, $207,434,000.

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

(10) For the Army National Guard, $4,521,119,000.

(11) For the Air National Guard, $4,727,091,000.

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

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

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

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

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

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

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

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

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

SEC. 302. WORKING CAPITAL FUNDS.

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

(1) For the Defense Working Capital Funds, $316,340,000.

(2) For the National Defense Sealift Fund, $1,697,023,000.

(3) For the Defense Working Capital Fund, Defense Commissary, $1,155,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of

Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $19,756,194,000, of which—

(1) $19,204,219,000 is for Operation and Maintenance;

(2) $176,656,000 is for Research, Development, Test, and Evaluation; and

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

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,405,827,000, of which—

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

(B) $116,527,000 is for Research, Development, Test, and Evaluation; and

(C) $47,786,000 is for Procurement.

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

(A) the destruction of lethal chemical agents and munitions in accordance with sec-

tion 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

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

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

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $174,487,000, of which—

(1) $173,487,000 is for Operation and Maintenance; and

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

Subtitle B—Environmental Provisions

SEC. 311. REVISION OF REQUIRED CONTENT OF ENVIRONMENTAL QUALITY ANNUAL REPORT.

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

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

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

''(D) A statement of the amounts expended, and anticipated to be expended, during the period covered by the report for any activities overseas related to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, and pollution prevention.''.

SEC. 312. PILOT PROJECT ON COMPATIBLE USE BUFFERS ON REAL PROPERTY BORDERING FORT CARSON, COLORADO.

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall carry out a pilot project at Fort Carson, Colorado, for purposes of evaluating the feasibility and effectiveness of utilizing conservation easements and leases granted by one or more willing eligible entity to limit de-

velopment on real property in the vicinity of military installations in the United States.

(b) PHASES.—The Secretary shall carry out the pilot project in four phases, as specified in the Fort Carson Army Compatible Use Buffer Project.

(c) LEASE AND EASEMENT AGREEMENTS; PURPOSE.—Under the pilot project, the Secretary shall enter into agreements with one or more willing eligible entities to purchase from the entity or entities one or more conservation easements, or to lease from the entity or entities one or more conservation leases, on real property in the vicinity of Fort Carson for the purposes of limiting any development or use of the property that would be incompatible with the current and anticipated future missions of Fort Carson.

(d) ENCROACHMENTS AND OTHER CONSTRAINTS ON USE.—In entering into agreements under the pilot project, the Secretary may utilize, subject to this section, the authority for agreements under subsection (c) to limit encroachments and other constraints on military training, testing, and operations under section 2684a of title 10, United States Code.

(e) EXPIRATION.—The authority of the Secretary to enter into agreements under the pilot project shall expire on the earlier of—

(1) the date of the completion of phase IV of the Fort Carson Army Compatible Use Buffer Project; or

(2) the date that is five years after the date of the enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' means any of the following:

(A) The State of Colorado or a political subdivision of the State.

(B) A private entity that has as its stated principal organizational purpose or goal the conservation, restoration, or preservation of land and natural resources, or a similar purpose or goal, as determined by the Secretary.

(2) The term ''Fort Carson Army Compatible Use Buffer Project'' means the plan developed for Fort Carson to use conservation easements and leases on property in the vicinity of Fort Carson to create a land buffer to accommodate current and future missions at Fort Carson, while also conserving sensitive natural resources.

SEC. 313. REPEAL OF AIR FORCE REPORT ON MILITARY INSTALLATION ENCROACHMENT ISSUES.

Section 315 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1843) is repealed.

SEC. 314. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION WITH DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

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

(1) in paragraph (1)—

(A) by inserting ''any owner of covenant property,'' after ''any Indian tribe,''; and

(B) by inserting ''owner,'' after '', Indian tribe,'';

(2) in paragraph (3), by adding at the end the following new sentence: ''An agreement under such paragraph with respect to a site also may not change the cleanup standards selected for the site pursuant to law.'';

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

''(C) The term 'owner of covenant property' means an owner of property subject to a

covenant provided by the United States in accordance with the requirements of paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), so long as the covenant property is the site at which the services procured under paragraph (1) are to be performed.''; and

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

''(5) SAVINGS CLAUSE.—Nothing in this subsection affects the applicability of section 120 of CERCLA (42 U.S.C. 6920) to the Department of Defense or the obligations and responsibilities of the Department of Defense under subsection (h) of such section.''.

(b) SOURCE OF FUNDS FOR FORMER BRAC PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of such title is amended—

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

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

''(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIATION AT CERTAIN BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pur-

suant to a base closure law and subject to a covenant that was required to be provided by paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), the sole source of funds for services procured under subsection 2701(d)(1) of this title shall be the applicable Department of Defense base closure account.''.

SEC. 315. STUDY ON USE OF BIODIESEL AND ETHANOL FUEL.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the use of biodiesel and ethanol fuel by the Armed Forces and the Defense Agencies and any measures that can be taken to increase such use.

(b) ELEMENTS.—The study shall include—

(1) a review and assessment of potential requirements for increased use of biodiesel and ethanol fuel within the Department of Defense and research and development efforts required to meet those increased requirements;

(2) based on the review in subparagraph (1), a forecast of the requirements of the Armed Forces and the Defense Agencies for biodiesel and ethanol fuels for each of fiscal years 2007 through 2012;

(3) an assessment of the current and future commercial availability of biodiesel and ethanol fuel, including facilities for the production, storage, trans-

portation, distribution, and commercial sale of such fuel;

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

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

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

(d) DEFINITIONS.—In this section:

(1) The term ''ethanol fuel'' means fuel that is 85 percent ethyl alcohol.

(2) The term ''biodiesel'' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of title 42, United States Code.

Subtitle C—Workplace and Depot Issues

SEC. 321. PROCEEDS FROM COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

Section 4544 of title 10, United States Code, is amended—

(1) by redesignating subsections (h) through (j) as subsections (i) through (k), respectively; and

(2) by inserting after subsection (g) the following new subsection:

''(h) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—Proceeds received from the sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''.

SEC. 322. PUBLIC-PRIVATE COMPETITION.

Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) A function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is

based on the results of a public-private competition process that—

"(i) formally compares the cost of civilian employee performance of the function with the costs of performance by a contractor;

"(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003;

"(iii) determines whether the submitted offers meet the needs of the Department of Defense with respect to factors other than cost, including quality and reliability; and

"(iv) requires continued performance of the function by civilian employees if the difference in the cost of performance of the function by a contractor compared to the civilian employees would, over all performance periods required by the solicitation, be less than—

"(I) 10 percent of the personnel-related costs for performance of that activity or function in the agency tender; or

"(II) $10,000,000.

"(B) An activity that is performed by the Department of Defense and is reengineered, reorga-

nized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

"(C) In no case may a commercial or industrial type function being performed by Department of Defense personnel be modified, reorganized, divided, or in any way changed for the purpose of exempting from the requirements of subsection (a) the change of all or any part of such function to performance by a private contractor.

"(D) The Secretary of Defense may waive the competition requirement in specific instances if—

"(i) the written waiver is prepared by the Secretary of Defense, or the relevant Assistant Secretary or agency head; and

"(ii) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement for a public-private competition.".

SEC. 323. PUBLIC-PRIVATE COMPETITION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to examine the use of the public-private competition process of Office of Manage-

ment and Budget Circular A–76, as defined by such Circular, and functions currently being performed by contractors that could be performed by civilian employees of the Department of Defense.

(b) PROCESS AND CRITERIA.—

(1) The process and criteria for competition under the pilot program established in subsection (a) shall be consistent with the criteria for conducting a similar competition for work performed by the public sector.

(2) The pilot program shall include not less than four competitions.

(c) REPORT.—The Secretary of Defense shall submit a report to Congress on the results of the competitions conducted under the pilot program and any potential benefit or detriment of expanding the pilot program.

(d) TERMINATION.—The pilot program established under this subsection shall terminate on the date that is three years after the date of the enactment of this Act.

SEC. 324. SENSE OF CONGRESS ON EQUITABLE LEGAL STANDING FOR CIVILIAN EMPLOYEES.

It is the sense of Congress that, in order to ensure that when public-private competitions are held, they are conducted as fairly, effectively, and efficiently as possible, competing parties, both Department of Defense civilian

employees (or their representatives) and contractors (or their representatives), should receive comparable treatment throughout the competition regarding access to relevant information and legal standing to challenge the way a competition has been conducted at all appropriate forums.

Subtitle D—Extension of Program Authorities

SEC. 331. EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT AND SERVICES FOR WEAPONS SYSTEMS CONTRACTORS.

Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2521; 10 U.S.C. 2302 note) is amended by striking ''2007'' and inserting ''2010''.

SEC. 332. EXTENSION AND REVISION OF TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY GUARD FUNCTIONS.

Section 332(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2513) is amended—

(1) by striking ''2006'' each place it appears and inserting ''2008''; and

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

"(3) No contract, subcontract, or task order for the performance of security-guard functions at a military installation or facility in the United States awarded before September 30, 2006, shall be extended beyond September 30, 2006.

"(4) A contract for the performance of security-guard functions at a military installation or facility in the United States awarded on or after September 30, 2006, shall be awarded using full and open competition, as authorized under section 2304 of title 10, United States Code. Section 602 of the Business Opportunity Development Reform Act of 1988 (Public Law 100–656; 15 U.S.C. 637 note) shall not apply to such a contract.".

Subtitle E—Utah Test and Training Range

SEC. 341. DEFINITIONS.

In this subtitle:

(1) The term "covered wilderness" means the wilderness area designated by this subtitle and wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top,

Wah Wah Mountain, and Conger Mountain units designated by the Department of the Interior.

(2) The term ''Tribe'' means the Skull Valley Band of Goshute Indians.

(3) The term ''Utah Test and Training Range'' means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

(4) The term ''Wilderness Act'' means Public Law 88–577, approved September 3, 1964 (16 U.S.C. 1131 et seq.).

SEC. 342. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

(a) FINDINGS.—The Congress finds the following:

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Cedar Mountain Wilderness Area designated by section 344, as well as several wilderness

study areas, are located near lands withdrawn for military use or are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

(4) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness in this subtitle, and it is not the intent of Congress that passage of this subtitle shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(5) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—Nothing in this subtitle or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness, including military overflights and operations that can be seen or heard within the covered wilderness.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this subtitle shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements in wilderness study areas located beneath special use airspace comprising the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units designated by the Department of Interior, so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems, when considered both individually and collectively, comply with section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in this subtitle or the Wilderness Act shall preclude the continuation of the memorandum of understanding in existence as of the date of enactment of this Act between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) PROHIBITION ON GROUND MILITARY OPERATIONS.—Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit a military operation to be conducted on the ground in covered wilderness in the Utah Test and Training Range unless such ground operation is otherwise permissible under Federal law and consistent with the Wilderness Act.

SEC. 343. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

(a) ANALYSIS OF MILITARY READINESS AND OPERATIONAL IMPACTS.—The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1712) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military

readiness and operational impacts of the proposed revision within six months of a request from the Secretary of the Interior.

(b) LIMITATION ON RIGHTS-OF-WAYS.—The Secretary of the Interior shall not grant or issue any authorizations for rights-of-way under section 501(a)(6) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761(a)(6)) upon Federal lands identified as inventory units UTU–020–086, UTU–020–088, UTU–020–095, UTU–020–096, UTU–020–100, UTU–020–101, UTU–020–103, UTU–020–104, UTU–020–105, and UTU–020–110, as generally depicted on the map entitled ''Wilderness Inventory, State of Utah'' and dated August 1979, until the later of the following:

(1) The completion of a full revision of the Pony Express Area Resource Management Plan, dated January 12, 1990, by the Salt Lake Field Office of the Bureau of Land Management.

(2) January 1, 2015.

SEC. 344. DESIGNATION AND MANAGEMENT OF CEDAR MOUNTAIN WILDERNESS, UTAH.

(a) DESIGNATION.—Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled ''Cedar Mountain Wilderness'' and dated March 7, 2004, are hereby designated as wilderness and, therefore, as a

component of the National Wilderness Preservation System to be known as the Cedar Mountain Wilderness Area.

(b) WITHDRAWAL.—Subject to valid existing rights, the Federal lands in the Cedar Mountain Wilderness Area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the United States mining laws, and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments to such laws.

(c) MAP AND DESCRIPTION.—

(1) TRANSMITTAL.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall transmit a map and legal description of the Cedar Mountain Wilderness Area to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) LEGAL EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspec-

tion in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

(d) ADMINISTRATION.—Subject to valid existing rights and this subtitle, the Cedar Mountain Wilderness Area shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of the enactment of this Act.

(e) LAND ACQUISITION.—Any lands or interest in lands within the boundaries of the Cedar Mountain Wilderness Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Cedar Mountain Wilderness Area.

(f) FISH AND WILDLIFE MANAGEMENT.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle shall be construed as affecting the jurisdiction of the State of Utah with respect to fish and wildlife on the Federal lands located in that State.

(g) GRAZING.—Within the Cedar Mountain Wilderness Area, the grazing of livestock, where established be-

fore the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary of the Interior considers necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act, section 101(f) of Public Law 101–628 (104 Stat. 4473), and appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(h) BUFFER ZONES.—Congress does not intend for the designation of the Cedar Mountain Wilderness Area to lead to the creation of protective perimeters or buffer zones around the wilderness area. The fact that nonwilderness activities or uses can be seen or heard within the wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(i) RELEASE FROM WILDERNESS STUDY AREA STATUS.—The lands identified as the Browns Spring Cherrystem on the map entitled ''Proposed Browns Spring Cherrystem'' and dated May 11, 2004, are released from their status as a wilderness study area, and shall no longer be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 (43

U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation of wilderness.

SEC. 345. IDENTIFICATION OF ADDITIONAL BUREAU OF LAND MANAGEMENT LAND IN UTAH AS TRUST LAND FOR SKULL VALLEY BAND OF GOSHUTES.

(a) IDENTIFICATION OF TRUST LAND.—The Secretary of the Interior shall identify approximately 640 additional acres of Bureau of Land Management land in the State of Utah to be administered in trust for the benefit of the Skull Valley Band of Goshutes.

(b) SPECIAL CONSIDERATIONS.—In identifying the land under subsection (a), the Secretary of the Interior shall—

(1) consult with leaders of the Tribe and the Governor of Utah; and

(2) ensure that the land has ready access to State or Federal highways and, in the judgment of the Secretary, provides the best opportunities for commercial economic development in closest proximity to other lands of the Tribe.

(c) PLACEMENT IN TRUST.—Not later than December 31, 2005, the Secretary of the Interior shall place the land identified pursuant to subsection (a) into trust for

the purposes of economic development for the Tribe. At least 30 days before placing the land in trust for the Tribe, the Secretary shall publish in the Federal Register legal descriptions of the land to be placed in trust.

(d) MANAGEMENT OF TRUST LAND.—The land placed into trust for the Tribe under subsection (c) shall be administered in accordance with laws generally applicable to property held in trust by the United States for Indian Tribes, except that the land shall immediately revert to the administrative control of the Bureau of Land Management if the Tribe sells, or attempts to sell, any part of the land.

(e) EFFECT.—Nothing in this section—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of any person or entity (other than the United States) in or to the trust land that exists before the date on which the land is placed in trust for the Tribe under subsection (c);

(2) enlarges, impairs, or otherwise affects a right or claim of the Tribe to any land or interest in land based on Aboriginal or Indian title that exists before the date of the enactment of this Act;

(3) constitutes an express or implied reservation of water or water right for any purpose with respect to the trust land; or

(4) affects any water right of the Tribe that exists before the date of the enactment of this Act.

SEC. 346. RELATION TO OTHER LANDS AND LAWS.

(a) OTHER LANDS.—Nothing in this subtitle shall be construed to affect any Federal lands located outside of the covered wilderness or the management of such lands.

(b) CONFORMING REPEAL.—Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended by striking subsection (d).

Subtitle F—Other Matters

SEC. 351. CODIFICATION AND REVISION OF LIMITATION ON MODIFICATION OF MAJOR ITEMS OF EQUIPMENT SCHEDULED FOR RETIREMENT OR DISPOSAL.

(a) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2244 the following new section:

"§ 2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications

''(a) PROHIBITION.—Except as otherwise provided in this section, the Secretary of a military department may not carry out a significant modification of an aircraft, weapon, vessel, or other item of equipment that the Secretary plans to retire or otherwise dispose of within five years after the date on which the modification, if carried out, would be completed.

''(b) SIGNIFICANT MODIFICATION DEFINED.—In this section, a significant modification is any modification for which the cost is in an amount equal to or greater than $1,000,000.

''(c) EXCEPTION FOR SAFETY MODIFICATIONS.—The prohibition in subsection (a) does not apply to a safety modification.

''(d) WAIVER AUTHORITY.—The Secretary concerned may waive the prohibition in subsection (a) in the case of any modification otherwise subject to that subsection if the Secretary determines that carrying out the modification is in the national security interest of the United States. Whenever the Secretary issues such a waiver, the Secretary shall notify the congressional defense committees in writing.''.

(b) CLERICAL AMENDMENT.—The table of section at the beginning of such chapter is amended by inserting after the item relating to section 2244 the following new item:

"2244a. Equipment scheduled for retirement or disposal: limitation on expenditures for modifications.".

(c) CONFORMING REPEAL.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 10 U.S.C. 2241 note), is repealed.

SEC. 352. LIMITATION ON PURCHASE OF INVESTMENT ITEMS WITH OPERATION AND MAINTENANCE FUNDS.

(a) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2245 the following new section:

"§ 2245a. Use of operation and maintenance funds for purchase of investment items: limitation

"Funds appropriated to the Department of Defense for operation and maintenance may not be used to purchase any item (including any item to be acquired as a replacement for an item) that has an investment item unit cost that is greater than $250,000.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting

after the item relating to section 2245 the following new item:

"2245a. Use of operation and maintenance funds for purchase of investment items: limitation.".

SEC. 353. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

"(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

"(5) A national or international paralympic sporting event (other than one covered by paragraph (3) or (4))—

"(A) which is—

"(i) held in the United States or any of its territories or commonwealths;

"(ii) governed by the International Paralympic Committee; and

"(iii) sanctioned by the United States Olympic Committee; and

"(B) for which participation exceeds 500 amateur athletes."; and

(2) in subsection (d)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by adding at the end the following new paragraph:

"(2) No more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).".

SEC. 354. DEVELOPMENT AND EXPLANATION OF BUDGET MODELS FOR BASE OPERATIONS SUPPORT, SUSTAINMENT, AND FACILITIES RECAPITALIZATION.

(a) REPORTS ON MODELS USED.—The Secretary of Defense shall include with the defense budget materials for fiscal years 2007 through 2011 a report describing the models used to prepare the budget requests for base operations support, sustainment, and facilities recapitalization.

(b) CONTENT OF REPORTS.—The report for a fiscal year under subsection (a) shall include the following:

(1) An explanation of the methodology used to develop each model and, if there have been any changes to the methodology since the previous report, an explanation of the changes and the reasons therefor.

(2) A description of the items contained in each model.

(3) An explanation of whether the models are being applied to each military department and Defense Agencies under common definitions of base operations support, sustainment, and facilities recapitalization and, if common definitions are not being used, an explanation of the differences and the reasons therefor.

(4) A description of the requested funding levels for base operations support, sustainment, and facilities recapitalization for the fiscal year covered by the defense budget materials and the funding goals established for base operations support, sustainment, and facilities recapitalization for at least the four succeeding fiscal years.

(5) If the requested funding levels for base operations support, sustainment, and facilities recapitalization for the fiscal year covered by the defense budget materials deviate from the goals for that fiscal year contained in the preceding report, or the funding goals established for succeeding fiscal years deviate from the goals for those fiscal years contained in the preceding report, a justification for the

funding levels and goals and an explanation of the reasons for the changes from the preceding report.

(c) DEFENSE BUDGET MATERIALS DEFINED.—In this section, the term ''defense budget materials'' means the materials submitted to Congress by the Secretary of Defense in support of the budget for a fiscal year submitted to Congress by the President under section 1105(a) of title 31, United States Code.

SEC. 355. REPORT ON DEPARTMENT OF ARMY PROGRAMS FOR PREPOSITIONING OF EQUIPMENT AND OTHER MATERIEL.

(a) SECRETARY OF ARMY ASSESSMENT.—The Secretary of the Army shall conduct an assessment of the programs of the Department of Army for the prepositioning of equipment and other materiel stocks. The assessment shall focus on how those programs are configured to support the evolving goals of the Department of Army and shall include identification of the following:

(1) The key operational capabilities currently available in both the afloat and ashore prepositioned stocks of the Army, by geographic region, including inventory levels in brigade sets, operational projects, and sustainment programs.

(2) Any significant shortfalls that exist in those stocks, particularly in combat and support equip-

ment, spare parts, and munitions, and how the Army would mitigate those shortfalls in the event of a new conflict.

(3) The maintenance condition of prepositioned equipment and supplies, especially the key ''pacing'' items in brigade sets, including the percentage currently maintained at the Technical Manual -10/20 standard required by the Army.

(4) The percentage of required cyclic maintenance performed on all stocks for each of fiscal years 2003, 2004, and 2005 and the quality control procedures used to ensure that such maintenance was completed according to Army standards.

(5) Whether the oversight mechanisms and internal management reports of the Army with respect to those stocks are adequate and ensure an accurate portrayal of the readiness of stocks covered by the report.

(6) The funding allocated and expended for prepositioning programs each fiscal year since fiscal year 2000, by region, and an assessment of whether that funding level has been adequate to maintain program readiness.

(7) The facilities used to store and maintain brigade sets and whether those facilities provide ade-

quate (or excess) capacity, by region, for the current and future mission.

(8) The current funding for the war reserve, the sufficiency of the war reserve inventory, and the effect of the war reserve on the ability of the Army to conduct operations.

(b) REPORT.—The Secretary shall submit to Congress a report on the assessment under subsection (a) not later than January 1, 2006. The report shall include each of the matters specified in paragraphs (1) through (7) of that subsection.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the date of receipt of the report under subsection (b), the Comptroller General shall submit to Congress an independent review of the assessment conducted by the Secretary of the Army under subsection (a). The review under this subsection shall include the following:

(1) The Comptroller General's assessment of whether the assessment by the Secretary of the Army under subsection (a) comprehensively addresses each of the matters specified in paragraphs (1) through (7) of that subsection.

(2) The status of the Army in addressing any shortfalls or other issues reported by the Depart-

ment of the Army or identified by the Government Accountability Office.

SEC. 356. REPORT REGARDING EFFECT ON MILITARY READINESS OF UNDOCUMENTED IMMIGRANTS TRESPASSING UPON OPERATIONAL RANGES.

(a) REPORT CONTAINING ASSESSMENT AND RESPONSE PLAN.—Not later than March 15, 2006, the Secretary of Defense and the Secretary of Homeland Security shall submit to Congress a report containing—

(1) an assessment, conducted jointly by the Secretaries, of the impact on military readiness caused by undocumented immigrants whose entry into the United States involves trespassing upon operational ranges of the Department of Defense; and

(2) a plan, prepared jointly by the Secretaries, for the implementation of measures to prevent such trespass.

(b) ELEMENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include the following:

(1) A listing of the operational ranges adversely affected by the trespass of undocumented immigrants upon operational ranges.

(2) A description of the types of range activities affected by such trespass.

(3) A determination of the amount of time lost for range activities, and the increased costs incurred, as a result of such trespass.

(4) An evaluation of the nature and extent of such trespass and means of travel.

(5) An evaluation of the factors that contribute to the use by undocumented immigrants of operational ranges as a means to enter the United States.

(6) A description of measures currently in place to prevent such trespass, including the use of barriers to vehicles and persons, military patrols, border patrols, and sensors.

(c) ELEMENTS OF PLAN.—The plan required by subsection (a) shall include the following:

(1) The types of measures to be implemented to better prevent the trespass of undocumented immigrants upon operational ranges, including the construction of barriers to vehicles and persons, the use of additional military or border patrols, and the installation of sensors.

(2) The costs of, and timeline for, implementation of the plan.

(d) IMPLEMENTATION REPORTS.—Not later than September 15, 2006, March 15, 2007, September 15, 2007, and March 15, 2008, the Secretary of Defense shall submit to Congress a report detailing the progress made by the Department of Defense, during the six-month period covered by the report, in implementing measures recommended in the plan required by subsection (a) to prevent undocumented immigrants from trespassing upon operational ranges. Each report shall include the number and types of mitigation measures implemented and the success of such measures in preventing such trespass.

(e) DEFINITIONS.—In this section, the terms ''operational range'' and ''range activities'' have the meaning given those terms in section 101(e) of title 10, United States Code.

SEC. 357. CONGRESSIONAL NOTIFICATION REQUIREMENTS REGARDING PLACEMENT OF LIQUEFIED NATURAL GAS FACILITIES, PIPELINES, AND RELATED STRUCTURES ON DEFENSE LANDS.

(a) NOTIFICATION REQUIRED.—Not less than 30 days before the Secretary of Defense or the Secretary of a military department issues a final approval or disapproval or a formal opinion regarding the placement of any liquefied natural gas facility, pipeline, or related structure on or in the vicinity of a military installation, range,

or other lands under the jurisdiction of the Department of Defense, the Secretary shall submit to Congress a report detailing the justification for the approval, disapproval, or opinion.

(b) CONTENT OF REPORT.—A report under subsection (a) shall include consideration of the potential long-term effects of the liquefied natural gas facility, pipeline, or related structure that is the subject of the approval, disapproval, or opinion on military readiness, particularly the effects on the use of operational ranges.

(c) DEFINITIONS.—In this section:

(1) The term ''military installation'' has the meaning given that term in section 2687(e)(1) of title 10, United States Code.

(2) The terms ''range'' and ''operational range'' have the meanings given those terms in section 101(e) of such title.

SEC. 358. REPORT REGARDING ARMY AND AIR FORCE EXCHANGE SYSTEM MANAGEMENT OF ARMY LODGING.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report containing the results of a study evaluating the merits of allowing the Army and Air Force Exchange System to manage Army lodging. The study should consider at a minimum the following:

(1) Whether current lodging agreements with the Army and Air Force Exchange System to provide hospitality telecommunication services would be impacted by privatization and whether the proposed change will have an impact on funds contributed to morale, welfare, and recreation accounts.

(2) Whether allowing the Army and Air Force Exchange System to participate as a partner in the management of Army lodging would enhance the quality of lodging and improve access to such lodging as a nonprofit organization versus a partnership with a for-profit corporation.

(3) Whether privatization of Army lodging will result in significant cost increases to members of the Armed Forces or other eligible patrons or the loss of such lodging if it is determined that management of such lodging is not a profitable marketing venture.

(4) Whether there are certain benefits to having the Army and Air Force Exchange System become the partner with the Army that would not exist were the Army to partner with a private sector entity.

(b) LIMITATION PENDING SUBMISSION OF REPORT.—Until the Secretary of Defense submits the report required by subsection (a) to Congress, the Department

of the Army may not solicit or consider any request for qualifications that would privatize Army lodging beyond the level of privatization identified for inclusion in Group A of the Privatization of Army Lodging Initiative.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

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.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorizations of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 482,400.

(2) The Navy, 352,700.

(3) The Marine Corps, 175,000.

(4) The Air Force, 357,400.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

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

"(1) For the Army, 482,400.

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

"(3) For the Marine Corps, 175,000.

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005, or the date of the enactment of this Act, whichever is later.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 73,100.

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

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

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

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

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2006, the following number of Reserves to be serving on full-time active duty or

full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 15,270.

(3) The Naval Reserve, 13,392.

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

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

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

(3) For the Air Force Reserve, 9,853.

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

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

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2006, may not exceed the following:

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

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2006, may not exceed 695.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 90.

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2006, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Naval Reserve, 6,200.

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

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

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

Subtitle C—Authorizations of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2006 a total of $108,824,292,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2006.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2006 from the Armed Forces Retirement Home Trust Fund the sum of $58,281,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Temporary increase in percentage limits on reduction of time-in-grade requirements for retirement in grade upon voluntary retirement.
Sec. 502. Two-year renewal of authority to reduce minimum commissioned service requirement for voluntary retirement as an officer.
Sec. 503. Separation at age 64 for reserve component senior officers.
Sec. 504. Improved administration of transitions involving officers in senior general and flag officer positions.
Sec. 505. Consolidation of grade limitations on officer assignment and insignia practice known as frocking.
Sec. 506. Authority for designation of a general/flag officer position on the Joint Staff to be held by reserve component general or flag officer on active duty.
Sec. 507. Authority to retain permanent professors at the Naval Academy beyond 30 years of active commissioned service.
Sec. 508. Authority for appointment of Coast Guard flag officer as Chief of Staff to the President.
Sec. 509. Clarification of time for receipt of statutory selection board communications.
Sec. 510. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.

Subtitle B—Reserve Component Management

Sec. 511. Use of Reserve Montgomery GI Bill benefits and benefits for mobilized members of the Selected Reserve and National Guard for payments for licensing or certification tests.
Sec. 512. Modifications to new Reserve educational benefit for certain active service in support of contingency operations.
Sec. 513. Military technicians (dual status) mandatory separation.
Sec. 514. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.
Sec. 515. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities.

Subtitle C—Education and Training

Sec. 521. Repeal of limitation on amount of financial assistance under ROTC scholarship programs.
Sec. 522. Increased enrollment for eligible defense industry employees in the defense product development program at Naval Postgraduate School.
Sec. 523. Payment of expenses to obtain professional credentials.
Sec. 524. Authority for National Defense University award of degree of Master of Science in Joint Campaign Planning and Strategy.
Sec. 525. One-year extension of authority to use appropriated funds to provide recognition items for recruitment and retention of certain reserve component personnel.
Sec. 526. Report on rationale and plans of the Navy to provide enlisted members an opportunity to obtain graduate degrees.
Sec. 527. Increase in annual limit on number of ROTC scholarships under Army Reserve and National Guard program.
Sec. 528. Capstone overseas field studies trips to People's Republic of China and Republic of China on Taiwan.
Sec. 529. Sense of Congress concerning establishment of National College of Homeland Security.

Subtitle D—General Service Requirements

Sec. 531. Uniform enlistment standards for the Armed Forces.
Sec. 532. Increase in maximum term of original enlistment in regular component.
Sec. 533. Members completing statutory initial military service obligation.
Sec. 534. Extension of qualifying service for initial military service under National Call to Service program.

Subtitle E—Matters Relating to Casualties

Sec. 541. Requirement for members of the Armed Forces to designate a person to be authorized to direct the disposition of the member's remains.
Sec. 542. Enhanced program of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.
Sec. 543. Standards and guidelines for Department of Defense programs to assist wounded and injured members.
Sec. 544. Authority for members on active duty with disabilities to participate in Paralympic Games.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 551. Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements.
Sec. 552. Use of teleconferencing in administrative sessions of courts-martial.
Sec. 553. Extension of statute of limitations for murder, rape, and child abuse offenses under the Uniform Code of Military Justice.
Sec. 554. Offense of stalking under the Uniform Code of Military Justice.
Sec. 555. Rape, sexual assault, and other sexual misconduct under Uniform Code of Military Justice.

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

Sec. 561. Enrollment in overseas schools of Defense Dependents' Education System of children of citizens or nationals of the United States hired in overseas areas as full-time Department of Defense employees.
Sec. 562. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 563. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.

Subtitle H—Decorations and Awards

Sec. 565. Cold War Victory Medal.
Sec. 566. Establishment of Combat Medevac Badge.
Sec. 567. Eligibility for Operation Enduring Freedom campaign medal.

Subtitle I—Other Matters

Sec. 571. Extension of waiver authority of Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.
Sec. 572. Adoption leave for members of the Armed Forces adopting children.
Sec. 573. Report on need for a personnel plan for linguists in the Armed Forces.
Sec. 574. Ground combat and other exclusion policies.
Sec. 575. Eligibility of certain persons for space-available travel on military aircraft.
Sec. 576. Comptroller general study of military recruiting.
Sec. 577. Addition of information concerning mental health services and treatment to subjects required to be covered in mandatory preseparation counseling.
Sec. 578. Improvement to Department of Defense response to sexual assault affecting members of the Armed Forces.
Sec. 579. Report on employment matters for members of the National Guard and Reserve.
Sec. 580. Sense of Congress that colleges and universities give equal access to military recruiters and ROTC in accordance with the Solomon amendment and requirement for report to Congress.

Subtitle A—Officer Personnel Policy

SEC. 501. TEMPORARY INCREASE IN PERCENTAGE LIMITS ON REDUCTION OF TIME-IN-GRADE REQUIREMENTS FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.

Section 1370(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) Notwithstanding subparagraph (E), during the period beginning on October 1, 2005, and ending on December 31, 2007, the number of lieutenant colonels and colonels of the Army, Marine Corps, and Air Force, and the number of commanders and captains of the Navy, for whom a reduction is made under this section during any fiscal year in the period of service-in-grade otherwise required under this paragraph may not exceed four percent of the authorized active-duty strength for that fiscal year for officers of that armed force in that grade.''.

SEC. 502. TWO-YEAR RENEWAL OF AUTHORITY TO REDUCE MINIMUM COMMISSIONED SERVICE REQUIREMENT FOR VOLUNTARY RETIREMENT AS AN OFFICER.

Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking ''during

the period beginning on October 1, 1990, and ending on December 31, 2001'' and inserting ''during the period beginning on October 1, 2005, and ending on December 31, 2007''.

SEC. 503. SEPARATION AT AGE 64 FOR RESERVE COMPONENT SENIOR OFFICERS.

Section 14512(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Unless retired,'';

(2) by striking ''who is Chief'' and all that follows through ''of a State,'' and inserting ''who is specified in paragraph (2)''; and

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

''(2) Paragraph (1) applies to a reserve officer of the Army or Air Force who is any of the following:

''(A) The Chief of the National Guard Bureau.

''(B) The Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, or Director of the Air National Guard.

''(C) An adjutant general.

''(D) If a reserve officer of the Army, the commanding general of the troops of a State.''.

SEC. 504. IMPROVED ADMINISTRATION OF TRANSITIONS INVOLVING OFFICERS IN SENIOR GENERAL AND FLAG OFFICER POSITIONS.

(a) EXCLUSION FROM GRADE DISTRIBUTION LIMITATIONS FOR SENIOR OFFICERS TRANSITIONING BETWEEN POSITIONS OR AWAITING RETIREMENT.—Section 525(d) of title 10, United States Code, is amended to read as follows:

''(d) An officer continuing to hold the grade of general, admiral, lieutenant general, or vice admiral under paragraph (2) or (4) of section 601(b) of this title shall not be counted for purposes of this section.''.

(b) APPOINTMENTS TO POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Section 601 of such title is amended—

(1) in subsection (b)(2), by inserting before the semicolon at the end the following: '', but not for more than 30 days''; and

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

''(e)(1) If a transition period for an officer under subsection (b)(2) or (b)(4) exceeds the maximum period specified in that subsection, the officer shall revert to the officer's permanent grade, effective on the day after the date on which that period is exceeded.

"(2) In each case in which the transition period for an officer under subsection (b)(2) exceeds 30 days, the Secretary of Defense shall promptly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the matter. The report shall include the following:

"(A) The officer's name.

"(B) The date on which the transition period began and the date on which the 30-day limit was exceeded.

"(C) The former position of the officer and the position to which the officer has been ordered transferred.

"(D) The reason for extended transition to the position to which ordered transferred.

"(E) The date on which the officer reverted to the officer's permanent grade pursuant to paragraph (1).".

(c) PROHIBITION OF FROCKING TO GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Section 777(a) of such title is amended by inserting "in a grade below the grade of major general or, in the case of the Navy, rear admiral," after "An officer" in the first sentence.

SEC. 505. CONSOLIDATION OF GRADE LIMITATIONS ON OFFICER ASSIGNMENT AND INSIGNIA PRACTICE KNOWN AS FROCKING.

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

(1) in paragraph (1)—

(A) by striking ''brigadier generals and Navy rear admirals (lower half)'' and inserting ''colonels, Navy captains, brigadier generals, and rear admirals (lower half)'';

(B) by striking ''the grade of'' and all that follows through ''30'' and inserting ''the next higher grade may not exceed 85'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 506. AUTHORITY FOR DESIGNATION OF A GENERAL/FLAG OFFICER POSITION ON THE JOINT STAFF TO BE HELD BY RESERVE COMPONENT GENERAL OR FLAG OFFICER ON ACTIVE DUTY.

Section 526(b)(2)(A) of title 10, United States Code, is amended by inserting '', and a general and flag officer position on the Joint Staff,'' after ''combatant commands''.

SEC. 507. AUTHORITY TO RETAIN PERMANENT PROFESSORS AT THE NAVAL ACADEMY BEYOND 30 YEARS OF ACTIVE COMMISSIONED SERVICE.

(a) WAIVER OF MANDATORY RETIREMENT FOR YEARS OF SERVICE.—

(1) LIEUTENANT COLONELS AND COMMANDERS.—Section 633 of title 10, United States Code, is amended—

(A) by striking ''Except an'' and all that follows through ''except as provided'' and inserting ''(a) 28 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided'';

(B) by adding at the end the following:

''(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

''(1) An officer of the Navy or Marine Corps who is an officer designated for limited duty to whom section 5596(e) or 6383 of this title applies.

''(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.''.

(2) COLONELS AND NAVY CAPTAINS.—Section 634 of title 10, United States Code, is amended—

(A) by striking ''Except an'' and all that follows through ''except as provided'' and in-

serting "(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided";

(B) by adding at the end the following:

"(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

"(1) An officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies.

"(2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.".

(b) AUTHORITY FOR RETENTION OF PERMANENT PROFESSORS BEYOND 30 YEARS.—

(1) AUTHORITY.—Chapter 573 of such title is amended by inserting after section 6371 the following new section:

"§ 6372. Permanent professors of the United States Naval Academy: retirement for years of service; authority for deferral

"(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is not on a list of officers recommended for

promotion to the grade of captain or colonel, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

"(2) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of captain or colonel who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) or brigadier general, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service.

"(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may have his retirement deferred and be continued on active duty by the Secretary of the Navy.

"(2) Subject to section 1252 of this title, the Secretary of the Navy shall determine the period of any continuation on active duty under this section.

"(c) ELIGIBILITY FOR PROMOTION.—A permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is continued on active duty as a permanent professor under subsection (b) re-

mains eligible for consideration for promotion to the grade of captain or colonel, as the case may be.

"(d) RETIRED GRADE AND RETIRED PAY.—Each officer retired under this section—

"(1) unless otherwise entitled to a higher grade, shall be retired in the grade determined under section 1370 of this title; and

"(2) is entitled to retired pay computed under section 6333 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6371 the following new item:

"6372. Permanent professors of the United States Naval Academy: retirement for years of service; authority for deferral.".

(c) MANDATORY RETIREMENT AT AGE 64.—

(1) REORGANIZATION AND STANDARDIZATION.—Chapter 63 of such title is amended by inserting after section 1251 the following new section:

"§ 1252. Age 64: permanent professors at academies

"(a) MANDATORY RETIREMENT FOR AGE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

"(b) COVERED OFFICERS.—This section applies to the following officers:

"(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

"(2) An officer who is a permanent professor at the United States Naval Academy.

"(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1251 the following new item:

"1254. Age 64: permanent professors at academies.".

(3) CONFORMING AMENDMENT.—Section 1251(a) of such title is amended by striking the second sentence.

(d) CONFORMING AMENDMENTS RELATING TO COMPUTATION OF RETIRED PAY.—

(1) AGE 64 RETIREMENT.—Chapter 71 of such title is amended—

(A) in the table in section 1401(a), by inserting at the bottom of the column under the heading "For sections", in the entry for Formula Number 5, the following: "1252"; and

(B) in the table in section 1406(b)(1), by inserting at the bottom of the first column the following: ''1252'';

(2) YEARS-OF-SERVICE RETIREMENT.—Section 6333(a) of such title is amended—

(A) in the matter preceding the table, by inserting ''6372 or'' after ''section''; and

(B) in the table, by inserting ''6372'' immediately below ''6325(b)'' in the column under the heading ''For sections'', in the entry for Formula B.

SEC. 508. AUTHORITY FOR APPOINTMENT OF COAST GUARD FLAG OFFICER AS CHIEF OF STAFF TO THE PRESIDENT.

(a) AUTHORITY.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 54. Chief of Staff to President: appointment

''The President, by and with the advice and consent of the Senate, may appoint a flag officer of the Coast Guard as the Chief of Staff to the President.''.

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

''54. Chief of Staff to President: appointment.''.

SEC. 509. CLARIFICATION OF TIME FOR RECEIPT OF STATUTORY SELECTION BOARD COMMUNICATIONS.

(a) OFFICERS ON ACTIVE-DUTY LIST.—Section 614(b) of title 10, United States Code, is amended in the first sentence by inserting ''11:59 p.m. on the day before'' after ''to arrive not later than''.

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14106 of such title is amended in the second sentence by inserting ''11:59 p.m. on the day before'' after ''so as to arrive not later than''.

SEC. 510. STANDARDIZATION OF GRADE OF SENIOR DENTAL OFFICER OF THE AIR FORCE WITH THAT OF SENIOR DENTAL OFFICER OF THE ARMY.

(a) AIR FORCE ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES.—Section 8081 of title 10, United States Code, is amended by striking ''brigadier general'' in the second sentence and inserting ''major general''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the occurrence of the next vacancy in the position of Assistant Surgeon General for Dental Services in the Air Force that occurs after the date of the enactment of this Act or, if earlier, on the date of the appointment to the grade of major general of the officer who is the incumbent in that position on the date of the enactment of the Act.

Subtitle B—Reserve Component Management

SEC. 511. USE OF RESERVE MONTGOMERY GI BILL BENEFITS AND BENEFITS FOR MOBILIZED MEMBERS OF THE SELECTED RESERVE AND NATIONAL GUARD FOR PAYMENTS FOR LICENSING OR CERTIFICATION TESTS.

(a) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of title 38 is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the

amount of the individual's available entitlement under this chapter.''.

(b) CHAPTER 1607.—Section 16162 of such title is amended by adding at the end the following new subsection:

''(e) The provisions of section 16131(j) of this title shall apply to the provision of educational assistance under this chapter, except that, in applying such section under this chapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to tests administered on or after October 1, 2005.

SEC. 512. MODIFICATIONS TO NEW RESERVE EDUCATIONAL BENEFIT FOR CERTAIN ACTIVE SERVICE IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ELIGIBILITY CRITERIA.—Subsection (a) of section 16163 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''On or after September 11, 2001, a member'' and inserting ''A member'';

(2) in paragraph (1), by striking ''served on active duty in support of a contingency operation'' and inserting ''was called or ordered to active duty on or

after September 11, 2001, in support of a contingency operation and served on active duty in support of that contingency operation''; and

(3) in paragraph (2), by inserting ''on or after September 11, 2001,'' after ''Secretary of Defense''.

(b) ADMINISTRATION OF SPECIFIED BENEFITS ELECTION.—Subsection (e) of such section is amended by striking ''Secretary concerned'' and inserting ''Secretary of Veterans Affairs''.

(c) EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.—Section 16165 of such title is amended—

(1) by striking ''Educational assistance'' and inserting ''(a) TERMINATION.—Except as provided in subsection (b), educational assistance''; and

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

''(b) EXCEPTION FOR SELECTED RESERVE MEMBERS CONTINUING IN READY RESERVE.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve when the member incurs a break in service in the Selected Reserve of not more than 90 days, if the member continues to serve in the Ready Reserve.''.

SEC. 513. MILITARY TECHNICIANS (DUAL STATUS) MANDATORY SEPARATION.

(a) DEFERRAL OF SEPARATION.—Section 10216 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) DEFERRAL OF MANDATORY SEPARATION.—The Secretary of the Army shall implement personnel policies so as to allow a military technician (dual status) who continues to meet the requirements of this section for dual status to continue to serve beyond a mandatory removal date for officers, and any applicable maximum years of service limitation, until the military technician (dual status) reaches age 60 and attains eligibility for an unreduced annuity (as defined in section 10218(c) of this title).".

(b) EFFECTIVE DATE.—The Secretary of the Army shall implement subsection (f) of section 10216 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 514. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) RETIREMENT CREDIT.—Service of a member of the Ready Reserve of the Army National Guard or Air

1 National Guard described in subsection (b) shall be
2 deemed to be service creditable under section
3 12732(a)(2)(A)(i) of title 10, United States Code.

4 (b) COVERED SERVICE.—Service referred to in sub-
5 section (a) is full-time State active duty service that a
6 member of the National Guard performed on or after Sep-
7 tember 11, 2001, and before October 1, 2002, in any of
8 the counties specified in subsection (c) to support a Fed-
9 eral declaration of emergency following the terrorist at-
10 tacks on the United States of September 11, 2001.

11 (c) COVERED COUNTIES.—The counties referred to
12 in subsection (b) are the following:

13 (1) In the State of New York: Bronx, Kings,
14 New York (boroughs of Brooklyn and Manhattan),
15 Queens, Richmond, Delaware, Dutchess, Nassau,
16 Orange, Putnam, Rockland, Suffolk, Sullivan, Ul-
17 ster, and Westchester.

18 (2) In the State of Virginia: Arlington.

19 (d) APPLICABILITY.—Subsection (a) shall take effect
20 as of September 11, 2001.

SEC. 515. USE OF NATIONAL GUARD TO PROVIDE MILITARY SUPPORT TO CIVILIAN LAW ENFORCEMENT AGENCIES FOR DOMESTIC COUNTER-TERRORISM ACTIVITIES.

(a) IN GENERAL.—Title 32, United States Code, is amended by adding the following new section:

"§ 116. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities

"(a) PROVISION OF SUPPORT.—The Governor of a State may order the National Guard of such State to perform full-time National Guard duty under section 502(f) of this title for the purpose of providing, on a reimbursable basis, military support to a civilian law enforcement agency for domestic counter-terrorism activities. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute military support to civilian law enforcement agencies for domestic counter-terrorism activities performed by the National Guard under this section.

"(b) REIMBURSEMENT.—Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or the designee of the Chief in the State concerned, shall accept monetary reimbursements for the costs incurred by the National Guard to provide support under subsection (a). Such monetary reimbursements will be deposited into

the appropriations used to fund activities under this title and may be used in the fiscal year in which received. The Secretary of Defense may waive the reimbursement requirement under this section.

"(c) CONDITION OF PROVISION OF SUPPORT.—Military support to civilian law enforcement agencies for domestic counter-terrorism activities may not be provided under subsection (a) if the provision of such support will affect adversely the military preparedness of the United States. To ensure that the use of units and personnel of the National Guard under such subsection does not degrade training and readiness, the following requirements shall apply in determining the activities that units and personnel of the National Guard of a State may perform:

"(1) The performance of the activities may not affect adversely the quality of training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

"(2) The performance of the activities will not degrade the military skills of the members of the National Guard performing those activities.

"(d) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit or member of the National Guard of a State,

when not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned. Nothing in this section shall be construed as a limitation on the authority of any unit or member of the National Guard of a State, when not in Federal service, to provide military assistance or support to civil authority in the normal course of military training or operations on a non-reimbursable basis.

"(e) DEFINITIONS.—In this section:

"(1) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

"(2) The term 'domestic counter-terrorism' means measures taken to prevent, deter, and respond to terrorism within a State.".

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

"116. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities.".

(c) CONFORMING AMENDMENT TO TITLE 10.—Section 115(i) of title 10, United States Code, is amended by inserting "or providing military support to civilian law enforcement agencies for domestic counter-terrorism activities under section 116 of such title" after "title 32".

Subtitle C—Education and Training

SEC. 521. REPEAL OF LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE UNDER ROTC SCHOLARSHIP PROGRAMS.

(a) GENERAL ROTC PROGRAM.—Section 2107(c) of title 10, United States Code, is amended—

(1) by striking paragraph (4); and

(2) in paragraph (5)(B), by striking ", (3), or (4)" and inserting "or (3)".

(b) ARMY RESERVE AND ARMY NATIONAL GUARD PROGRAM.—Section 2107a(c) of such title is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—Paragraph (4) of section 2107(c) of title 10, United States Code, and paragraph (3) of section 2107a(c) of such title, as in effect on the day before the date of the enactment of this Act, shall continue to apply in the case of any individual selected before the date of the enactment of this Act for appointment as a cadet or midshipman under section 2107 or 2107a of such title.

SEC. 522. INCREASED ENROLLMENT FOR ELIGIBLE DEFENSE INDUSTRY EMPLOYEES IN THE DEFENSE PRODUCT DEVELOPMENT PROGRAM AT NAVAL POSTGRADUATE SCHOOL.

Section 7049(a) of title 10, United States Code, is amended—

(1) by inserting ''and systems engineering'' after ''curriculum related to defense product development''; and

(2) by striking ''10'' and inserting ''25''.

SEC. 523. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.

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

''§ 2015. Payment of expenses to obtain professional credentials

''(a) AUTHORITY.—The Secretary of Defense and the Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy, may pay for—

''(1) expenses for members of the armed forces to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification; and

"(2) examinations to obtain such credentials.

"(b) LIMITATION.—The authority under subsection (a) may not be used to pay the expenses of a member to obtain professional credentials that are a prerequisite for appointment in the armed forces.".

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

"2015. Payment of expenses to obtain professional credentials.".

SEC. 524. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

"§ 2163. National Defense University: master of science degrees

"(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

"(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

"(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

"(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

"(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

"(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2163. National Defense University: master of science degrees.".

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

SEC. 525. ONE-YEAR EXTENSION OF AUTHORITY TO USE APPROPRIATED FUNDS TO PROVIDE RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION OF CERTAIN RESERVE COMPONENT PERSONNEL.

Section 18506(d) of title 10, United States Code, and section 717(e) of title 32, United States Code, are each amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 526. REPORT ON RATIONALE AND PLANS OF THE NAVY TO PROVIDE ENLISTED MEMBERS AN OPPORTUNITY TO OBTAIN GRADUATE DEGREES.

(a) REPORT.—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the plans, if any, of the Secretary, and the rationale for those plans, for a program to provide enlisted members of the Navy with opportunities to pursue graduate degree programs either through Navy schools or paid for by the Navy in return for an

additional service obligation. The report shall include the following:

(1) The underlying philosophy and objectives supporting a decision to provide opportunities for graduate degrees to enlisted members of the Navy.

(2) An overall description of how the award of a graduate degree to an enlisted member would fit in an integrated, progressive, coordinated, and systematic way into the goals and requirements of the Navy for enlisted career development and for professional education, together with a discussion of a wider requirement, if any, for programs for the award of associate and baccalaureate degrees to enlisted members, particularly in the career fields under consideration for the pilot program referred to in subsection (b).

(3) A discussion of the scope and details of the plan to ensure that Navy enlisted members have the requisite academic baccalaureate degrees as a prerequisite for undertaking graduate-level work.

(4) Identification of the specific enlisted career fields for which the Secretary has determined that a graduate degree should be a requirement, as well as the rationale for that determination.

(5) A description of the concept of the Secretary of the Navy for the process and mechanism of providing graduate degrees to enlisted members, including, as a minimum, the Secretary's plan for whether the degree programs would be provided through civilian or military degree-granting institutions and whether through in-resident or distance learning or some combination thereof.

(6) A description of the plan to ensure proper and effective utilization of enlisted members following the award of a graduate degree.

(b) REPORT ON PILOT PROGRAM.—In addition to the report under subsection (a), the Secretary of the Navy may submit a plan for a pilot program to make available opportunities to pursue graduate degree programs to a limited number of Navy enlisted members in a specific, limited set of critical career fields. Such a plan shall include, as a minimum, the following:

(1) The specific objectives of the pilot program.

(2) An identification of the specific enlisted career fields from which candidates for the program would be drawn, the numbers and prerequisite qualifications of initial candidates, and the process for selecting the enlisted members who would initially participate.

(3) The process and mechanism for providing the degrees, described in the same manner as specified under subsection (a)(5), and a general description of course content.

(4) An analysis of the cost effectiveness of using Navy, other service, or civilian degree granting institutions in the pilot.

(5) The plan for post-graduation utilization of the enlisted members who obtain graduate degrees under the program.

(6) The criteria and plan for assessing whether the objectives of the pilot program are met.

SEC. 527. INCREASE IN ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND NATIONAL GUARD PROGRAM.

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

SEC. 528. CAPSTONE OVERSEAS FIELD STUDIES TRIPS TO PEOPLE'S REPUBLIC OF CHINA AND REPUBLIC OF CHINA ON TAIWAN.

Section 2153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) OVERSEAS FIELD STUDIES TO CHINA AND TAIWAN.—The Secretary of Defense shall direct the National

Defense University to ensure that visits to China and Taiwan are an integral part of the field study programs conducted by the university as part of the military education course carried out pursuant to subsection (a) and that such field study programs include annually at least one class field study trip to the People's Republic of China and at least one class field study trip to the Republic of China on Taiwan.''.

SEC. 529. SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF NATIONAL COLLEGE OF HOMELAND SECURITY.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of Homeland Security, should establish within the National Defense University an educational institution, to be known as the National College of Homeland Security, to have the mission of providing strategic-level homeland security and homeland defense education and related research to civilian and military leaders from all agencies of government in order to contribute to the development of a common understanding of core homeland security principles and of effective interagency and multijurisdictional homeland security strategies, policies, doctrines, and processes.

Subtitle D—General Service Requirements

SEC. 531. UNIFORM ENLISTMENT STANDARDS FOR THE ARMED FORCES.

(a) UNIFORM STANDARDS.—Section 504 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text; and

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

''(b)(1) Except as provided under paragraph (2), a person may not be enlisted in any armed force unless that person is one of the following:

''(A) A national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(B) An alien who is lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

''(C) A person described in section 341 of one of the following:

''(i) The Compact of Free Association between the Federated States of Micronesia and the United States (section 201(a) of Public

Law 108–188 (117 Stat. 2784; 48 U.S.C. 1921 note)).

"(ii) The Compact of Free Association between the Republic of the Marshall Islands and the United States (section 201(b) of Public Law 108–188 (117 Stat. 2823; 48 U.S.C. 1921 note)).

"(iii) The Compact of Free Association between Palau and the United States (section 201 of Public Law 99–658 (100 Stat. 3678; 48 U.S.C. 1931 note)).

"(2) The Secretary concerned may authorize the enlistment of persons not described in paragraph (1) when the Secretary determines that such enlistment is vital to the national interest.".

(b) CONFORMING REPEAL OF SERVICE-SPECIFIC PROVISIONS.—

(1) REPEAL.—Sections 3253 and 8253 of such title are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 333 is amended by striking the item relating to section 3253. The table of sections at the beginning of chapter 833 is amended by striking the item relating to section 8253.

SEC. 532. INCREASE IN MAXIMUM TERM OF ORIGINAL ENLISTMENT IN REGULAR COMPONENT.

Section 505(c) of title 10, United States Code, is amended by striking ''six years'' and inserting ''eight years''.

SEC. 533. MEMBERS COMPLETING STATUTORY INITIAL MILITARY SERVICE OBLIGATION.

(a) NOTIFICATION TO INITIAL ENTRANTS.—Section 651(a) of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Each person covered by subsection (a), upon commencing that person's initial period of service as a member of the armed forces, shall be provided the date on which the initial military service obligation of that person under this section ends.''.

(b) NOTIFICATION TO INDIVIDUAL READY RESERVE MEMBERS.—Section 10144 of such title is amended by adding at the end the following new subsection:

''(c) In the case of a member of the armed forces who is serving in the Individual Ready Reserve to complete the initial military service obligation of that member under section 651 of this title, the Secretary concerned shall—

''(1) notify the member when the period of that service obligation is completed; and

"(2) before the date when that period is completed, provide to that member an opportunity, if the member is qualified, to—

"(A) continue voluntarily in the Ready Reserve; or

"(B) transfer voluntarily to an active component.".

(c) PROHIBITION OF CERTAIN INVOLUNTARY PERSONNEL ACTIONS.—

(1) IN GENERAL.—Chapter 1215 of such title is amended by adding at the end the following new section:

"§ 12553. Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions

"(a) PROHIBITION.—In the case of a member of the armed forces who is serving in the Individual Ready Reserve to complete the initial military service obligation of that member under section 651 of this title, the Secretary concerned may not, after the end of the period of that service obligation, issue the member an order for an action specified in subsection (b) unless the member, before the end of that period, has entered into a service agreement

that commits the member to military service beyond the end of that period.

"(b) COVERED ACTIONS.—Subsection (a) applies to an involuntary mobilization in accordance with section 12301(a), 12301(b), 12302, or 12304 of this title, or a recall to active duty, that commences after the date of the end of the period of the military service obligation or a transfer to the Selected Reserve.".

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

"12553. Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions.".

(3) EFFECTIVE DATE.—Section 12533 of title 10, United States Code, as added by paragraph (1), shall apply with respect to orders issued by the Secretary concerned after the date of the enactment of this Act.

SEC. 534. EXTENSION OF QUALIFYING SERVICE FOR INITIAL MILITARY SERVICE UNDER NATIONAL CALL TO SERVICE PROGRAM.

Section 510(d) of title 10, United States Code, is amended by inserting before the period at the end the following: "and shall include military occupational specialties for enlistments for officer training and subsequent service as an officer, in cases in which the reason for the enlist-

ment and entry into an agreement under subsection (b) is to enter an officer training program''.

Subtitle E—Matters Relating to Casualties

SEC. 541. REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A PERSON TO BE AUTHORIZED TO DIRECT THE DISPOSITION OF THE MEMBER'S REMAINS.

(a) DESIGNATION REQUIRED.—Section 655 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person authorized to direct the disposition of the person's remains under section 1482 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.''.

(b) CHANGE IN DESIGNATION.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by inserting ''or (b)'' after ''subsection (a)''.

(c) PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS.—Section 1482(c) of such title is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

''(c) The person designated under section 655(b) of this title shall be considered for all purposes to be the person designated under this subsection to direct disposition of the remains of a decedent covered by this chapter. If the person so designated is not available, or if there was no such designation under that section, one of the following persons, in the order specified, shall be the person designated to direct the disposition of remains:''; and

(2) in paragraph (4), by striking ''clauses (1)–(3)'' and inserting ''paragraph (1), (2), or (3)''.

(d) EFFECTIVE DATE.—Subsection (b) of section 655 of title 10, United States Code, as added by subsection (a)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall be applied to persons enlisted or appointed in the Armed Forces after the end of such period. In the case of persons who are members of the Armed Forces as of the end of such 30-day period, such subsection—

(1) shall be applied to any member who is deployed to a contingency operation after the end of such period; and

(2) in the case of any member not sooner covered under paragraph (1), shall be applied before the end of the 180-day period beginning on the date of the enactment of this Act.

(e) TREATMENT OF PRIOR DESIGNATIONS.—

(1) A qualifying designation by a decedent covered by section 1481 of title 10, United States Code, shall be treated for purposes of section 1482 of such title as having been made under section 655(b) of such title.

(2) QUALIFYING DESIGNATIONS.—For purposes of paragraph (1), a qualifying designation is a designation by a person of the person to be authorized to direct disposition of the remains of the person making the designation that was made before the date of the enactment of this Act and in accordance with regulations and procedures of the Department of Defense in effect at the time.

SEC. 542. ENHANCED PROGRAM OF CASUALTY ASSISTANCE OFFICERS AND SERIOUSLY INJURED/ILL ASSISTANCE OFFICERS.

(a) REQUIRED STANDARDS AND TRAINING.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers

''(a) ASSIGNMENT OF CAOS.—Whenever a member of the Army, Navy, Air Force, or Marine Corps dies while on active duty or otherwise under circumstances for which a death gratuity under section 1475 or 1476 of this title is to be paid, the Secretary of the military department concerned shall provide for the assignment of a Casualty Assistance Officer to assist the family members of the deceased member.

''(b) ASSIGNMENT OF SIAOS.—Whenever a member of the Army, Navy, Air Force, or Marine Corps is seriously injured or becomes seriously ill while on active duty or otherwise under circumstances for which, if the member died, a death gratuity under section 1475 or 1476 of this title would be paid, the Secretary of the military department concerned shall provide for the assignment of a Seriously Injured/Ill Assistance Officer to assist the member and the member's family members.

''(c) PERSONS WHO MAY BE ASSIGNED.—The Secretary concerned may only assign as a Casualty Assistance Officer or Seriously Injured/Ill Assistance Officer a mem-

ber of the armed forces who is an officer or a noncommissioned officers in pay grade E–7 or above or a person who is a Federal civilian employee.

"(d) DUTIES AND FUNCTIONS .—The Secretary of Defense shall prescribe the duties and functions of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers. Such functions shall include the following functions for family members:

"(1) Information source.

"(2) Counsellor.

"(3) Advisor on obtaining needed information and services.

"(4) Administrative assistant.

"(5) Advocate for family members with military authorities.

"(e) DURATION AND LOCATION OF ASSISTANCE.—Once a family is assigned a Casualty Assistance Officer or Seriously Injured/Ill Assistance Officer, the Secretary concerned shall ensure that such an officer is continuously assigned to that family, regardless of family location, until the Secretary determines that the family is no longer in need of assistance from such an officer.

"(f) TRAINING AND OVERSIGHT.—(1) The Secretary of Defense shall establish standards for performance of the duties of Casualty Assistance Officers and Seriously

Injured/Ill Assistance Officers, and shall monitor the training programs of the military departments for persons assigned to duty as such officers, in order to ensure that Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers are properly trained.

"(2) The Secretary of each military department shall—

"(A) ensure that Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers are properly trained; and

"(B) monitor the performance of persons assigned to duty as Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.

"(g) CRITERIA FOR DETERMINATION OF SERIOUS INJURY OR ILLNESS.—The Secretary of Defense shall specify criteria for determination for purposes of this section of whether a member is seriously injured or seriously ill.".

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

"1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers.".

(b) IMPLEMENTATION.—The Secretary of Defense shall prescribe regulations for the implementation of section 1790 of title 10, United States Code, as added by

subsection (a), not later than180 days after the date of the enactment of this Act.

SEC. 543. STANDARDS AND GUIDELINES FOR DEPARTMENT OF DEFENSE PROGRAMS TO ASSIST WOUNDED AND INJURED MEMBERS.

The Secretary of Defense shall examine the programs of the Army, Navy, Air Force, and Marine Corps that provide assistance to members of the Armed Forces who incur severe wounds or injuries in the line of duty, including the Army Disabled Soldier Support Program and the Marine for Life Injured Support Program, and (based on such examination) shall develop standards and guidelines as necessary to coordinate and standardize those programs with the activities of the Severely Injured Joint Support Operations Center of the Department of Defense, established as of February 1, 2005. The Secretary shall publish regulations to implement the standards and guidelines developed pursuant to the preceding sentence not later than 180 days after the date of the enactment of this Act.

SEC. 544. AUTHORITY FOR MEMBERS ON ACTIVE DUTY WITH DISABILITIES TO PARTICIPATE IN PARALYMPIC GAMES.

Section 717(a) of title 10, United States Code, is amended by striking ''participate in—'' and all that fol-

lows through ''(2) any other'' and inserting ''participate in any of the following sports competitions:

''(1) The Pan-American Games and the Olympic Games, and qualifying events and preparatory competition for those games.

''(2) The Paralympic Games, if eligible to participate in those games, and qualifying events and preparatory competition for those games.

''(3) Any other''.

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 551. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL TO PROVIDE MILITARY LEGAL ASSISTANCE WITHOUT REGARD TO LICENSING REQUIREMENTS.

Section 1044 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

"(2) In this subsection, the term 'military legal assistance' includes—

"(A) legal assistance provided under this section; and

"(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.".

SEC. 552. USE OF TELECONFERENCING IN ADMINISTRATIVE SESSIONS OF COURTS-MARTIAL.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by designating the matter following paragraph (4) of subsection (a) as subsection (b); and

(3) in subsection (b), as so redesignated—

(A) by striking "These proceedings shall be conducted" and inserting "Proceedings under subsection (a) shall be conducted"; and

(B) by adding at the end the following new sentence: "If authorized by regulations of the Secretary concerned, and if the defense counsel is physically in the presence of the accused, the presence required by this subsection may otherwise be established by audiovisual technology (such as videoteleconferencing technology).".

SEC. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR MURDER, RAPE, AND CHILD ABUSE OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) NO LIMITATION FOR MURDER, RAPE, OR RAPE OF A CHILD.—Section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended in subsection (a) by inserting after ''in a time of war,'' the following: ''with murder, rape, or rape of a child,''.

(b) SPECIAL RULES FOR CHILD ABUSE OFFENSES.—Such section is further amended in subsection (b)(2)—

(1) in subparagraph (A), by striking ''before the child attains the age of 25 years'' and inserting ''during the life of the child or within five years after the date on which the offense was committed, whichever provides a longer period,'';

(2) In subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''sexual or physical'';

(B) in clause (i), by striking ''Rape or carnal knowledge'' and inserting ''Any offense''; and

(C) in clause (v), by striking ''Indecent assault,'' and inserting ''Kidnapping; indecent assault;''; and

(3) by adding at the end the following new subparagraph:

''(C) In subparagraph (A), the term 'child abuse offense' includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117, or under section 1591, of title 18.''.

SEC. 554. OFFENSE OF STALKING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—(1) Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 928 (article 128) the following new section:

''§ 928a. Art. 128a. Stalking

''Any person subject to this chapter who, on two or more occasions, engages in one or more threatening acts with respect to a specific person—

''(1) that the person knows or should know would place the specific person in emotional distress or in reasonable fear of death or bodily harm to the specific person or to an immediate family member or intimate partner of the specific person; and

"(2) that places the specific person in emotional distress or in reasonable fear of death or bodily harm to the specific person or to an immediate family member or intimate partner of the specific person;

is guilty of stalking and shall be punished as a court-martial may direct.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 928 the following new item:

"928a. Art. 128a. Stalking.".

(b) APPLICABILITY.—Section 928a of title 10, United States Code (article 128a of the Uniform Code of Military Justice), as added by subsection (a), applies to offenses committed after the date that is six months after the date of the enactment of this Act.

SEC. 555. RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER UNIFORM CODE OF MILITARY JUSTICE.

(a) REVISION TO UCMJ.—

(1) IN GENERAL.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 920. Art. 120. Rape, sexual assault, and other sexual misconduct

"(a) RAPE.—Any person subject to this chapter who causes another person of any age to engage in a sexual act by—

"(1) using force against that other person;

"(2) causing grievous bodily harm to any person;

"(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

"(4) rendering another person unconscious; or

"(5) administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability of that other person to appraise or control conduct,

is guilty of rape and shall be punished as a court-martial may direct.

"(b) RAPE OF A CHILD.—Any person subject to this chapter who—

"(1) engages in a sexual act with a child who has not attained the age of twelve years; or

"(2) engages in a sexual act under the circumstances described in subsection (a) with a child who has attained the age of twelve years,

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

"(c) AGGRAVATED SEXUAL ASSAULT.—Any person subject to this chapter who—

"(1) causes another person of any age to engage in a sexual act by—

"(A) threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping); or

"(B) causing bodily harm; or

"(2) engages in a sexual act with another person of any age if that other person is substantially incapacitated or substantially incapable of—

"(A) appraising the nature of the sexual act;

"(B) declining participation in the sexual act; or

"(C) communicating unwillingness to engage in the sexual act,

is guilty of aggravated sexual assault and shall be punished as a court-martial may direct.

"(d) AGGRAVATED SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who engages in a sexual act with a child who has attained the age of twelve years is guilty of aggravated sexual assault of a child and shall be punished as a court-martial may direct.

"(e) AGGRAVATED SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

"(f) AGGRAVATED SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who engages in a lewd act with a child is guilty of aggravated sexual abuse of a child and shall be punished as a court-martial may direct.

"(g) AGGRAVATED SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (b) (rape of a child) had the sexual contact been a sexual act, is guilty of aggravated sexual contact with a child and shall be punished as a court-martial may direct.

"(h) ABUSIVE SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (c) (aggravated sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

"(i) ABUSIVE SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (d) (aggravated sexual assault of a child) had the sexual contact been a sexual act, is guilty of abusive sexual contact with a child and shall be punished as a court-martial may direct.

"(j) INDECENT LIBERTY WITH A CHILD.—Any person subject to this chapter who engages in indecent liberty in the physical presence of a child—

"(1) with the intent to arouse, appeal to, or gratify the sexual desire of any person; or

"(2) with the intent to abuse, humiliate, or degrade any person,

is guilty of indecent liberty with a child and shall be punished as a court-martial may direct.

"(k) INDECENT ACT.—Any person subject to this chapter who engages in indecent conduct is guilty of an

1 indecent act and shall be punished as a court-martial may
2 direct.

3 "(l) FORCIBLE PANDERING.—Any person subject to
4 this chapter who compels another person to engage in an
5 act of prostitution with another person to be directed to
6 said person is guilty of forcible pandering and shall be
7 punished as a court-martial may direct.

8 "(m) WRONGFUL SEXUAL CONTACT.—Any person
9 subject to this chapter who, without legal justification or
10 lawful authorization, engages in sexual contact with an-
11 other person without that other person's permission is
12 guilty of wrongful sexual contact and shall be punished
13 as a court-martial may direct.

14 "(n) INDECENT EXPOSURE.—Any person subject to
15 this chapter who intentionally exposes, in an indecent
16 manner, in any place where the conduct involved may rea-
17 sonably be expected to be viewed by people other than
18 members of the actor's family or household, the genitalia,
19 anus, buttocks, or female areola or nipple is guilty of inde-
20 cent exposure and shall by punished as a court-martial
21 may direct.

22 "(o) AGE OF CHILD.—

23 "(1) TWELVE YEARS.—In a prosecution under
24 subsection (b) (rape of a child), (g) (aggravated sex-
25 ual contact with a child), or (j) (indecent liberty

with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of twelve years. It is not an affirmative defense that the accused reasonably believed that the child had attained the age of twelve years.

"(2) SIXTEEN YEARS.—In a prosecution under subsection (d) (aggravated sexual assault of a child), (f) (aggravated sexual abuse of a child), (i) (abusive sexual contact with a child), or (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of sixteen years. Unlike in paragraph (1), however, it is an affirmative defense that the accused reasonably believed that the child had attained the age of sixteen years.

"(p) PROOF OF THREAT.—In a prosecution under this section, in proving that the accused made a threat, it need not be proven that the accused actually intended to carry out the threat.

"(q) MARRIAGE.—

"(1) IN GENERAL.—In a prosecution under paragraph (2) of subsection (c) (aggravated sexual assault), or under subsection (d) (aggravated sexual

assault of a child), (f) (aggravated sexual abuse of a child), (i) (abusive sexual contact with a child), (j) (indecent liberty with a child), (m) (wrongful sexual contact), or (n) (indecent exposure), it is an affirmative defense that the accused and the other person when they engaged in the sexual act, sexual contact, or sexual conduct are married to each other.

"(2) DEFINITION.—For purposes of this subsection, a marriage is a relationship, recognized by the laws of a competent state or foreign jurisdiction, between the accused and the other person as spouses. A marriage exists until it is dissolved in accordance with the laws of a competent state or foreign jurisdiction.

"(3) EXCEPTION.—Paragraph (1) shall not apply if the accused's intent at the time of the sexual conduct is to abuse, humiliate, or degrade any person, or if the child is under the age of fifteen years.

"(r) CONSENT AND MISTAKE OF FACT AS TO CONSENT.—Lack of permission is an element of the offense in subsection (m) (wrongful sexual contact). Consent and mistake of fact as to consent are not an issue, or an affirmative defense, in a prosecution under any other subsection, except they are an affirmative defense for the sex-

ual conduct in issue in a prosecution under subsection (a) (rape), (c) (aggravated sexual assault), (e) (aggravated sexual contact), and (h) (abusive sexual contact).

"(s) OTHER AFFIRMATIVE DEFENSES NOT PRECLUDED.—The enumeration in this section of some affirmative defenses shall not be construed as excluding the existence of others.

"(t) NO PREEMPTION.—The prosecution or punishment of an accused for an offense under this section does not preclude the prosecution or punishment of that accused for any other offense.

"(u) DEFINITIONS.—In this section:

"(1) SEXUAL ACT.—The term 'sexual act' means—

"(A) contact between the penis and the vulva, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or

"(B) the penetration, however slight, of the genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

"(2) SEXUAL CONTACT.—The term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person.

"(3) GRIEVOUS BODILY HARM.—The term 'grievous bodily harm' means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose. It is the same level of injury as in section 928 (article 128) of this chapter, and a lesser degree of injury than in section 2246(4) of title 18.

"(4) DANGEROUS WEAPON OR OBJECT.—The term 'dangerous weapon or object' means—

"(A) any firearm, loaded or not, and whether operable or not;

"(B) any other weapon, device, instrument, material, or substance, whether animate or in-

1 animate, that in the manner it is used, or is in-
2 tended to be used, is known to be capable of
3 producing death or grievous bodily harm; or
4 "(C) any object fashioned or utilized in
5 such a manner as to lead the victim under the
6 circumstances to reasonably believe it to be ca-
7 pable of producing death or grievous bodily
8 harm.
9 "(5) FORCE.—The term 'force' means action to
10 compel submission of another or to overcome or pre-
11 vent another's resistance by—
12 "(A) the use or display of a dangerous
13 weapon or object;
14 "(B) the suggestion of possession of a dan-
15 gerous weapon or object that is used in a man-
16 ner to cause another to believe it is a dangerous
17 weapon or object; or
18 "(C) physical violence, strength, power, or
19 restraint applied to another person, sufficient
20 that the other person could not avoid or escape
21 the sexual conduct.
22 "(6) THREATENING OR PLACING THAT OTHER
23 PERSON IN FEAR.—The term 'threatening or placing
24 that other person in fear' under paragraph (3) of
25 subsection (a) (rape), or under subsection (e) (ag-

gravated sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another person being subjected to death, grievous bodily harm, or kidnapping.

"(7) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—

"(A) IN GENERAL.—The term 'threatening or placing that other person in fear' under paragraph (1)(A) of subsection (c) (aggravated sexual assault), or under subsection (h) (abusive sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another being subjected to a lesser degree of harm than death, grievous bodily harm, or kidnapping.

"(B) INCLUSIONS.—Such lesser degree of harm includes—

"(i) physical injury to another person or to another person's property; or

"(ii) a threat—

"(I) to accuse any person of a crime;

"(II) to expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

"(III) through the use or abuse of military position, rank, or authority, to affect or threaten to affect, either positively or negatively, the military career of some person.

"(8) BODILY HARM.—The term 'bodily harm' means any offensive touching of another, however slight.

"(9) CHILD.—The term 'child' means any person who has not attained the age of sixteen years.

"(10) LEWD ACT.—The term 'lewd act' means—

"(A) the intentional touching, not through the clothing, of the genitalia of another person, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

"(B) intentionally causing another person to touch, not through the clothing, the genitalia of any person with an intent to abuse, humiliate

or degrade any person, or to arouse or gratify the sexual desire of any person.

"(11) INDECENT LIBERTY.—The term 'indecent liberty' means indecent conduct, but physical contact is not required. It includes one who with the requisite intent exposes one's genitalia, anus, buttocks, or female areola or nipple to a child. An indecent liberty may consist of communication of indecent language as long as the communication is made in the physical presence of the child. If words designed to excite sexual desire are spoken to a child, or a child is exposed to or involved in sexual conduct, it is an indecent liberty; the child's consent is not relevant.

"(12) INDECENT CONDUCT.—The term 'indecent conduct' means that form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations. Indecent conduct includes but is not limited to observing, or making a videotape, photograph, motion picture, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material, without an-

other person's consent, and contrary to that other person's reasonable expectation of privacy, of—

"(A) that other person's genitalia, anus, or buttocks, or (if that other person is female) that person's areola or nipple; or

"(B) that other person while that other person is engaged in a sexual act, sodomy (under section 925 (article 125)), or sexual contact; and

"(13) ACT OF PROSTITUTION.—The term 'act of prostitution' means a sexual act, sexual contact, or lewd act for the purpose of receiving money or other compensation.

"(14) CONSENT.—The term 'consent' means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall

not constitute consent. A person cannot consent to sexual activity if—

"(A) under sixteen years of age; or

"(B) substantially incapable of—

"(i) appraising the nature of the sexual conduct at issue due to—

"(I) mental impairment or unconsciousness resulting from consumption of alcohol, drugs, a similar substance, or otherwise; or

"(II) mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue; or

"(ii) physically declining participation in the sexual conduct at issue; or

"(iii) physically communicating unwillingness to engage in the sexual conduct at issue.

"(15) MISTAKE OF FACT AS TO CONSENT.—The term 'mistake of fact as to consent' means the accused held, as a result of ignorance or mistake, an incorrect belief that the other person engaging in the sexual conduct consented. The ignorance or mistake must have existed in the mind of the accused and

must have been reasonable under all the circumstances. To be reasonable the ignorance or mistake must have been based on information, or lack of it, which would indicate to a reasonable person that the other person consented. Additionally, the ignorance or mistake cannot be based on the negligent failure to discover the true facts. Negligence is the absence of due care. Due care is what a reasonably careful person would do under the same or similar circumstances. The accused's state of intoxication, if any, at the time of the offense is not relevant to mistake of fact. A mistaken belief that the other person consented must be that which a reasonably careful, ordinary, prudent, sober adult would have had under the circumstances at the time of the offense.

"(16) AFFIRMATIVE DEFENSE.—The term 'affirmative defense' means any special defense which, although not denying that the accused committed the objective acts constituting the offense charged, denies, wholly, or partially, criminal responsibility for those acts. The accused has the burden of proving the affirmative defense by a preponderance of evidence. After the defense meets this burden, the prosecution shall have the burden of proving beyond

a reasonable doubt that the affirmative defense did not exist.''.

(2) CLERICAL AMENDMENT.—The item relating to section 920 (article 120) in the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

''920. Art. 120. Rape, sexual assault, and other sexual misconduct.''.

(b) INTERIM MAXIMUM PUNISHMENTS.—Until the President otherwise provides pursuant to section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), the punishment which a court-martial may direct for an offense under section 920 of such title (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), may not exceed the following limits:

(1) SUBSECTIONS (a) AND (b).—For an offense under subsection (a) (rape) or (b) (rape of a child), death or such other punishments as a court-martial may direct.

(2) SUBSECTION (c).—For an offense under subsection (c) (aggravated sexual assault), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.

(3) SUBSECTIONS (d) AND (e).—For an offense under subsection (d) (aggravated sexual assault of a

child) or (e) (aggravated sexual contact), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(4) SUBSECTIONS (f) AND (g).—For an offense under subsection (f) (aggravated sexual abuse of a child) or (g) (aggravated sexual contact with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.

(5) SUBSECTIONS (h) THROUGH (j).—For an offense under subsection (h) (abusive sexual contact), (i) (abusive sexual contact with a child), or (j) (indecent liberty with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.

(6) SUBSECTIONS (k) AND (l).—For an offense under subsection (k) (indecent act) or (l) (forcible pandering), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

(7) SUBSECTIONS (m) AND (n).—For an offense under subsection (m) (wrongful sexual contact) or (n) (indecent exposure), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of

the enactment of this Act and section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to offenses committed on or after that effective date.

(d) CONFORMING AMENDMENT.—Section 918 of title 10, United States Code (article 118 of the Uniform Code of Military Justice), is amended in paragraph (4) by striking ''rape,'' and inserting ''rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child,''.

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

SEC. 561. ENROLLMENT IN OVERSEAS SCHOOLS OF DEFENSE DEPENDENTS' EDUCATION SYSTEM OF CHILDREN OF CITIZENS OR NATIONALS OF THE UNITED STATES HIRED IN OVERSEAS AREAS AS FULL-TIME DEPARTMENT OF DEFENSE EMPLOYEES.

Paragraph (2) of section 1414 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932) is amended to read as follows:

"(2) The term 'sponsor' means a person who is—

"(A) a member of the Armed Forces serving on active duty who—

"(i) is authorized to transport dependents to or from an overseas area at Government expense; and

"(ii) is provided an allowance for living quarters in that area;

"(B) a full-time civilian officer or employee of the Department of Defense who—

"(i) is a citizen or national of the United States;

"(ii) is authorized to transport dependents to or from an overseas area at Government expense; and

"(iii) is provided an allowance for living quarters in that area; or

"(C) a full-time civilian officer or employee of the Department of Defense who—

"(i) is a citizen or national of the United States;

"(ii) resided in an overseas area at the time of the person's employment; and

"(iii) is employed by the Department of Defense in that area.".

SEC. 562. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—

(1) ASSISTANCE AUTHORIZED.—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, without such assistance, the local educational agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the local educational agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this subsection for a fiscal year if at least 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of the local educational agency during

the preceding school year were military dependent students counted under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—

(1) ASSISTANCE AUTHORIZED.—To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 250 military dependent students in average daily attendance in the schools of the local educational agency.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this subsection for a fiscal year if—

(A) the local educational agency is eligible for assistance under subsection (a) for the same fiscal year, or would have been eligible for such assistance if not for the reduction in military dependent students in schools of the local educational agency; and

(B) the overall increase or reduction in military dependent students in schools of the local educational agency is the result of the closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations.

(3) CALCULATION OF AMOUNT OF ASSISTANCE.—

(A) PRO RATA DISTRIBUTION.—The amount of the assistance provided under this subsection to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for that fiscal year; by

(ii) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under paragraph (1).

(B) PER-STUDENT RATE.—For purposes of subparagraph (A)(i), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the total amount of funds made available for that fiscal year to provide assistance under this subsection; by

(ii) the sum of the overall increases and reductions in the number of military dependent students in schools of all eligible

local educational agencies for that fiscal year under this subsection.

(c) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance, including whether the agency is eligible for assistance under either subsection (a) or (b) or both subsections; and

(2) the amount of the assistance for which the local educational agency is eligible.

(d) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(e) FINDING FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a); and

(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b).

(f) DEFINITIONS.—In this section:

(1) The term ''base closure process'' means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''military dependent students'' refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) The term ''State'' means each of the 50 States and the District of Columbia.

(g) REPEAL OF FORMER AUTHORITY.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is repealed. The repeal of such section shall not affect the distribution of assistance to local educational agencies under section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1917) for fiscal year 2005.

SEC. 563. CONTINUATION OF IMPACT AID ASSISTANCE ON BEHALF OF DEPENDENTS OF CERTAIN MEMBERS DESPITE CHANGE IN STATUS OF MEMBER.

(a) SPECIAL RULE.—For purposes of computing the amount of a payment for an eligible local educational agency under subsection (a) of section 8003 of the Elementary and Secondary Education Act (20 U.S.C. 7703) for school year 2005–2006, the Secretary of Education shall continue to count as a child enrolled in a school of such agency under such subsection any child who—

(1) would be counted under paragraph (1)(B) of such subsection to determine the number of children who were in average daily attendance in the school; but

(2) due to the deployment of both parents or legal guardians of the child, the deployment of a parent or legal guardian having sole custody of the child, or the death of a military parent or legal guardian while on active duty (so long as the child resides on Federal property (as defined in section 8013(5) of such Act (20 U.S.C. 7713(5))), is not eligible to be so counted.

(b) TERMINATION.—The special rule provided under subsection (a) applies only so long as the children covered by such subsection remain in average daily attendance at a school in the same local educational agency they attended before their change in eligibility status.

Subtitle H—Decorations and Awards

SEC. 565. COLD WAR VICTORY MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1134. Cold War Victory Medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War Victory Medal', to persons eligible to receive the medal under subsection (b). The Cold War Victory Medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War Victory Medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

"(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War Victory Medal may be issued to any person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War Victory Medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War Victory Medal that is lost, destroyed, or rendered unfit for use without

fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) APPLICATION FOR MEDAL.—The Cold War Victory Medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

"(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(h) DEFINITION.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.".

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

"1134. Cold War Victory Medal.".

SEC. 566. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3757. Combat Medevac Badge

"(a) The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat

Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''3757. Combat Medevac Badge.''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.".

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

"6259. Combat Medevac Badge.".

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8757. Combat Medevac Badge

"(a) The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

"(b) The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.".

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

"8757. Combat Medevac Badge.".

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

SEC. 567. ELIGIBILITY FOR OPERATION ENDURING FREEDOM CAMPAIGN MEDAL.

For purposes of eligibility for the campaign medal for Operation Enduring Freedom established pursuant to Public Law 108–234 (10 U.S.C. 1121 note), the beginning date of Operation Enduring Freedom is September 11, 2001.

Subtitle I—Other Matters

SEC. 571. EXTENSION OF WAIVER AUTHORITY OF SECRETARY OF EDUCATION WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE DURING A WAR OR OTHER MILITARY OPERATION OR NATIONAL EMERGENCY.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

SEC. 572. ADOPTION LEAVE FOR MEMBERS OF THE ARMED FORCES ADOPTING CHILDREN.

(a) AUTHORITY.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces adopting a child in a qualifying child adoption is allowed up to 21 days of leave in a calendar year to be used in connection with the adoption.

''(2) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

"(3) In the event that two members of the armed forces who are spouses of each other adopt a child in a qualifying child adoption, only one such member shall be allowed leave under this subsection. Those members shall elect which of them shall be allowed such leave.

"(4) Leave under paragraph (1) is in addition to other leave provided under other provisions of this section.".

(b) EFFECTIVE DATE.—Subsection (i) of section 701 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2005.

SEC. 573. REPORT ON NEED FOR A PERSONNEL PLAN FOR LINGUISTS IN THE ARMED FORCES.

(a) NEED ASSESSMENT.—The Secretary of Defense shall review the career tracks of members of the Armed Forces who are linguists in an effort to improve the management of linguists (in enlisted grades or officer grades, or both) and to assist them in reaching their full linguistic and analytical potential over a 20-year career. As part of such review, the Secretary shall assess the need for a comprehensive plan to better manage the careers of military linguists (in enlisted grades or officer grades, or both) and to ensure that such linguists have an opportunity to progress in grade and are provided opportunities to enhance their language and cultural skills. As part of the

review, the Secretary shall consider personnel management methods such as enhanced bonuses, immersion opportunities, specialized career fields, establishment of a dedicated career path for linguists, and career monitoring to ensure career progress for linguists serving in duty assignments that are not linguist related.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review and assessment conducted under subsection (a). The report shall include the findings, results, and conclusions of the Secretary's review and assessment of the careers of officer and enlisted linguists in the Armed Forces and the need for a comprehensive plan to ensure effective career management of linguists.

SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) IN GENERAL.—

(1) Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

"§ 652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned

''(a) RULE FOR GROUND COMBAT PERSONNEL POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2)(A) or (2)(B) to the ground combat exclusion policy or proposes to make a change described in paragraph (2)(C), the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

''(2) A change referred to in paragraph (1) is a change that—

''(A) closes to female members of the armed forces any category of unit or position that at that time is open to service by such members;

''(B) opens to service by female members of the armed forces any category of unit or position that at that time is closed to service by such members; or

"(C) opens or closes to the assignment of female members of the armed forces any military career designator as described in paragraph (6).

"(3) The Secretary shall include in any report under paragraph (1)—

"(A) a detailed description of, and justification for, the proposed change; and

"(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

"(4) In this subsection, the term 'ground combat exclusion policy' means the military personnel policies of the Department of Defense and the military departments, as in effect on October 1, 1994, by which female members of the armed forces are restricted from assignment to units and positions below brigade level whose primary mission is to engage in direct combat on the ground.

"(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.

"(6) For purposes of this subsection, a military career designator is one that is related to military operations on the ground as of May 18, 2005, and applies—

"(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, enlisted classification codes, additional skill identifiers, and special qualification identifiers; and

"(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

"(b) OTHER PERSONNEL POLICY CHANGES.—(1) Except in a case covered by section 6035 of this title or by subsection (a), whenever the Secretary of Defense proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall, not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

"(2) Paragraph (1) applies to a proposed military personnel policy change, other than a policy change covered by subsection (a), that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

"(A) Any type of unit not covered by subsection (a).

"(B) Any class of combat vessel.

"(C) Any type of combat platform.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

"652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned.".

(b) REPORT ON IMPLEMENTATION OF DEPARTMENT OF DEFENSE POLICIES WITH REGARD TO THE ASSIGNMENT OF WOMEN.—Not later than March 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report of the Secretary's review of the current and future implementation of the policy regarding the assignment of women as articulated in the Secretary of Defense memorandum, dated January 13, 1994, and entitled, "Direct Ground Combat Definition and Assignment Rule". In conducting that review, the Secretary shall closely examine Army unit modularization efforts, and associated personnel assignment policies, to ensure their compliance with the Department of Defense policy articulated in the January 1994 memorandum.

(c) CONFORMING REPEAL.—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

SEC. 575. ELIGIBILITY OF CERTAIN PERSONS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY OF "GRAY AREA" RETIREES AND SPOUSES.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

"§ 2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses

"(a) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

"(b) DEPENDENTS.—The dependent of a member or former member under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title, shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same

basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

''2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses.''.

SEC. 576. COMPTROLLER GENERAL STUDY OF MILITARY RECRUITING.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on military recruiting.

(b) MATTERS TO BE INCLUDED.—The Comptroller General shall include in the report the following:

(1) Whether military recruitment criminal violations have increased in any branches of the Armed Forces since the beginning of combat in Iraq.

(2) Whether policies of the Department of Defense or of any of the specific military branches have caused or encouraged military recruiters to carry out criminal actions to increase recruitment numbers.

(3) Whether the Department of Justice, Department of Defense, or specific military branches

have adequately and independently carried out investigations and prosecutions of all Department of Defense officials who are complicit or directly involved in criminal actions to increase military recruitment.

(4) Any recommendations for any legislation or administrative actions that the Comptroller General considers appropriate.

(5) Any other matter the Comptroller General considers relevant.

SEC. 577. ADDITION OF INFORMATION CONCERNING MENTAL HEALTH SERVICES AND TREATMENT TO SUBJECTS REQUIRED TO BE COVERED IN MANDATORY PRESEPARATION COUNSELING.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) Information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces.''.

SEC. 578. IMPROVEMENT TO DEPARTMENT OF DEFENSE RESPONSE TO SEXUAL ASSAULT AFFECTING MEMBERS OF THE ARMED FORCES.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an inventory of supplies, trained personnel, and transportation resources assigned or deployed to deal with sexual assault. The Secretary shall assess the availability and accessibility within deployed units of rape evidence kits, testing supplies for sexually transmitted infections and diseases (STIs), including HIV, and for pregnancy, transportation resources, and medication. The assessment shall be completed not later than 120 days after the date of the enactment of this Act.

(b) ACTION PLAN FOR DEPLOYED UNITS.—The Secretary shall develop a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. Such plan shall include the following:

(1) Training of new and existing first responders to sexual assaults, including criminal investigators, medical providers responsible for rape kit evidence collection, and victims advocates, with such training to include current techniques on processing of evidence, including rape kits, and conducting investigations.

(2) Accessibility and availability of supplies for victims of sexual assault who present at a military hospital, including rape kits, equipment for processing rape kits, and testing supplies and treatment for sexually transmitted infections and diseases, including HIV, and pregnancy.

(c) ANNUAL REPORT.—The Secretary shall include in the annual report to the Committees on Armed Services of the Senate and House of Representatives on sexual assaults a report as to the supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources in response to sexual assault in deployed units.

SEC. 579. REPORT ON EMPLOYMENT MATTERS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on difficulties faced by members of the National Guard and Reserve with respect to employment as a result of being ordered to perform full time National Guard duty or being ordered to active duty service, respectively.

(b) SPECIFIC MATTERS.—In preparing the report required under subsection (a), the Comptroller General shall include information on the following matters:

(1) TYPE OF EMPLOYERS.—An estimate of the number of employers of members of the National Guard and Reserve who are private sector employers and those who are public sector employers.

(2) SIZE OF EMPLOYERS.—An estimate of the number of employers of members of the National Guard and Reserve who employ fewer than 50 full-time employees.

(3) SELF-EMPLOYED.—An estimate of the number of members of the National Guard and Reserve who are self-employed.

(4) NATURE OF BUSINESS.—A description of the nature of the business of employers of members of the National Guard and Reserve.

(5) REEMPLOYMENT DIFFICULTIES.—A description of difficulties faced by members of the National Guard and Reserve in gaining reemployment after having performed full time National Guard duty or active duty service, including difficulties faced by members who are disabled and who are Veterans of the Vietnam Era.

SEC. 580. SENSE OF CONGRESS THAT COLLEGES AND UNIVERSITIES GIVE EQUAL ACCESS TO MILITARY RECRUITERS AND ROTC IN ACCORDANCE WITH THE SOLOMON AMENDMENT AND REQUIREMENT FOR REPORT TO CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Reserve Officer Training Corps (ROTC) program is the most common means for undergraduates to become United States military officers, producing 60 percent of all officers in the Armed Forces and 75 percent of Army officers.

(2) The ROTC program is officially banned from many leading universities and, although students at those institutions can participate in ROTC programs at other colleges, they often have to travel significant distances to do so.

(3) The United States is engaged in a global war on terrorism, and it is thus more important than ever for the Armed Forces to recruit high quality and well-qualified personnel.

(4) Recruiting on university campuses is one of the primary means of obtaining new, highly qualified personnel for the Armed Forces and is an integral, effective, and necessary part of overall military recruitment.

(5) In 1996, Congress enacted a provision of law that has become known as the ''Solomon Amendment'' that provides for the Secretary of Defense to deny Federal funding to colleges and universities if they prohibit or prevent ROTC or military recruitment on campus.

(6) A group of university law schools have challenged the constitutionality of the Solomon Amendment, and the Supreme Court has agreed to hear the case in the term beginning in October 2005.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any college or university that discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs; and

(2) universities and colleges that receive Federal funds should provide military recruiters access to college campuses and to college students equal in quality and scope to that provided all other employers.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the col-

1 leges and universities that are denying equal access to
2 military recruiters and ROTC programs.

3 TITLE VI—COMPENSATION AND
4 OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2006.
Sec. 602. Additional pay for permanent military professors at United States Naval Academy with over 36 years of service.
Sec. 603. Basic pay rates for reserve component members selected to attend military service academy preparatory schools.
Sec. 604. Clarification of restriction on compensation for correspondence courses.
Sec. 605. Permanent authority for supplemental subsistence allowance for low-income members with dependents.
Sec. 606. Basic allowance for housing for Reserve members.
Sec. 607. Overseas cost of living allowance.
Sec. 608. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension or resumption of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Expansion of eligibility of dental officers for additional special pay.
Sec. 616. Increase in maximum monthly rate authorized for hardship duty pay.
Sec. 617. Flexible payment of assignment incentive pay.
Sec. 618. Active-duty reenlistment bonus.
Sec. 619. Reenlistment bonus for members of Selected Reserve.
Sec. 620. Combination of affiliation and accession bonuses for service in the Selected Reserve.
Sec. 621. Eligibility requirements for prior service enlistment bonus.
Sec. 622. Increase in authorized maximum amount of enlistment bonus.
Sec. 623. Discretion of Secretary of Defense to authorize retroactive hostile fire and imminent danger pay.
Sec. 624. Increase in maximum bonus amount for nuclear-qualified officers extending period of active duty.
Sec. 625. Increase in maximum amount of nuclear career annual incentive bonus for nuclear-qualified officers trained while serving as enlisted members.
Sec. 626. Uniform payment of foreign language proficiency pay to eligible reserve component members and regular component members.
Sec. 627. Retention bonus for members qualified in certain critical skills or satisfying other eligibility criteria.

Sec. 628. Availability of critical-skills accession bonus for persons enrolled in Senior Reserve Officers' Training Corps who are obtaining nursing degrees.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Authorized absences of members for which lodging expenses at temporary duty location may be paid.
Sec. 642. Extended period for selection of home for travel and transportation allowances for dependents of deceased member.
Sec. 643. Transportation of family members incident to repatriation of members held captive.
Sec. 644. Increased weight allowances for shipment of household goods of senior noncommissioned officers.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 651. Monthly disbursement to States of State income tax withheld from retired or retainer pay.
Sec. 652. Revision to eligibility for nonregular service retirement after establishing eligibility for regular retirement.
Sec. 653. Denial of military funeral honors in certain cases.
Sec. 654. Child support for certain minor children of retirement-eligible members convicted of domestic violence resulting in death of child's other parent.
Sec. 655. Concurrent receipt of veterans disability compensation and military retired pay.
Sec. 656. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 661. Increase in authorized level of supplies and services procurement from overseas exchange stores.
Sec. 662. Requirements for private operation of commissary store functions.
Sec. 663. Provision of information technology services for accommodations provided by nonappropriated fund instrumentalities for wounded members of the Armed Forces and their families.
Sec. 664. Provision of and payment for overseas transportation services for commissary and exchange supplies.
Sec. 665. Compensatory time off for certain nonappropriated fund employees.

Subtitle F—Other Matters

Sec. 671. Inclusion of Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff among senior enlisted members of the Armed Forces.
Sec. 672. Special and incentive pays considered for saved pay upon appointment of members as officers.
Sec. 673. Repayment of unearned portion of bonuses, special pays, and educational benefits.
Sec. 674. Leave accrual for members assigned to deployable ships or mobile units or to other designated duty.
Sec. 675. Army recruiting pilot program to encourage members of the Army to refer other persons for enlistment.

Sec. 676. Special compensation for reserve component members who are also tobacco farmers adversely affected by terms of tobacco quota buyout.
Sec. 677. Comptroller General report regarding compensation and benefits for Reserve component members.
Sec. 678. Report on space-available travel for certain disabled veterans.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2006.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2006 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2006, the rates of monthly basic pay for members of the uniformed services are increased by 3.1 percent.

SEC. 602. ADDITIONAL PAY FOR PERMANENT MILITARY PROFESSORS AT UNITED STATES NAVAL ACADEMY WITH OVER 36 YEARS OF SERVICE.

Section 203(b) of title 37, United States Code, is amended by inserting after ''Military Academy'' the following: '', the United States Naval Academy,''.

SEC. 603. BASIC PAY RATES FOR RESERVE COMPONENT MEMBERS SELECTED TO ATTEND MILITARY SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) PAY EQUITY FOR RESERVES.—Section 203(e)(2) of title 37, United States Code, is amended—

(1) by striking ''on active duty for a period of more than 30 days shall continue to receive'' and inserting ''shall receive''; and

(2) by inserting before the period at the end the following: ''or at the rate provided for cadets and midshipmen under subsection (c), whichever is greater''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 604. CLARIFICATION OF RESTRICTION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d)(1) of title 37, United States Code, is amended by inserting after ''reserve component'' the following: ''or by a member of the National Guard while not in Federal service''.

SEC. 605. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) REPEAL OF TERMINATION PROVISION.—Section 402a of title 37, United States Code, is amended by striking subsection (i).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (f) of such section is amended—

(1) in the first sentence, by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security, with respect to the Coast Guard''; and

(2) by striking the second sentence.

SEC. 606. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

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

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

SEC. 607. OVERSEAS COST OF LIVING ALLOWANCE.

(a) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside of the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member's dependents and in the best interest of the United States.''.

(b) CLARIFICATION OF EXPENSES ELIGIBLE FOR LUMP-SUM REIMBURSEMENT.—Subsection (d) of such section, as added by section 605 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1945), is further amended—

(1) in the subsection heading, by striking ''NONRECURRING'' and inserting ''UNUSUAL OR EXTRAORDINARY'';

(2) by inserting ''or (e)'' after ''subsection (a)'' each place it appears; and

(3) in paragraph (1)—

(A) by striking ''a nonrecurring'' and inserting ''an unusual or extraordinary'' in the matter preceding subparagraph (A); and

(B) in subparagraph (A), by inserting ''or the location of the member's dependents'' before the semicolon.

SEC. 608. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

''(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

''(1) completes 18 continuous months of service on active duty under such an order;

''(2) completes 24 months on active duty during the previous 60 months under such an order; or

''(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

''(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the

monthly active-duty income differential for the month is greater than $50.

"(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed $3,000.

"(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

"(1) the average monthly civilian income of the member; and

"(2) the member's total monthly military compensation.

"(e) DEFINITIONS.—In this section:

"(1) The term 'average monthly civilian income', with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

"(2) The term 'total monthly military compensation' means the amount, computed on a monthly basis, of the sum of—

"(A) the amount of the regular military compensation (RMC) of the member; and

"(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.".

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

"910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.".

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2005.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 910 of title 37, United States Code, to provide income replacement payments to involuntarily mobilized members of a reserve component who are subject to extended and frequent active duty service may not exceed $60,000,000.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OR RESUMPTION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(h) of such title is amended by striking ''September 30, 1992'' and inserting ''December 31, 2006''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2006'' and inserting ''January 1, 2007''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended

by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFICERS FOR ADDITIONAL SPECIAL PAY.

(a) REPEAL OF INTERNSHIP AND RESIDENCY EXCEPTION.—Section 302b(a)(4) of title 37, United States Code, is amended by striking the first sentence and insert-

ing the following new sentence: ''An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer.''.

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

SEC. 616. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR HARDSHIP DUTY PAY.

(a) INCREASE.—Section 305(a) of title 37, United States Code, is amended by striking ''$300'' and inserting ''$750''.

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

SEC. 617. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE PAY.

(a) AUTHORITY TO PROVIDE LUMP SUM OR INSTALLMENT PAYMENTS.—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''monthly'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before the first sentence;

(B) in the second sentence, by striking ''and, subject to subsection (c), the monthly

rate of the incentive pay.'' and inserting '', the total or monthly amount to be paid under the agreement, and whether the incentive pay will be provided on a monthly basis, in a lump sum, or in installments other than monthly.''; and

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

''(2) The Secretary concerned and a member may agree to extend an existing agreement under this section to cover an additional period of service in a designated assignment.''; and

(3) in subsection (c), by adding at the end the following new sentences: ''The maximum amount of a lump sum payment under an agreement under this section may not exceed the product of the maximum monthly rate and the number of months covered by the agreement. Installment payments shall be calculated using the same formula for the months covered by the installment.''.

(b) REPAYMENT OF INCENTIVE PAY.—Such section is further amended—

(1) by redesignating subsection (f), as amended by section 614(b), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) REPAYMENT.—A member who enters into an agreement under this section and receives incentive pay under the agreement in a lump sum or installments, but who fails to complete the period of service covered by the payment, whether voluntarily or because of misconduct, shall be subject to the repayment provisions of section 303a(e) of this title.".

SEC. 618. ACTIVE-DUTY REENLISTMENT BONUS.

(a) ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—Subsection (a) of section 308 of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking "16 years of active duty" and inserting "20 years of active duty"; and

(2) in paragraph (3), by striking "18 years" and inserting "24 years".

(b) INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF BONUS.—Paragraph (2)(B) of such subsection is amended by striking "$60,000" and inserting "$90,000".

(c) REPEAL OF REFERENCE TO OBSOLETE SPECIAL PAY.—Paragraph (1) of such subsection is amended—

(1) by inserting "and" at the end of subparagraph (B);

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

(d) AUTHORITY TO WAIVE ELIGIBILITY REQUIREMENTS.—Such subsection is further amended by striking paragraph (5) and inserting the following new paragraph:

"(5) In time of war or national emergency, the Secretary concerned may waive all or a part of the eligibility requirements specified in paragraph (1) for the payment of a bonus under this section.".

(e) REPEAL OF OBSOLETE SPECIAL PAY.—

(1) REPEAL.—Section 312a of title 37, United States Code, is repealed.

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

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

SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF SELECTED RESERVE.

(a) ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking "16 years of total military service" and inserting "20 years of total military service".

(b) COMPUTATION OF BONUS AMOUNT.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 24 years may not be used in computing the total bonus amount under paragraph (1).''.

(c) AUTHORITY TO WAIVE ELIGIBILITY REQUIREMENTS.—Subsection (c)(2) of such section is amended by striking ''In the case'' and all that follows through ''the Secretary'' and inserting ''In time of war or national emergency, the Secretary''.

SEC. 620. COMBINATION OF AFFILIATION AND ACCESSION BONUSES FOR SERVICE IN THE SELECTED RESERVE.

(a) BONUSES AUTHORIZED.—Section 308c of title 37, United States Code, is amended to read as follows:

''§ 308c. Special pay: bonus for affiliation or enlistment in the Select Reserve

''(a) AFFILIATION BONUS AUTHORIZED.—(1) The Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

''(A) has completed fewer than 20 total years of military service; and

"(B) executes a written agreement with the Secretary to serve in the Selected Reserve, after being discharged or released from active duty, for a period of not less than three years in a skill, unit, or pay grade designated under paragraph (2).

"(2) The Secretary concerned shall designate the critical skills, units, and pay grades for which an affiliation bonus is available under this subsection.

"(b) ACCESSION BONUS AUTHORIZED.—The Secretary concerned may pay an accession bonus to a person who—

"(1) has not previously served in the armed forces; and

"(2) executes a written agreement to serve as an enlisted member in the Selected Reserve for a period of not less than three years.

"(c) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (b) may not exceed $15,000.

"(d) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned under subsection (a) or (b), the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus will be paid by the Secretary in a lump sum or in installments.

"(e) PAYMENT TO MOBILIZED MEMBERS.—A member of the Selected Reserve entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

"(f) REPAYMENT.—A person who enters into an agreement under subsection (a) or (b) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

"(g) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

"(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement under subsection (a) or (b) entered into after December 31, 2006.".

(b) REPEAL OF SEPARATE RESERVE AFFILIATION BONUS.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

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

"308c. Special pay: bonus for affiliation or enlistment the Select Reserve.".

(2) by striking the item relating to section 308e.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 308c of title 37, United States Code, to provide bonuses for affiliation or enlistment in the Select Reserve using the expanded authority provided by the amendment made by subsection (a) may not exceed $30,000,000. The bonus authority available under such section shall not be considered to be an expanded authority to the extent that the authority was available under section 308e of such title, before the repeal of such section by subsection (b).

SEC. 621. ELIGIBILITY REQUIREMENTS FOR PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) The person has not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of service.".

SEC. 622. INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF ENLISTMENT BONUS.

(a) INCREASE.—Section 309(a) of title 37, United States Code, is amended by striking "$20,000" and inserting "$30,000".

(b) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 309 of title 37, United States Code, to provide enlistment bonuses in the increased amounts authorized by the amendment made by subsection (a) may not exceed $30,000,000.

SEC. 623. DISCRETION OF SECRETARY OF DEFENSE TO AUTHORIZE RETROACTIVE HOSTILE FIRE AND IMMINENT DANGER PAY.

Section 310(c) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) In the case of an area described in subparagraph (B) or (D) of subsection (a)(2), the Secretary of Defense shall be responsible for designating the period during which duty in the area will qualify members for special pay under this section. The effective date designated for the commencement of such a period may be a date occurring before, on, or after the actual date on which the Secretary makes the designation. If the commencement date for such a period is a date occurring before the date on which the Secretary makes the designation, the payment of special pay under this section for the period between the commencement date and the date on which the Secretary made the designation shall be subject to the availability of appropriated funds for that purpose.".

SEC. 624. INCREASE IN MAXIMUM BONUS AMOUNT FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

Section 312(a) of title 37, United States Code, is amended by striking "$25,000" and inserting "$30,000".

SEC. 625. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS FOR NUCLEAR-QUALIFIED OFFICERS TRAINED WHILE SERVING AS ENLISTED MEMBERS.

Section 312c(b)(1) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''14,000''.

SEC. 626. UNIFORM PAYMENT OF FOREIGN LANGUAGE PROFICIENCY PAY TO ELIGIBLE RESERVE COMPONENT MEMBERS AND REGULAR COMPONENT MEMBERS.

(a) AVAILABILITY OF BONUS IN LIEU OF MONTHLY SPECIAL PAY.—Subsection (a) of section 316 of title 37, United States Code, is amended—

(1) by striking ''monthly special pay'' and inserting ''a bonus''; and

(2) by striking ''is entitled to basic pay under section 204 of this title and who''.

(b) PAYMENT OF BONUS.—Such section is further amended—

(1) by striking subsections (b), (d), (e), and (g);

(2) by redesignating subsections (f) and (h) as subsections (d) and (f) respectively;

(3) by inserting after subsection (a) the following new subsection (b):

"(b) BONUS AMOUNT; TIME FOR PAYMENT.—A bonus under subsection (a) may not exceed $12,000 per one-year certification period. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period. The bonus is in addition to any other pay or allowance payable to a member under any other provision of law.".

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

(1) in subsection (c)—

(A) by striking "special pay or" both places it appears; and

(B) by striking "or (b)";

(2) in subsection (d), as redesignated by subsection (b)(2)—

(A) in paragraph (1)—

(i) by striking "monthly special pay or" in the matter preceding subparagraph (A); and

(ii) in subparagraph (C), by striking "for receipt" and all that follows through the period at the end and inserting "under subsection (a)";

(B) in paragraph (2), by striking ''For purposes'' and all that follows through ''the Secretary concerned'' and inserting ''The Secretary concerned'';

(C) in paragraph (3)—

(i) by striking ''special pay or'' both places it appears; and

(ii) by striking ''subsection (h)'' and inserting ''subsection (f)''; and

(D) in paragraph (4), by striking ''subsection (g)'' and inserting ''section 303a(e) of this title''; and

(3) by inserting after such subsection (d) the following new subsection (e):

''(e) REPAYMENT.—A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 316. Special pay: bonus for members with foreign language proficiency".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316 and inserting the following new item:

"316. Special pay: bonus for members with foreign language proficiency.".

SEC. 627. RETENTION BONUS FOR MEMBERS QUALIFIED IN CERTAIN CRITICAL SKILLS OR SATISFYING OTHER ELIGIBILITY CRITERIA.

(a) AVAILABILITY OF BONUS FOR RESERVE COMPONENT MEMBERS.—Section 323 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "who is serving on active duty and" and inserting "who is serving on active duty in a regular component or in an active status in a reserve component and who";

(B) in paragraph (1), by inserting "or to remain in an active status in a reserve component for at least one year" before the semicolon; and

(C) in paragraph (3), by inserting "or to remain in an active status in a reserve compo-

nent for a period of at least one year'' before the period; and

(2) in subsection (e)(1), by inserting ''or service in an active status in a reserve component'' after ''active duty'' each place it appears.

(b) ADDITIONAL CRITERIA FOR BONUS.—Such section is further amended—

(1) in subsection (a), by striking ''designated critical military skill'' and inserting ''critical military skill designated under subsection (b) or satisfies such other eligibility criteria established under such subsection'';

(2) in subsection (b)—

(A) by striking ''DESIGNATION OF CRITICAL SKILLS.—'' and inserting ''ELIGIBILITY CRITERIA.—(1)''; and

(B) by adding at the end the following new paragraph:

''(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may establish such other criteria as the Secretary considers appropriate under which a retention bonus will be provided to a member of the armed forces under subsection (a).''; and

(3) in subsection (h)(1), by striking ''members qualified in the critical military skills for which the bonuses were offered'' and inserting ''members of the armed forces who were offered a bonus under this section''.

(c) EXTENDED ELIGIBILITY PERIOD FOR CERTAIN MEMBERS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties as a health care professional.

''(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered—

''(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

''(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.''.

(d) REPAYMENT REQUIREMENTS.—Subsection (g) of such section is amended to read as follows:

''(g) REPAYMENT.—A member paid a bonus under this section who fails, during the period of service covered by the member's agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 323 of such title is amended to read as follows:

"§ 323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 323 and inserting the following new item:

''323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria.''.

(f) EFFECTIVE DATE.—Section 323(a) of title 37, United States Code, as amended by this section, shall apply to agreements, reenlistments, and the voluntary ex-

tension of enlistments referred to in subsection (a) of such section entered into on or after October 1, 2005.

SEC. 628. AVAILABILITY OF CRITICAL-SKILLS ACCESSION BONUS FOR PERSONS ENROLLED IN SENIOR RESERVE OFFICERS' TRAINING CORPS WHO ARE OBTAINING NURSING DEGREES.

(a) AUTHORITY TO PROVIDE BONUS.—Section 324 of title 37, United States Code, as amended by section 614(f) of this Act, is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) NURSE CANDIDATES IN SENIOR RESERVE OFFICERS' TRAINING CORPS.—(1) A person enrolled in the Senior Reserve Officers' Training Corps program of the Army for advanced training under chapter 103 of title 10, including a person receiving financial assistance under section 2107 of such title, may receive an accession bonus under this section if the person—

''(A) has completed the second year of an accredited baccalaureate degree program in nursing; and

"(B) executes an agreement under this section to serve on active duty as a commissioned officer in the Army Nurse Corps.

"(2) Notwithstanding subsection (c), the amount of the accession bonus paid to a person described in paragraph (1) may not exceed $5,000.".

(b) RETROACTIVE APPLICATION TO EXISTING AGREEMENTS.—Subsection (f) of section 324 of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements referred to in paragraph (1)(B) of such subsection executed on or after October 5, 2004.

Subtitle C—Travel and Transportation Allowances

SEC. 641. AUTHORIZED ABSENCES OF MEMBERS FOR WHICH LODGING EXPENSES AT TEMPORARY DUTY LOCATION MAY BE PAID.

(a) ABSENCES COVERED BY ALLOWANCE.—Section 404b of title 37, United States Code, is amended—

(1) in subsection (a), by striking "while the member is in an authorized leave status" and inserting "during an authorized absence of the member from the temporary duty location";

(2) in subsection (b)—

(A) in paragraph (1), by striking ''taking the authorized leave'' and inserting ''the authorized absence''; and

(B) in paragraph (3), by striking ''immediately after completing the authorized leave'' and inserting ''before the end of the authorized absence'';

(3) in subsection (c), by striking ''while the member was in an authorized leave status'' and inserting ''during the authorized absence of the member''; and

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

''(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term 'authorized absence', with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized by the commander of the member.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 404b and inserting the following new item:

"404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.".

SEC. 642. EXTENDED PERIOD FOR SELECTION OF HOME FOR TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF DECEASED MEMBER.

(a) DEATH OF MEMBER ENTITLED TO BASIC PAY.—Subsection (f) section 406 of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(f)";

(2) by striking "he" and inserting "the member"; and

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

"(2) The Secretary concerned shall give the dependents of a member described in paragraph (1) a period of not less than three years, beginning on the date of the death of the member, during which to select a home for

the purposes of the travel and transportation allowances authorized by this section.''.

(b) CERTAIN OTHER DECEASED MEMBERS.—Subsection (g)(3) of such section is amended in the first sentence—

(1) by striking ''he exercises it'' and inserting ''the member exercises the right or entitlement'';

(2) by striking ''his baggage and household effects'' and inserting ''the baggage and household effects of the deceased member''; and

(3) by striking ''his surviving dependents or, if'' and inserting ''the surviving dependents at any time before the end of the three-year period beginning on the date on which the member accrued that right or benefit. If''.

SEC. 643. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF MEMBERS HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

"§ 411j. Travel and transportation allowances: transportation of family members incident to repatriation of members held captive

"(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide the travel and transportation allowances described in subsection (c) to not more than three family members of a member of the uniformed services who—

"(A) is serving on active duty;

"(B) was officially carried or determined to be absent in a missing status (as defined in section 551 of this title); and

"(C) is repatriated to a site in or outside the United States.

"(2) In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members of a member provided travel and transportation allowances under this section.

"(b) ELIGIBLE PERSONS.—(1) In this section, the term 'family member' has the meaning given that term in section 411h(b) of this title.

"(2) The Secretary concerned may also provide the travel and transportation allowances to an attendant who accompanies a family member if the Secretary determines that—

"(A) the family member is unable to travel unattended because of age, physical condition, or other justifiable reason; and

"(B) no other family member who is receiving the allowances under this section is able to serve as an attendant for the family member.

"(3) If no family member is able to travel to the repatriation site, the Secretary concerned may provide the travel and transportation allowances to not more than two persons who are related to the member (but who do not satisfy the definition of family member) and are selected by the member.

"(c) ALLOWANCES DESCRIBED.—(1) The transportation authorized by subsection (a) is round-trip transportation between—

"(A) the home of the family member (or the home of an attendant or other person provided transportation pursuant to paragraph (2) or (3) of subsection (b)); and

"(B) the location of the repatriation site or other location determined to be appropriate by the Secretary concerned.

"(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and nec-

essary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

"(d) PROVISION OF ALLOWANCES.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(2) An allowance payable under this subsection may be paid in advance.

"(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

"(e) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

"411j. Travel and transportation allowances: transportation of family members incident to repatriation of members held captive.".

SEC. 644. INCREASED WEIGHT ALLOWANCES FOR SHIPMENT OF HOUSEHOLD GOODS OF SENIOR NONCOMMISSIONED OFFICERS.

(a) INCREASE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–7 through E–9 and inserting the following new items:

"E–9	13,000	15,000
E–8	12,000	14,000
E–7	11,000	13,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX WITHHELD FROM RETIRED OR RETAINER PAY.

Section 1045(a) of title 10, United States Code, is amended in the third sentence—

(1) by striking "quarter" the first place it appears and inserting "month"; and

(2) by striking ''during the month following that calendar quarter'' and inserting ''during the following calendar month''.

SEC. 652. REVISION TO ELIGIBILITY FOR NONREGULAR SERVICE RETIREMENT AFTER ESTABLISHING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) REVISION TO ALLOW CONTINUATION IN ACTIVE STATUS.—Subsection (a) of section 12741 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''becoming entitled to'' and inserting ''having met the requirements for''; and

(2) in paragraph (3), by striking ''become entitled to'' and inserting ''met the requirements for''.

(b) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''entitlement to'' and inserting ''eligibility for''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 12741. Retirement from active reserve service performed after becoming eligible for regular retirement''.

(2) TABLE OF SECTIONS.—The item relating to section 12741 in the table of sections at the begin-

ning of chapter 1223 of such title is amended to read as follows:

"12741. Retirement from active reserve service performed after becoming eligible for regular retirement.".

SEC. 653. DENIAL OF MILITARY FUNERAL HONORS IN CERTAIN CASES.

(a) ADDITIONAL CIRCUMSTANCES FOR DENIAL OF FUNERAL HONORS.—Subsection (a) of section 985 of title 10, United States Code, is amended—

(1) by inserting "(under section 1491 of this title or any other authority)" after "military honors"; and

(2) by striking "a person" and all that follows and inserting "any of the following persons:

"(1) A person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.

"(2) A person not covered by paragraph (1) who is ineligible for interment in Arlington National Cemetery or a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38.

"(3) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component,

when the circumstances surrounding the person's death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person's service (or former service).''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits".

(2) TABLE OF SECTIONS.—The item relating to section 985 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.''.

(c) CROSS-REFERENCE AMENDMENT.—Section 1491(a) of such title is amended by inserting before the period at the end the following: '', except when military honors are prohibited under section 985(a) of this title''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act.

SEC. 654. CHILD SUPPORT FOR CERTAIN MINOR CHILDREN OF RETIREMENT-ELIGIBLE MEMBERS CONVICTED OF DOMESTIC VIOLENCE RESULTING IN DEATH OF CHILD'S OTHER PARENT.

(a) AUTHORITY FOR COURT-ORDERED PAYMENTS.—Section 1408(h) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end of such paragraph the following:

''(B) If, in the case of a member or former member of the armed forces referred to in paragraph (2)(A), a court order provides for the payment as child support of an amount from the disposable retired pay of that member or former member (as certified under paragraph (4)) to an eligible dependent child of the member or former member, the Secretary concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such dependent child.'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting '', or a dependent child,'' after ''former spouse'';

(B) in subparagraph (B)—

(i) by inserting "in the case of eligibility of a spouse or former spouse under paragraph (1)(A)," after "(B)"; and

(ii) by striking the period at the end and inserting "; and"; and

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

"(C) in the case of eligibility of a dependent child under paragraph (1)(B), the other parent of the child died as a result of the misconduct that resulted in the termination of retired pay.";

(3) in paragraph (4), by inserting ", or an eligible dependent child," after "former spouse";

(4) in paragraph (5), by inserting ", or the dependent child," after "former spouse"; and

(5) in paragraph (6), by inserting ", or to a dependent child," after "former spouse".

(b) EFFECTIVE DATE.—A court order authorized by the amendments made by this section may not provide for a payment attributable to any period before October 1, 2005, or the date of the court order, whichever is later.

SEC. 655. CONCURRENT RECEIPT OF VETERANS DISABILITY COMPENSATION AND MILITARY RETIRED PAY.

Section 1414(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ", and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on September 30, 2009".

SEC. 656. MILITARY SURVIVOR BENEFIT PLAN BENEFICIARIES UNDER INSURABLE INTEREST COVERAGE.

(a) AUTHORITY TO ELECT NEW BENEFICIARY.—Section 1448(b)(1) of title 10, United States Code, is amended—

(1) by inserting "or under subparagraph (G) of this paragraph" in the second sentence of subparagraph (E) before the period at the end; and

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

"(G) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—

"(i) AUTHORITY FOR ELECTION.—If the reason for discontinuation in the Plan is the death of the beneficiary, the participant in the Plan may elect a new beneficiary. Any such beneficiary must be a natural person with an insurable interest in the participant. Such an election may be made only during the 180-day period beginning on the date of the death of the previous beneficiary.

"(ii) PROCEDURES.—Such an election shall be in writing, signed by the participant, and made in such form and manner as the Secretary concerned may prescribe. Such an election shall be effective the first day of the first month following the month in which the election is received by the Secretary.

"(iii) VITIATION OF ELECTION BY PARTICIPANT WHO DIES WITHIN TWO YEARS OF ELECTION.—If a person providing an annuity under a election under clause (i) dies before the end of the two-year period beginning on the effective date of the election—

"(I) the election is vitiated; and

"(II) the amount by which the person's retired pay was reduced under section 1452 of this title that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the vitiated election if the deceased person had died after the end of such two-year period.".

(b) CHANGE IN PREMIUM FOR COVERAGE OF NEW BENEFICIARY.—Section 1452(c) of such title is amended by adding at the end the following new paragraph:

"(5) RULE FOR DESIGNATION OF NEW INSURABLE INTEREST BENEFICIARY FOLLOWING DEATH OF ORIGINAL BENEFICIARY.—The Secretary of Defense shall prescribe in regulations premiums which a participant making an election under section 1448(b)(1)(G) of this title shall be required to pay for participating in the Plan pursuant to that election. The total amount of the premiums to be paid by a participant under the regulations shall be equal to the sum of the following:

"(A) The total additional amount by which the retired pay of the participant would have

been reduced before the effective date of the election if the original beneficiary (i) had not died and had been covered under the Plan through the date of the election, and (ii) had been the same number of years younger than the participant (if any) as the new beneficiary designated under the election.

''(B) Interest on the amounts by which the retired pay of the participant would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable.

''(C) Any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.''.

(c) TRANSITION.—

(1) TRANSITION PERIOD.—In the case of a participant in the Survivor Benefit Plan who made a covered insurable-interest election (as defined in paragraph (2)) and whose designated beneficiary

under that election dies before the date of the enactment of this Act or during the 18-month period beginning on such date, the time period applicable for purposes of the limitation in the third sentence of subparagraph (G)(i) of section 1448(b)(1) of title 10, United States Code, as added by subsection (a), shall be the two-year period beginning on the date of the enactment of this Act (rather than the 180-day period specified in that sentence).

(2) COVERED INSURABLE-INTEREST ELECTIONS.—For purposes of paragraph (1), a covered insurable-interest election is an election under section 1448(b)(1) of title 10, United States Code, made before the date of the enactment of this Act, or during the 18-month period beginning on such date, by a participant in the Survivor Benefit Plan to provide an annuity under that plan to a natural person with an insurable interest in that person.

(3) SURVIVOR BENEFIT PLAN.—For purposes of this subsection, the term ''Survivor Benefit Plan'' means the program under subchapter II of chapter 73 of title 10, United States Code.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 661. INCREASE IN AUTHORIZED LEVEL OF SUPPLIES AND SERVICES PROCUREMENT FROM OVERSEAS EXCHANGE STORES.

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

SEC. 662. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Until December 31, 2010, the Defense Commissary Agency is not required to conduct any cost-comparison study under the policies and procedures of Office of Management and Budget Circular A–76 relating to the possible contracting out of commissary store functions.''.

SEC. 663. PROVISION OF INFORMATION TECHNOLOGY SERVICES FOR ACCOMMODATIONS PROVIDED BY NONAPPROPRIATED FUND INSTRUMENTALITIES FOR WOUNDED MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) AUTHORITY TO PROVIDE SERVICES.—Section 2494 of title 10, United States Code, is amended—

(1) by inserting ''(a) UTILITY SERVICES.—'' before ''Appropriations''; and

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

''(b) INFORMATION TECHNOLOGY SERVICES.—Appropriations for the Department of Defense may be used to provide information technology services, including equipment and access to the internet, for—

''(1) Fisher Houses and Fisher Suites associated with health care facilities of a military department; and

''(2) other accommodations made available by a nonappropriated fund instrumentality of the Department of Defense to members of the Armed Forces recovering from a wound or injury or to dependents of such members.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating

to section 2494 and inserting the following new item:

"2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes.".

SEC. 664. PROVISION OF AND PAYMENT FOR OVERSEAS TRANSPORTATION SERVICES FOR COMMISSARY AND EXCHANGE SUPPLIES.

Section 2643 of title 10, United States Code, is amended—

(1) by inserting "(a) TRANSPORTATION OPTIONS.—" before "The Secretary";

(2) in the first sentence, by striking "by sea without relying on the Military Sealift Command" and inserting "to destinations outside the continental United States without relying on the Air Mobility Command, the Military Sealift Command";

(3) in the second sentence, by striking "transportation contracts" and inserting "contracts for sea-borne transportation"; and

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

"(b) PAYMENT OF TRANSPORTATION COSTS.—Section 2483(b)(5) of this title, regarding the use of appropriated funds to cover the expenses of operating commissary stores, shall apply to the transportation of commissary supplies. Appropriated funds for the Department

of Defense shall also be used to cover the expenses of transporting exchange supplies to destinations outside the continental United States.''.

SEC. 665. COMPENSATORY TIME OFF FOR CERTAIN NON-APPROPRIATED FUND EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The appropriate Secretary may, on request of an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c), grant such employee compensatory time off from duty instead of overtime pay for overtime work.

''(2) For purposes of this subsection, the term 'appropriate Secretary' means—

''(A) with respect to an employee of a nonappropriated fund instrumentality of the Department of Defense, the Secretary of Defense; and

''(B) with respect to an employee of a nonappropriated fund instrumentality of the Coast Guard, the Secretary of the Executive department in which it is operating.''.

Subtitle F—Other Matters

SEC. 671. INCLUSION OF SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AMONG SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) BASIC PAY RATE.—

(1) EQUAL TREATMENT.—The rate of basic pay for an enlisted member in the grade E–9 while serving as Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff shall be the same as the rate of basic pay for an enlisted member in that grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply beginning on the date on which an enlisted member of the Armed Forces is first appointed to serve as Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.

(b) PAY DURING TERMINAL LEAVE OR WHILE HOSPITALIZED.—Section 210(c) of title 37, United States

Code, is amended by adding at the end the following new paragraph:

"(6) The Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.".

(c) PERSONAL MONEY ALLOWANCE.—Section 414(c) of such title is amended—

(1) by striking "or" after "Sergeant Major of the Marine Corps,"; and

(2) by inserting before the period at the end the following: ", or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(d) RETIRED PAY BASE.—Section 1406(i)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

"(vi) Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.".

SEC. 672. SPECIAL AND INCENTIVE PAYS CONSIDERED FOR SAVED PAY UPON APPOINTMENT OF MEMBERS AS OFFICERS.

(a) INCLUSION AND EXCLUSION OF CERTAIN PAY TYPES.—Subsection (d) of section 907 of title 37, United States Code, is amended to read as follows:

"(d)(1) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incentive pays may be considered only

so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade:

"(A) Incentive pay for hazardous duty under section 301 of this title.

"(B) Submarine duty incentive pay under section 301c of this title.

"(C) Special pay for diving duty under section 304 of this title.

"(D) Hardship duty pay under section 305 of this title.

"(E) Career sea pay under section 305a of this title.

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

"(G) Assignment incentive pay under section 307a of this title.

"(H) Special pay for duty subject to hostile fire or imminent danger under section 310 of this title.

"(I) Special pay or bonus for an extension of duty at a designated overseas location under section 314 of this title.

"(J) Foreign language proficiency pay under section 316 of this title.

"(K) Critical skill retention bonus under section 323 of this title.

"(2) The following special and incentive pays are dependent on a member being in an enlisted status and may not be considered in determining the amount of the pay and allowances of a grade formerly held by an officer:

"(A) Special duty assignment pay under section 307 of this title.

"(B) Reenlistment bonus under section 308 of this title.

"(C) Enlistment bonus under section 309 of this title.

"(D) Reenlistment bonus for nuclear-trained and qualified enlisted members under section 312a of this title.

"(E) Career enlisted flyer incentive pay under section 320 of this title.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsections (a) and (b)—

(A) by striking "he" each place it appears and inserting "the officer"; and

(B) by striking ''his appointment'' each place it appears and inserting ''the appointment'';

(2) in subsection (c)(2), by striking ''he'' and inserting ''the officer''.

SEC. 673. REPAYMENT OF UNEARNED PORTION OF BONUSES, SPECIAL PAYS, AND EDUCATIONAL BENEFITS.

(a) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS.—

(1) UNIFORM REPAYMENT PROVISION.—Section 303a of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAYMENT NOT MET.—(1) A member of the uniformed services who receives a bonus or similar benefit and whose receipt of the bonus or similar benefit is subject to the condition that the member continue to satisfy certain eligibility requirements shall repay to the United States an amount equal to the unearned portion of the bonus or similar benefit if the member fails to satisfy the requirements, except in certain circumstances authorized by the Secretary concerned.

"(2) The Secretary concerned may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted. The Secretary concerned may specify in the regulations the conditions under which an installment payment of a bonus or similar benefit to be paid to a member of the uniformed services will not be made if the member no longer satisfies the eligibility requirements for the bonus or similar benefit. For the military departments, this subsection shall be administered under regulations prescribed by the Secretary of Defense.

"(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

"(A) the date of the termination of the agreement or contract on which the debt is based; or

"(B) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

"(4) In this subsection:

"(A) The term 'bonus or similar benefit' means a bonus, incentive pay, special pay, or similar pay-

ment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this subsection.

"(B) The term 'service', as used in paragraph (3)(B), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus or similar benefit offered by the Secretary of Defense or the Secretary concerned—

"(i) to remain on active duty or in an active status in a reserve component;

"(ii) to perform duty in a specified skill, with or without a specified qualification or credential;

"(iii) to perform duty at a specified location; or

"(iv) to perform duty for a specified period of time.".

(2) APPLICABILITY TO TITLE 11 CASES.—In the case of a provision of law amended by subsection (b), (c), or (d) of this section, paragraph (3) of subsection (a) of section 303a of title 37, United States Code, as added by this subsection, shall apply to any case commenced under title 11 after March 30, 2006.

(b) CONFORMING AMENDMENTS TO TITLE 37.—

(1) AVIATION CAREER OFFICER RETENTION BONUS.—Subsection (g) of section 301b of title 37, United States Code, is amended to read as follows:

''(g) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(c) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(4) MEDICAL OFFICER SPECIAL PAY.—Section 302 of such title is amended—

(A) in subsection (c)(2), by striking the last sentence and inserting the following new sentence: ''If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.''; and

(B) by striking subsection (f) and inserting the following new subsection:

''(f) REPAYMENT.—An officer who does not complete the period for which the payment was made under subsection (a)(4) or subsection (b)(1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(5) OPTOMETRIST RETENTION SPECIAL PAY.—Paragraph (4) of section 302a(b) of such title is amended to read as follows:

''(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). An officer who does not complete the period for which the payment was made under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

(A) in subsection (b)(2), by striking the second sentence;

(B) by striking subsection (e) and inserting the following new subsection:

''(e) REPAYMENT.—An officer who does not complete the period of active duty for which the payment was made under subsection (a)(4) shall be subject to the repayment provisions of section 303a(e) of this title.'';

(C) by striking subsection (f); and

(D) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

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

''(d) An officer who does not become and remain licensed as a registered nurse during the period for which the payment is made, or who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

(A) in subsection (c), by striking the last sentence; and

(B) by striking subsection (e) and inserting the following new subsection:

"(e) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.".

(9) RESERVE, RECALLED OR RETAINED HEALTH CARE OFFICERS SPECIAL PAY.—Subsection (c) of section 302f of such title is amended by striking "refund" and inserting "repay.".

(10) SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES SPECIAL PAY.—Section 302g of such title is amended—

(A) by striking subsections (d) and (e);

(B) by inserting after subsection (c) the following new subsection (d):

"(d) REPAYMENT.—An officer who does not complete the period of service in the Selected Reserve specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title."; and

(C) by redesignating subsection (f) as subsection (e).

(11) ACCESSION BONUS FOR DENTAL OFFICERS.—Subsection (d) of section 302h of such title is amended to read as follows:

"(d) A person after signing a written agreement who thereafter is not commissioned as an officer of the armed forces, or does not become licensed as a dentist, or does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.".

(12) ACCESSION BONUS FOR PHARMACY OFFICERS.—Subsection (e) of section 302j of such title is amended to read as follows:

"(e) A person after signing a written agreement who thereafter is not commissioned as an officer of the armed forces, or does not become and remain certified or licensed as a pharmacist, or does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.".

(13) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Subsection (d) of section 308 of such title is amended to read as follows:

"(d) REPAYMENT.—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject

to the repayment provisions of section 303a(e) of this title.''.

(14) REENLISTMENT BONUS FOR SELECTED RESERVE.—Subsection (d) of section 308b of such title is amended to read as follows:

''(d) A member who does not complete the term of enlistment in the element of the Selected Reserve for which the bonus was paid to the member under this section shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

(A) by striking subsection (d) and inserting the following new subsection:

''(d) REPAYMENT.—A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.'';

(B) by striking subsections (e) and (f); and

(C) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(16) READY RESERVE REENLISTMENT, ENLISTMENT, AND VOLUNTARY EXTENSION OF ENLIST-

MENT BONUS.—Section 308h of such title is amended—

(A) by striking subsection (c) and inserting the following new subsection:

"(c) REPAYMENT.—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.";

(B) by striking subsections (d) and (e); and

(C) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(17) PRIOR SERVICE ENLISTMENT BONUS.—Subsection (d) of section 308i of such title is amended to read as follows:

"(d) A person who receives a bonus payment under this section and who, during the period for which the bonus was paid, does not serve satisfactorily in the element of the Selected Reserve with respect to which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.".

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

"(b) A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.".

(19) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Subsection (b) of section 312 of such title is amended to read as follows:

"(b) REPAYMENT.—An officer who does not complete the period of active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants that the officer agreed to serve, and for which a payment was made under subsection (a)(3) or subsection (d)(1), shall be subject to the repayment provisions of section 303a(e) of this title.".

(20) NUCLEAR CAREER ACCESSION BONUS.—Paragraph (2) of section 312b(a) of such title is amended to read as follows:

"(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the agreement under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.".

(21) ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS.—Subsection (d) of section 314 of such title is amended to read as follows:

''(d) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall be subject to the repayment provisions of section 303a(e) of this title.''.

(22) ENGINEERING AND SCIENTIFIC CAREER CONTINUATION PAY.—Subsection (c) of section 315 of such title is amended to read as follows:

''(c) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(23) CRITICAL ACQUISITION POSITIONS.—Subsection (f) of section 317 of such title is amended to read as follows:

''(c) An officer who, having entered into a written agreement under subsection (a) and having received all or

part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(24) SPECIAL WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Subsection (h) of section 318 of such title is amended to read as follows:

''(h) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty in special warfare service as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(25) SURFACE WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Subsection (f) of section 319 of such title is amended to read as follows:

''(f) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as a department head on a surface vessel specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(26) JUDGE ADVOCATE CONTINUATION PAY.—Subsection (f) of section 321 of such title is amended to read as follows:

"(f) An officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement but who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.".

(27) 15-YEAR CAREER STATUS BONUS.—Subsection (f) of section 322 of such title is amended to read as follows:

"(f) If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of this title.".

(28) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Subsection (g) of section 324 of such title, as redesignated by section 628(a)(1), is amended to read as follows:

"(g) REPAYMENT.—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or does not complete

the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(29) SAVINGS PLAN FOR EDUCATION EXPENSES AND OTHER CONTINGENCIES.—Subsection (g) of section 325 of such title is amended to read as follows:

''(g) REPAYMENT.—If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall be subject to the repayment provisions of section 303a(e) of this title.''.

(30) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY.—Subsection (e) of section 326 of such title is amended to read as follows:

''(e) REPAYMENT.—A member who does not convert to and complete the period of service in the military occupational specialty specified in the agreement executed under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(c) CONFORMING AMENDMENTS TO TITLE 10.—

(1) ENLISTMENT INCENTIVES FOR PURSUIT OF SKILLS TO FACILITATE NATIONAL SERVICE.—Sub-

section (i) of section 510 of title 10, United States Code, is amended to read as follows:

"(i) If a National Call to Service participant who has entered into an agreement under subsection (b) and received or benefitted from an incentive under paragraph (1) or (2) of subsection (e) fails to complete the total period of service specified in such agreement, the National Call to Service participant shall be subject to the repayment provisions of section 303a(e) of title 37.".

(2) ADVANCED EDUCATION ASSISTANCE.—Section 2005 of such title is amended—

(A) in subsection (a), by striking paragraph (3) and inserting the following new paragraph:

"(3) that if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed pursuant to paragraph (4), such person shall be subject to the repayment provisions of section 303a(e) of title 37.";

(B) by striking subsections (c), (d), (f), (g) and (h);

(C) by redesignating subsection (e) as subsection (c); and

(D) by inserting after subsection (c), as so redesignated, the following new subsection:

''(d) As a condition of the Secretary concerned providing financial assistance under section 2107 or 2107a of this title to any person, the Secretary concerned shall require that the person enter into the agreement described in subsection (a). In addition to the requirements of paragraphs (1) through (4) of such subsections (a), the agreement shall specify that, if the person does not complete the education requirements specified in the agreement or does not fulfill any term or condition prescribed pursuant to paragraph (4) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of title 37 without the Secretary first ordering such person to active duty as provided for under subsection (a)(2) and sections 2107(f) and 2107a(f) of this title.''.

(3) TUITION FOR OFF-DUTY TRAINING OR EDUCATION.—Section 2007 of such title is amended by adding at the end the following new subsection:

''(f) REPAYMENT.—If such person does not complete the period of active duty specified in the agreement under subsection (b), the person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

(A) by striking ''A member'' and inserting ''(a) A member''; and

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

''(b) If such person does not complete the period of active duty specified under subsection (a), the person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(5) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section 2107 of such title is amended by adding at the end the following new subsection:

''(j) REPAYMENT.—A person who, after signing a written agreement under this section, is not commissioned as an officer or does not complete the period of service as specified in subsection (b), (f) or (h)(2) shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(6) HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.—Subparagraph (C) of section 2123(e)(1) of such title is amended to read as follows:

"(C) If such person does not complete the period of active duty obligation specified under subsection (a), such person shall be subject to the repayment provisions of section 303a(e) of title 37.".

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

"(d) REPAYMENT.—A person who does not complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into under subsection (a), or having completed the nursing degree program, does not become an officer in the Nurse Corps of the Army or the Navy or an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service or does not complete the period of obligated active service required under the agreement, shall be subject to the repayment provisions of section 303a(e) of title 37.".

(8) EDUCATION LOAN REPAYMENT PROGRAM.—Subsection (g) of section 2173 of such title is amended—

(A) by inserting "(1)" after "(g)"; and

(B) by adding at the end the following new paragraph:

"(2) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a)(3), or the alternative obligation under paragraph (1), shall be subject to the repayment provisions of section 303a(e) of title 37.".

(9) SCHOLARSHIP PROGRAM FOR DEGREE PROGRAM FOR DEGREE OR CERTIFICATION IN INFORMATION ASSURANCE.—Section 2200a of such title is amended—

(A) by striking subsection (e) and inserting the following new subsection:

"(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under section (b) shall be subject to the repayment provisions of section 303a(e) of title 37.

"(2)(A) A civilian employee of the Department of Defense who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (b) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance and otherwise to achieve the goals set forth in section 2200(a) of this title.

"(B) An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

"(C) The Secretary of Defense may waive, in whole or in part a refund required under this paragraph if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.".

(B) by striking subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(10) ARMY CADET AGREEMENT TO SERVICE AS OFFICER.—Section 4348 of such title is amended by adding at the end the following new subsection:

"(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.".

(11) MIDSHIPMEN AGREEMENT FOR LENGTH OF SERVICE.—Section 6959 of such title is amended by adding at the end the following new subsection:

''(f) A midshipman or former midshipman who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(12) AIR FORCE CADET AGREEMENT TO SERVICE AS OFFICER.—Section 9348 of such title is amended by adding at the end the following new subsection:

''(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(13) EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.—Section 16135 of such title is amended to read as follows:

''§ 16135. Failure to participate satisfactorily; penalties

''(a) PENALTIES.—At the option of the Secretary concerned, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required

training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter, and during which the member has received such assistance, may—

"(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 16132 of this title, whichever is less; or

"(2) be subject to the repayment provisions under section 303a(e) of title 37.

"(b) EFFECT OF REPAYMENT.—Any repayment under section 303a(e) of title 37 shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.".

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

"(B) shall be subject to the repayment provisions of section 303a(e) of title 37.".

(15) COLLEGE TUITION ASSISTANCE PROGRAM FOR MARINE CORPS PLATOON LEADERS CLASS.—Subsection (f) of section 16401 of such title is amended—

(A) in paragraph (1), by striking ''may be required to repay the full amount of financial assistance'' and inserting ''shall be subject to the repayment provisions of section 303a(e) of title 37''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) Any requirement to repay any portion of financial assistance received under this section shall be administered under Secretary of Defense regulations issued under section 303a(e) of title 37. The Secretary of the Navy may waive the obligations referenced in paragraph (1) in the case of a person who—''.

(d) CONFORMING AMENDMENT TO TITLE 14.—Section 182 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(g) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (b), or the alternative obligation under subsection (c), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 303a of title 37, United States Code, is amended to read as follows:

"§ 303a. Special pay: general provisions".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 303a and inserting the following new item:

"303a. Special pay: general provisions.".

(f) CONTINUED APPLICATION OF CURRENT LAW TO EXISTING BONUSES.—In the case of any bonus, incentive pay, special pay, or similar payment, such as education assistance or a stipend, which the United States became obligated to pay before April 1, 2006, under a provision of law amended by subsection (b), (c), or (d) of this section, such provision of law, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the payment, or any repayment, of the bonus, incentive pay, special pay, or similar payment under such provision of law.

SEC. 674. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO DEPLOYABLE SHIPS OR MOBILE UNITS OR TO OTHER DESIGNATED DUTY.

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

"(B) This subsection applies to any of the following:

"(i) A member who serves on active duty for a continuous period of at least 120 days in an area in

which the member is entitled to special pay under section 310(a) of title 37.

"(ii) A member who is assigned to —

"(I) a deployable ship or mobile unit; or

"(II) other duty that is designated for the purpose of this subsection.".

SEC. 675. ARMY RECRUITING PILOT PROGRAM TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT.

(a) REFERRAL BONUS AUTHORIZED.—The Secretary of the Army may pay a bonus under this section to a member of the Army who refers, to an Army recruiter, a person who has not previously served in an armed force and who, after such referral, enlists in the Regular Army or the Army Reserve. The referral may occur when a member contacts a recruiter on behalf of an interested person or when the interested person contacts the recruiter and informs the recruiter of the member's role in initially recruiting the person.

(b) AMOUNT OF BONUS; TIME FOR PAYMENT.—A referral bonus under this section may not exceed $1,000 and may not be paid to the member making the referral unless and until the enlistee completes basic training and individual advanced training. The bonus shall be paid in a lump sum.

(c) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(d) CERTAIN MEMBERS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member may not receive a referral bonus under this section for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member serving in a recruiting or retention assignment or assigned to other duties regarding which eligibility for a referral bonus could be perceived as creating a conflict of interest may not receive a referral bonus.

(e) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which referral bonuses are offered under this section, the Secretary of the Army may not provide more than 1,000 referral bonuses.

(f) DURATION OF AUTHORITY.—A referral bonus may not be paid under this section with respect to any referral made after December 31, 2007.

SEC. 676. SPECIAL COMPENSATION FOR RESERVE COMPONENT MEMBERS WHO ARE ALSO TOBACCO FARMERS ADVERSELY AFFECTED BY TERMS OF TOBACCO QUOTA BUYOUT.

(a) FINDINGS.—Congress finds the following:

(1) The dispute resolution mechanism provided in section 624(b) of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518c), which was intended to help tobacco producers in hardship circumstances, is not likely to provide relief to tobacco producers who are also members of the reserve components of the Armed Forces and were called or ordered to active duty for extended deployment.

(2) The special compensation provided under this section addresses a unique situation and does not set a precedent for other persons seeking exceptions to the eligibility requirements for payments under such Act.

(b) AVAILABILITY OF COMPENSATION.—Subject to subsection (c), the Secretary of Defense shall make a payment under this section to any member of a reserve component whose eligibility for a payment under section 623 of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518b) as a producer of quota tobacco was adversely affected, or whose payment amount under such section was determined using a variable payment rate

specified in subparagraph (B) or (C) of subsection (d)(3) of such section, because the member was serving on active duty under a call or order to active duty for a period of more than 30 days during any of the tobacco marketing years specified in subparagraph (A) of such subsection.

(c) RESTRICTION TO MEMBERS WHO ARE LONG-TIME TOBACCO GROWERS.—To be eligible for a payment under this section, a member described in subsection (b) must have been a producer of quota tobacco (as defined in section 621 of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518a)) during at least two of the three tobacco marketing years before the 2002 marketing year.

(d) AMOUNT OF PAYMENT.—The amount of the payment required under this section for a member shall be equal to 70 percent of the difference between—

(1) the amount the member will receive under section 623 of the Fair and Equitable Tobacco Reform Act of 2004; and

(2) the amount that the member would have likely received under such section had the member remained a full-time producer of quota tobacco and not been called or ordered to active duty.

(e) CALCULATION OF PAYMENT AMOUNT.—The Secretary of Defense shall make the calculation required by

subsection (c) in consultation with the Secretary of Agriculture.

SEC. 677. COMPTROLLER GENERAL REPORT REGARDING COMPENSATION AND BENEFITS FOR RESERVE COMPONENT MEMBERS.

(a) REPORT REQUIRED.—The Comptroller General shall prepare a report reviewing the terms and elements of reserve compensation, benefit, and personnel support programs, including the retirement system.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall address at a minimum the following:

(1) The effectiveness and adequacy of compensation and benefit programs, income protection for members of the reserve components called to active duty, family support programs, health care access, and other programs of interest to such members.

(2) The need for these programs to be improved, including such recommendations as the Comptroller General considers appropriate for achieving needed improvements.

(3) A comparison of these programs to similar programs conducted for the benefit of regular forces to determine if the reserve programs are fair and equitable given the increased contributions by reserve

component forces to the defense of the United States.

(4) An examination of the differences in benefits and protections provided to reservists who are called to serve under different authorities, including title 10, United States Code, title 32, United States Code, and State active duty.

(5) The need for benefits and protections to be made consistent regardless of the authority under which members of the reserve components are called to serve, including such recommendations as the Comptroller General considers appropriate for achieving that objective.

(c) RELATIONSHIP TO OTHER STUDIES AND REPORTS.—To the extent that an issue required to be addressed by subsection (b) is also the subject of other studies or reports being prepared by the Comptroller General, the Comptroller General may drop the issue from this report to avoid duplication of effort.

(d) SUBMISSION OF REPORT.—The Comptroller General shall submit the report to the congressional defense committees not later than March 31, 2006.

SEC. 678. REPORT ON SPACE-AVAILABLE TRAVEL FOR CERTAIN DISABLED VETERANS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility of providing transportation on Department of Defense aircraft on a space-available basis for any veteran with a service-connected disability rating of 50 percent or higher. The Secretary of Defense shall prepare the report in consultation with the Secretary of Veterans Affairs.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Tricare Program Improvements

Sec. 701. Services of mental health counselors.
Sec. 702. Additional information required by surveys on TRICARE standard.
Sec. 703. Enhancement of TRICARE coverage for members who commit to continued service in the selected reserve.
Sec. 704. Study and plan relating to chiropractic health care services.
Sec. 705. Surviving-dependent eligibility under TRICARE dental plan for surviving spouses who were on active duty at time of death of military spouse.
Sec. 706. Exceptional eligibility for TRICARE prime remote.

Subtitle B—Other Matters

Sec. 711. Authority to relocate patient safety center; renaming MedTeams Program.
Sec. 712. Modification of health care quality information and technology enhancement reporting requirement.
Sec. 713. Correction to eligibility of certain Reserve officers for military health care pending active duty following commissioning.
Sec. 714. Prohibition on conversions of military medical positions to civilian medical positions until submission of certification.
Sec. 715. Clarification of inclusion of dental care in medical readiness tracking and health surveillance program.
Sec. 716. Cooperative outreach to members and former members of the naval service exposed to environmental factors related to sarcoidosis.
Sec. 717. Early identification and treatment of mental health and substance abuse disorders.
Sec. 718. Mental health awareness for dependents.

Sec. 719. Study relating to predeployment and postdeployment medical exams of certain members of the Armed Forces.

Subtitle A—Tricare Program Improvements

SEC. 701. SERVICES OF MENTAL HEALTH COUNSELORS.

(a) REIMBURSEMENT OF MENTAL HEALTH COUNSELORS UNDER TRICARE.—

(1) REIMBURSEMENT UNDER TRICARE.—Section 1079(a)(8) of title 10, United States Code, is amended—

(A) by inserting ''or licensed or certified mental health counselors'' after ''certified marriage and family therapists'' both places it appears; and

(B) by inserting ''or licensed or certified mental health counselors'' after ''that the therapists.''

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Section 1079(a)(13) of such title is amended by inserting '', licensed or certified mental health counselor, '' after ''certified marriage and family therapist''.

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the

National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

(2) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094 (e)(2) of title 10, United States Code, is amended by inserting ''mental health counselor,'' after ''psychologist,''.

SEC. 702. ADDITIONAL INFORMATION REQUIRED BY SURVEYS ON TRICARE STANDARD.

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended by adding at the end the following new paragraph:

''(4) Surveys required by paragraph (1) shall include questions seeking to determine from health care providers the following:

''(A) Whether the provider is aware of the TRICARE program.

''(B) What percentage of the provider's current patient population uses any form of TRICARE.

''(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care services.

"(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.".

SEC. 703. ENHANCEMENT OF TRICARE COVERAGE FOR MEMBERS WHO COMMIT TO CONTINUED SERVICE IN THE SELECTED RESERVE.

(a) EXTENSION OF COVERAGE FOR MEMBERS RECALLED TO ACTIVE DUTY.—Section 1076d of title 10, United States Code, is amended—

(1) in subsection (b), by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of a member recalled to active duty before the period of coverage for which the member is eligible under subsection (a) terminates, the period of coverage of the member—

"(A) resumes after the member completes the subsequent active duty service (subject to any additional entitlement to care and benefits under section 1145(a) of this title that is based on the same subsequent active duty service); and

"(B) increases by any additional period of coverage for which the member is eligible under sub-

section (a) based on the subsequent active duty service.'';

(2) in subsection (b)(2), by striking ''Unless earlier terminated under paragraph (3)'' and inserting ''Subject to paragraph (3) and unless earlier terminated under paragraph (4)''; and

(3) in subsection (f), by adding at the end the following new paragraph:

''(3) The term 'member recalled to active duty' means, with respect to a member who is eligible for coverage under this section based on a period of active duty service, a member who is called or ordered to active duty for an additional period of active duty subsequent to the period of active duty on which that eligibility is based.''.

(b) EXTENSION OF COVERAGE FOR MEMBERS FACING INVOLUNTARY RETIREMENT.—Section 1076d of such title is amended in subsection (b)(4), as redesignated by subsection (a)(1)—

(1) by striking ''Eligibility'' and inserting ''(A) Except as provided in subparagraphs (B) and (C), eligibility''; and

(2) by adding at the end the following:

''(B) In the case of a member who is separated from the Selected Reserve during a period of coverage for which

the member is eligible under subsection (a) and whose separation is a qualifying involuntary separation, that period of coverage shall not terminate on account of the separation. For purposes of the preceding sentence, a qualifying involuntary separation is involuntary retirement, involuntary transfer to the Retired Reserve, or discharge while qualified for transfer to the Retired Reserve when required by law or regulation to be either transferred to the Retired Reserve or discharged.''.

(c) CONTINUED ELIGIBILITY FOR MEMBERS IN THE INDIVIDUAL READY RESERVE.—Section 1076d of such title is amended in subsection (b)(4), as redesignated by subsection (a)(1), by adding at the end the following:

''(C) Subparagraph (A) shall not apply in special circumstances prescribed by the Secretary, including continued service by a member in the Individual Ready Reserve.''.

(d) SPECIAL RULE FOR MOBILIZED MEMBERS OF INDIVIDUAL READY RESERVE FINDING NO POSITION IN SELECTED RESERVE.—Section 1076d of such title is amended by adding at the end of subsection (b) (as amended by this section) the following new paragraph:

''(5) In the case of a member of the Individual Ready Reserve who meets the requirements for eligibility for health benefits under TRICARE Standard under sub-

section (a) except for membership in the Selected Reserve, the period of coverage under this section may begin not later than one year after coverage would otherwise begin under this section had the member been a member of the Selected Reserve, if the member finds a position in the Selected Reserve during that one-year period.''.

(e) ELIGIBILITY OF FAMILY MEMBERS FOR 6 MONTHS FOLLOWING DEATH OF MEMBER.—Section 1076d(c) of such title is amended by adding at the end the following: ''If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage shall continue for six months beyond the date of death of the member.''

(f) OTHER AMENDMENTS.—Section 1076d of such title is amended—

(1) in subsection (a)(2), by striking ''on or before the date of the release'' and inserting ''not later than 120 days after release''; and

(2) by amending subsection (f)(2) to read as follows:

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

"(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

SEC. 704. STUDY AND PLAN RELATING TO CHIROPRACTIC HEALTH CARE SERVICES.

(a) STUDY REQUIRED.—

(1) GROUPS COVERED.—The Secretary of Defense shall conduct a study of providing chiropractic health care services and benefits to the following groups:

(A) All members of the uniformed services on active duty and entitled to care under section 1074(a) of title 10, United States Code.

(B) All members described in subparagraph (A) and their eligible dependents, and all members of reserve components of the uniformed services and their eligible dependents.

(C) All members or former members of the uniformed services who are entitled to retired or retainer pay or equivalent pay and their eligible dependents.

(2) MATTERS EXAMINED.—For each group listed in subparagraphs (A), (B), and (C), the study

shall examine the following with respect to chiropractic health care services and benefits:

(A) The cost of providing such services and benefits.

(B) The feasibility of providing such services and benefits.

(C) An assessment of the health care benefits of providing such services and benefits.

(D) An estimate of the potential cost savings of providing such services and benefits in lieu of other medical services.

(3) SPACE AVAILABLE COSTS.—The study shall also include a detailed analysis of the projected costs of providing chiropractic health care services on a space available basis in the military treatment facilities currently providing chiropractic care under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106–398; 10 U.S.C. 1092 note).

(4) ELIGIBLE DEPENDENTS DEFINED.—In this section, the term ''eligible dependent'' has the meaning given that term in section 1076a(k) of title 10, United States Code.

(b) PLAN REQUIRED.—Not later than March 31, 2006, the Secretary of Defense shall revise the plan re-

quired under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106–398; 10 U.S.C. 1092 note), including a detailed analysis of the projected costs, to provide chiropractic health care services and benefits as a permanent part of the Defense Health Program (including the TRICARE program) as required under that section.

(c) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary of Defense shall submit a report on the study required under subsection (a), together with the plan required under subsection (b), to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 705. SURVIVING-DEPENDENT ELIGIBILITY UNDER TRICARE DENTAL PLAN FOR SURVIVING SPOUSES WHO WERE ON ACTIVE DUTY AT TIME OF DEATH OF MILITARY SPOUSE.

Section 1076a(k) of title 10, United States Code, is amended to read as follows:

"(k) ELIGIBLE DEPENDENT DEFINED.—(1) In this section, the term 'eligible dependent' means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(2) Such term includes any such dependent of a member who dies while on active duty for a period of more

than 30 days or a member of the Ready Reserve if, on the date of the death of the member, the dependent—

"(A) is enrolled in a dental benefits plan established under subsection (a); or

"(B) if not enrolled in such a plan on such date—

"(i) is not enrolled by reason of a discontinuance of a former enrollment under subsection (f); or

"(ii) is not qualified for such enrollment because—

"(I) the dependent is a child under the minimum age for such enrollment; or

"(II) the dependent is a spouse who is a member of the armed forces on active duty for a period of more than 30 days.

"(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death.".

SEC. 706. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME REMOTE.

Section 1079(p) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

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

''(4) The Secretary of Defense may provide for coverage of a dependent referred to in subsection (a) who is not described in paragraph (3) if the Secretary determines that exceptional circumstances warrant such coverage.''.

Subtitle B—Other Matters

SEC. 711. AUTHORITY TO RELOCATE PATIENT SAFETY CENTER; RENAMING MEDTEAMS PROGRAM.

(a) REPEAL OF REQUIREMENT TO LOCATE THE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN THE ARMED FORCES INSTITUTE OF PATHOLOGY .—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654–196) is amended by striking ''within the Armed Forces Institute of Pathology''.

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

SEC. 712. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORTING REQUIREMENT.

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

"(1) Measures of the quality of health care furnished.

"(2) Population health.

"(3) Patient safety.

"(4) Patient satisfaction.

"(5) The extent of use of evidence-based health care practices.

"(6) The effectiveness of biosurveillance in detecting an emerging epidemic.".

SEC. 713. CORRECTION TO ELIGIBILITY OF CERTAIN RESERVE OFFICERS FOR MILITARY HEALTH CARE PENDING ACTIVE DUTY FOLLOWING COMMISSIONING.

(a) CORRECTION.—Clause (iii) of section 1074(a)(2)(B) of title 10, United States Code, is amended by inserting before the semicolon the following: "or the orders have been issued but the member has not entered active duty".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of November 24, 2003, and as if included in the enactment of paragraph (2) of section 1074(a) of title 10, United States Code, by section 708 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1530).

SEC. 714. PROHIBITION ON CONVERSIONS OF MILITARY MEDICAL POSITIONS TO CIVILIAN MEDICAL POSITIONS UNTIL SUBMISSION OF CERTIFICATION.

(a) PROHIBITION ON CONVERSIONS.—A Secretary of a military department may not convert any military medical position to a civilian medical position until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a certification that the conversions within that department will not increase cost or decrease quality of care or access to care. Such a certification may not be submitted before April 1, 2006. A Secretary submitting such a certification shall include with the certification a report in writing setting forth the methodology used by the Secretary in making the determinations necessary for the certification, including the extent to which the Secretary took into consideration the findings of the Comptroller General in the report under subsection (d).

(b) REQUIREMENT FOR STUDY.—The Comptroller General shall conduct a study on the effect of conversions of military medical positions to civilian medical positions on the defense health program.

(c) MATTERS COVERED.—The study shall include the following:

(1) The number of military medical positions, by grade and specialty, planned for conversion to civilian medical positions.

(2) The number of military medical positions, by grade and specialty, converted to civilian medical positions since October 1, 2004.

(3) The ability of the military health care system to fill the civilian medical positions required, by specialty.

(4) The degree to which access to health care is affected in both the direct and purchased care system, including an assessment of the effects of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of lack of direct care providers.

(5) The degree to which changes in military manpower requirements affect recruiting and retention of uniformed medical personnel.

(6) The effect of the conversions of military medical positions to civilian medical positions on the defense health program, including costs associated with the conversions, with a comparison of the estimated costs versus the actual costs incurred by the number of conversions since October 1, 2004.

(7) The effectiveness of the conversions in enhancing medical readiness, health care efficiency, productivity, quality, and customer satisfaction.

(d) REPORT.—Not later than March 1, 2006, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''military medical position'' means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

SEC. 715. CLARIFICATION OF INCLUSION OF DENTAL CARE IN MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM.

(a) INCLUSION OF DENTAL CARE.—Subtitle D of title VII of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 1074 note) is amended by adding at the end the following new section:

"SEC. 740. INCLUSION OF DENTAL CARE.

''For purposes of the plan, this title, and the amendments made by this title, references to medical readiness, health status, and health care shall be considered to include dental readiness, dental status, and dental care.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of title VII of such Act and in section 2(b) of such Act are each amended by inserting after the item relating to section 740 the following:

''Sec. 740. Inclusion of dental care.''.

SEC. 716. COOPERATIVE OUTREACH TO MEMBERS AND FORMER MEMBERS OF THE NAVAL SERVICE EXPOSED TO ENVIRONMENTAL FACTORS RELATED TO SARCOIDOSIS.

(a) OUTREACH PROGRAM REQUIRED.—The Secretary of the Navy, in coordination with the Secretary of Veterans Affairs, shall conduct an outreach program to contact all members and former members of the naval

service who, in connection with service aboard Navy ships may have been exposed to aerosolized particles resulting from the removal of nonskid coating used on those ships.

(b) PURPOSES OF OUTREACH PROGRAM.—The purposes of the outreach program are as follows:

(1) To develop additional data for use in subsequent studies aimed at determining a causative link between sarcoidosis and military service.

(2) To inform members and former members identified in subsection (a) of the findings of Navy studies identifying an association between service aboard certain naval ships and sarcoidosis.

(3) To assist members and former members identified in subsection (a) in getting medical evaluations to help clarify linkages between their disease and their service aboard Navy ships.

(4) To ensure the Department of Veterans Affairs has data and information for the effective evaluation of veterans who may seek care for sarcoidosis.

(c) IMPLEMENTATION.—The Secretary of the Navy shall begin the outreach program not later than six months after the date of the enactment of this act and provide to the Committees on Armed Services of the Senate and the House of Representatives a report on the re-

sults of the outreach programs not later than one year after beginning the program.

SEC. 717. EARLY IDENTIFICATION AND TREATMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

(a) AUTHORITY.—The Secretary of Defense may carry out activities to foster the early identification and treatment of mental health and substance abuse problems experienced by members of the Armed Forces, with special emphasis on members who have served in a theater of combat operations within the preceding 12 months.

(b) ACTIVITIES.—The activities carried out by the Secretary under subsection (a) may include the conduct of a series of campaigns that uses internal mass media (including radio and television) communications and other education tools to change attitudes within the Armed Forces regarding mental health and substance abuse treatment, with the aim of lessening the stigma associated with mental health and substance abuse problems and the treatment of such problems, including the development of pertinent messaging targeted to—

(1) members of the Armed Forces who may be experiencing mental health or substance abuse problems and their family members;

(2) commanders and supervisory personnel; and

(3) peers of members of the Armed Forces who may be experiencing mental health or substance abuse problems or be at risk of such problems.

SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.

(a) PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(b) MATTERS COVERED.—The program developed under subsection (a) shall be designed to—

(1) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(2) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(3) increase awareness of mental health issues that may arise in dependents referred to in paragraphs (1) and (2) whose sponsor is deployed to a combat theater.

(c) COORDINATION.—The Secretary may permit the Department of Defense to coordinate the program developed under subsection (a) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(d) AVAILABILITY IN OTHER LANGUAGES.—The Secretary shall evaluate whether effectiveness of the program developed under subsection (a) would be improved by providing materials in languages other than English and take action accordingly

(e) REPORT.—Not later than one year after implementation of the program developed under subsection (a), the Secretary shall submit to Congress a report on the effectiveness of the program, including the extent to which the program is used by low-English-proficient individuals.

SEC. 719. STUDY RELATING TO PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMS OF CERTAIN MEMBERS OF THE ARMED FORCES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study of the effectiveness of self-administered surveys included in predeployment and postdeployment medical exams of members of the Armed Forces that are carried

1 out as part of the medical tracking system required under
2 section 1074f of title 10, United States Code.

3 TITLE VIII—ACQUISITION POL-
4 ICY, ACQUISITION MANAGE-
5 MENT, AND RELATED MAT-
6 TERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Requirement for certification by Secretary of Defense before major defense acquisition program may proceed to Milestone B.
Sec. 802. Requirement for analysis of alternatives to major defense acquisition programs.
Sec. 803. Authority for Secretary of Defense to revise baseline for major defense acquisition programs.

Subtitle B—Acquisition Policy and Management

Sec. 811. Applicability of statutory executive compensation cap made prospective.
Sec. 812. Use of commercially available online services for Federal procurement of commercial items.
Sec. 813. Contingency contracting corps.
Sec. 814. Requirement for contracting operations to be included in interagency planning related to stabilization and reconstruction.
Sec. 815. Statement of policy and report relating to contracting with employers of persons with disabilities.
Sec. 816. Study on Department of Defense contracting with small business concerns owned and controlled by service-disabled veterans.
Sec. 817. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 818. Buy American requirement for procurements of goods containing components.
Sec. 819. Domestic source restriction for lithium ion cells and batteries.
Sec. 820. Prohibition on defense contractors requiring licenses or fees for use of military likenesses and designations.
Sec. 820A. Establishment of evaluation factor for defense contractors employing or subcontracting with members of the selected Reserve of the reserve components of the Armed Forces.

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

Sec. 821. Increased flexibility for designation of critical acquisition positions in defense acquisition workforce.
Sec. 822. Participation by Department of Defense in acquisition workforce training fund.
Sec. 823. Increase in cost accounting standard threshold.
Sec. 824. Amendments to domestic source requirements relating to clothing materials and components covered.

Sec. 825. Rapid acquisition authority to respond to defense intelligence community emergencies.

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. REQUIREMENT FOR CERTIFICATION BY SECRETARY OF DEFENSE BEFORE MAJOR DEFENSE ACQUISITION PROGRAM MAY PROCEED TO MILESTONE B.

(a) CERTIFICATION REQUIREMENT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366 the following new section:

"§ 2366a. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval

"(a) CERTIFICATION.—A major defense acquisition program may not receive Milestone B approval, or Key Decision Point B approval in the case of a space program, until the Secretary of Defense certifies that—

"(1) the technology in the program has been demonstrated in a relevant environment;

"(2) the program demonstrates a high likelihood of accomplishing its intended mission;

"(3) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during

the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

"(4) the program is affordable when considering the ability of the Department of Defense to accomplish the program's mission using alternative systems;

"(5) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program; and

"(6) the program complies with all relevant policies, regulations, and directives of the Department of Defense.

"(b) SUBMISSION TO CONGRESS.—The certification required under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees at least 30 days before approval of Milestone B or Key Decision Point B.

"(c) WAIVER FOR NATIONAL SECURITY.—The Secretary may waive the applicability of the certification requirement under subsection (a) to a major defense acquisition program if the Secretary determines that, but for such a waiver, the Department would be unable to meet

national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination, and the reasons for the determination, in writing to the congressional defense committees within 30 days after authorizing the waiver.

''(d) NONDELEGATION.—The Secretary may not delegate the certification requirement under subsection (a) or the authority to waive such requirement under subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

''(2) The term 'Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.

''(3) The term 'Key Decision Point B' means the official program initiation of a National Security Space program of the Department of Defense, which triggers a formal review to determine maturity of technology and the program's readiness to begin the preliminary system design.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366 the following new item:

"2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.".

SEC. 802. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES TO MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS OF ALTERNATIVES REQUIREMENT.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

"§ 2433a. Analysis of alternatives

"(a) REQUIREMENT IF UNIT COSTS EXCEED 15 PERCENT.—If the percentage increase in the program acquisition unit cost or procurement unit cost of a major defense acquisition program (as determined by the Secretary concerned under section 2433(d)(3) of this title) exceeds 15 percent, then the Secretary concerned shall initiate an analysis of alternatives for the major defense acquisition program, in accordance with this section.

"(b) MATTERS COVERED IN ANALYSIS OF ALTERNATIVES.—An analysis of alternatives for a major defense acquisition program shall include, at a minimum, the following:

"(1) Projected cost to complete the program if current requirements are not modified.

"(2) Projected cost to complete the program based on potential modifications to the requirements.

"(3) Projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and manufacturing efficiencies.

"(4) Projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

"(5) Projected cost for an alternative system or capability.

"(c) COMPLETION AND SUBMISSION TO CONGRESS.—With respect to any analysis of alternatives initiated under this section, the Secretary—

"(1) shall complete the analysis not later than 1 year after the date of initiation; and

"(2) shall submit the analysis to the congressional defense committees not later than 30 days after the date of completion.".

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

"2433a. Analysis of alternatives.".

SEC. 803. AUTHORITY FOR SECRETARY OF DEFENSE TO REVISE BASELINE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORITY.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating clauses (i) through (iv) of subparagraph (A) as subclauses (I) through (IV), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii); and

(3) by inserting after ''the Secretary of Defense shall'' the following: ''either (A) return the program to Milestone B or to Key Decision Point B in the case of a space system, conduct a re-baseline for the program under section 2435(d), and notify the congressional defense committees of such return and revision, or (B)''.

(b) BASELINE DESCRIPTION.—Section 2435(a)(1) of such title is amended by adding at the end the following: ''The baseline shall be the baseline used for all purposes under this chapter.''.

(c) RE-BASELINE AUTHORIZED.—Section 2435 of such title is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

''(d) RE-BASELINING.—

''(1) RE-BASELINE AUTHORIZED.—For purposes of this chapter, a baseline for a major defense acquisition program may be re-baselined only if a percentage increase in program acquisition unit cost or procurement unit cost of the program exceeding 25 percent occurs (as determined by the Secretary under section 2433(d)).

''(2) NOTIFICATION TO CONGRESS OF RE-BASELINING.—The Secretary shall notify the congressional defense committees not later than 30 days after a re-baselining has been conducted for a major defense acquisition program.''.

Subtitle B—Acquisition Policy and Management

SEC. 811. APPLICABILITY OF STATUTORY EXECUTIVE COMPENSATION CAP MADE PROSPECTIVE.

(a) PROSPECTIVE APPLICABILITY OF EXECUTIVE COMPENSATION CAP.—Section 808(e)(2) of Public Law 105–85 (41 U.S.C. 435 note; 111 Stat. 1838) is amended by striking ''before, on,'' and inserting ''on''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in Public Law 105–85 as enacted.

SEC. 812. USE OF COMMERCIALLY AVAILABLE ONLINE SERVICES FOR FEDERAL PROCUREMENT OF COMMERCIAL ITEMS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to include provisions that require the head of an executive agency, to the maximum extent practicable, to use commercially available online procurement services to purchase commercial items, including those procurement services that allow the agency to conduct reverse auctions.

(b) REPORT.—Not later than one year after the revisions to the Federal Acquisition Regulation are issued pursuant to subsection (a), the Administrator for Federal Procurement Policy shall submit to the Committees on Governmental Affairs and Homeland Security and on Armed Services of the Senate and the Committees on Government Reform and on Armed Services of the House of Representatives a report on the use of commercially available online procurement services. The report shall include—

(1) a list of the executive agencies that have used commercially available online procurement services, and the number of times each has so used such services;

(2) a list of the types of commercially available online procurement services used by each executive agency and the dollar value of the procurements conducted through each type of commercially available online procurement service; and

(3) the Administrator's recommendations for further encouraging the use of commercially available online procurement services, particularly those that afford the Federal Government the opportunity to conduct reverse auctions.

(c) DEFINITIONS.—In this section:

(1) The term ''commercially available online procurement services'', with respect to procurement by executive agencies, includes reverse auctions and other services accessible on the Internet that allow executive agencies to purchase commercial items from electronic catalogs and offerors to bid for delivery orders of such items.

(2) The term ''reverse auction'', with respect to procurement by executive agencies, means a method of soliciting offers on the Internet for commercial

items, not including construction-related services, in which—

(A) firms compete against each other on the Internet in real time and in an open and interactive environment; and

(B) each firm's identity and pricing are safeguarded.

(3) The term ''Federal Acquisition Regulation'' means the single Government-wide procurement regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421).

(4) The terms ''executive agency'', ''commercial item'', and ''procurement'' have the meanings provided those terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

SEC. 813. CONTINGENCY CONTRACTING CORPS.

(a) REQUIREMENT TO ESTABLISH CONTINGENCY CONTRACTING CORPS.—

(1) REQUIREMENT.—The Secretary of Defense shall establish a contingency contracting corps, to be implemented, subject to the authority, direction, and control of the Secretary, through a joint policy devel-

oped by the Chairman of the Joint Chiefs of Staff, in accordance with this section.

(2) HEAD OF CORPS.—The policy shall provide that the corps shall be directed by a senior commissioned officer with appropriate acquisition experience and qualifications, who shall report directly to the commander of the combatant command in whose area of responsibility the corps is operating when deployed. In the case of more than one operation for which the corps is deployed, the head of the corps may delegate command authority, but any officer to whom the authority is delegated shall report directly to the commander of the combatant command concerned.

(3) OPERATION OF CORPS.—The policy shall provide that the contingency contracting corps shall conduct contingency contracting—

(A) during combat operations and use rapid acquisition authority to the maximum extent appropriate;

(B) during post-conflict operations to assist the commander of the combatant command in meeting urgent contracting requirements; and

(C) by using both deployed and non-deployed contingency contracting personnel for carrying out contingency contracting.

(4) TRAINING OF CORPS.—

(A) The policy developed under paragraph (1) shall provide for training all contingency contracting personnel in the use of law, regulations, policies, and directives related to contingency contracting operations, and shall ensure that the training is maintained for such personnel even when they are not deployed in a contingency operation.

(B) The policy shall require the training of contingency contracting personnel to include instruction from a program to be created by the Defense Acquisition University and inclusion of contingency contracting personnel in relevant wargaming and operational planning.

(C) The policy shall require contingency contracting personnel to remain proficient in contingency contracting operations during peacetime and shall allow such personnel to be used for other acquisition and contracting-related activities when not required in support of contingency contracting operations.

(D) The policy shall provide for the corps to use integrated contracting, financial, and other support systems.

(5) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. The regulations shall be developed in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, and the acquisition support agencies. The regulations shall be uniform to the maximum extent practicable among the military departments and shall address, at a minimum, applicable laws, regulations, policies, and directives related to contingency contracting.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on contingency contracting.

(2) MATTERS COVERED.—The report shall include discussions of the following:

(A) Progress in the implementation of the contingency contracting corps, in accordance with the requirements of subsection (a).

(B) The ability of the Armed Forces to support contingency contracting.

(C) The ability of commanders of combatant commands to request contingency contracting support and the ability of the military departments and the acquisition support agencies to respond to such requests and provide such support, including the availability of rapid acquisition personnel for such support.

(D) The ability of the current civilian and military acquisition workforce to deploy to combat theaters of operations and to conduct contracting activities during combat and during post-conflict, reconstruction, or other contingency operations.

(E) The effect of different periods of deployment on continuity in the acquisition process.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY CONTRACTING PERSONNEL.—The term ''contingency contracting personnel'' means members of the Armed Forces and civilian employees of the Department of Defense who are members of the defense acquisition workforce and, as part of their duties, are assigned to provide

support to contingency operations (whether deployed or not).

(2) CONTINGENCY CONTRACTING.—The term ''contingency contracting'' means all stages of the process of acquiring property or services by the Department of Defense during a contingency operation.

(3) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning provided in section 101(13) of title 10, United States Code.

(4) ACQUISITION SUPPORT AGENCIES.—The term ''acquisition support agencies'' means Defense Agencies and Department of Defense Field Activities that carry out and provide support for acquisition-related activities.

SEC. 814. REQUIREMENT FOR CONTRACTING OPERATIONS TO BE INCLUDED IN INTERAGENCY PLANNING RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) INCLUSION OF CONTRACTING OPERATIONS IN INTERAGENCY PLANNING.—The Secretary of Defense shall include contracting operations in all relevant interagency planning operations of the Department of Defense related to stabilization and reconstruction operations.

(b) SECRETARY OF DEFENSE REQUIREMENTS.—If the President designates the Department of Defense as

the executive agency with primary responsibility for contracting operations in post-conflict, stabilization, or reconstruction operations, the Secretary of Defense shall develop policy and procedures for the Department of Defense to serve as such executive agency.

(c) REPORT.—

(1) REQUIREMENT.—The Secretary of Defense and the Secretary of State shall jointly prepare a report on lessons learned from carrying out contracting operations during Operation Iraqi Freedom.

(2) MATTERS COVERED.—The report shall address the following with respect to such activities:

(A) Development of an appropriate acquisition planning strategy before obligation of funds, including the scope of planned contracting operations, project management, logistics, and financial considerations.

(B) Flow of appropriated funds.

(C) Ability to obtain military and civilian acquisition workforce personnel.

(D) Ability to obtain country clearances for such personnel.

(E) Ability to reprogram funds and to coordinate interagency activities.

(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the report shall be submitted to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 815. STATEMENT OF POLICY AND REPORT RELATING TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) EXTENSIONS OF INAPPLICABILITY OF CERTAIN ACTS.—Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) is amended in subsections (a)(2) (A) and (b)(2)(A) by striking ''2005'' and inserting ''2006''.

(b) STATEMENT OF POLICY.—The Secretary of Defense and the Secretary of Education shall jointly issue a statement of policy related to the implementation of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-Wagner-O'Day Act (41 U.S.C. 48) within the Department of Defense and the Department of Education. The joint statement of policy shall specifically address the application of those Acts to both operation and management of all or any part of a military mess hall, military troop dining facility, or any similar dining facility operated

for the purpose of providing meals to members of the Armed Forces, and shall take into account and address, to the extent practicable, the positions acceptable to persons representing programs implemented under each Act.

(c) REPORT.—Not later than April 1, 2006, the Secretary of Defense and the Secretary of Education shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report describing the joint statement of policy issued under subsection (b), with such findings and recommendations as the Secretaries consider appropriate.

SEC. 816. STUDY ON DEPARTMENT OF DEFENSE CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on Department of Defense procurement contracts with small business concerns owned and controlled by service-disabled veterans.

(b) ELEMENTS OF STUDY.—The study required by subsection (a) shall include the following determinations:

(1) Any steps taken by the Department of Defense to meet the Government-wide goal of participation by small business concerns owned and controlled by service-disabled veterans in at least 3 percent of the total value of all prime contract and subcontract awards, as required under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) If the Department of Defense has failed to meet such goal, an explanation of the reasons for such failure.

(3) Any steps taken within the Department of Defense to make contracting officers aware of the 3 percent goal and to ensure that procurement officers are working actively to achieve such goal.

(4) The number of small business concerns owned and controlled by service-disabled veterans which submitted offers on contracts with the Department of Defense during the preceding fiscal year.

(5) Any outreach efforts made by the Department to enter into contracts with small business concerns owned and controlled by service-disabled veterans.

(6) Any such outreach efforts the Department could make but has not made.

(7) Whether, in awarding subcontracts, prime contractors are aware of the preference for small business concerns owned and controlled by service-disabled veterans under section 36 of the Small Business Act (15 U.S.C. 657f).

(8) Any plans of the Department of Defense to increase the percentage of Federal contracts it awards to small businesses owned and controlled by service-disabled veterans.

(c) REPORT.—Not later than the date that is six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study conducted under this section.

(d) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—In this section, the term ''small business concern owned and controlled by service-disabled veterans'' has the meaning given that term in section 3(q) of the Small Business Act (15 U.S.C. 632(q)).

SEC. 817. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—The Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the govern-

ment of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the issue before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(c) SUBCONTRACTS AND TASK ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders at any tier issued under the contract.

(d) DEFINITIONS.—In this section:

(1) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(e) APPLICABILITY.—

(1) PROGRAMS WITH MILESTONE B APPROVAL NOT COVERED.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) The term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(B) The term ''Milestone B approval'' has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 818. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), with respect to any manufactured end product procured by the Department of Defense—

(1) the end product shall be manufactured in the United States; and

(2) the cost of components of the end product that are mined, produced, or manufactured inside the United States shall exceed 50 percent of the cost of all components of the end product.

(b) AGREEMENT DESCRIBED.—An agreement referred to in subsection (a) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act (41 U.S.C. 10a et seq.) for certain products in that country.

SEC. 819. DOMESTIC SOURCE RESTRICTION FOR LITHIUM ION CELLS AND BATTERIES.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) LITHIUM ION CELLS AND BATTERIES.—Lithium ion cells and batteries and manufacturing technology for lithium ion cells and batteries.".

SEC. 820. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

(a) IN GENERAL.—The Secretary of Defense shall require that any contract entered into by the Department of Defense include a provision prohibiting the contractor

from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

(b) LIMITATION TO UNITED STATES COMPANIES.—Subsection (a) applies only with respect to toy and hobby manufacturers, distributors, or merchants incorporated in or organized under the laws of the United States.

SEC. 820A. ESTABLISHMENT OF EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) DEFENSE CONTRACTS.—In awarding any contract for the procurement of goods or services, the Department of Defense, when considering source selection criteria, shall use as an evaluation factor whether entities intend to carry out the contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces.

(b) DOCUMENTATION OF SELECTED RESERVE-RELATED EVALUATION FACTOR.—Any entity claiming intent to carry out a contract using employees or individual subcontractors for goods and services who are members of

the Selected Reserve of the reserve components of the Armed Forces shall be required to document to the Department of Defense the number (and names, if requested) of such members of the Selected Reserve that the entity will employ, or execute personal services contracts with, for the contract in question.

(c) NATIONAL SECURITY WAIVER.—The Secretary of the military department concerned, or, in the case of contracts which are not negotiated by a military department, the Secretary of Defense, may waive the requirement in subsection (a) with respect to a contract if the Secretary concerned determines that the waiver is necessary for reasons of national security.

(d) REGULATIONS.—The Federal Acquisition Regulation shall be revised as necessary to implement this section.

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

SEC. 821. INCREASED FLEXIBILITY FOR DESIGNATION OF CRITICAL ACQUISITION POSITIONS IN DEFENSE ACQUISITION WORKFORCE.

Subparagraph (A) of section 1733(b)(1) of title 10, United States Code, is amended to read as follows:

"(A) Any acquisition position that is required to be filled by a senior civilian employee in the National Security Personnel System or a senior commissioned officer of the Army, Navy, Air Force, or Marine Corps, as determined in accordance with guidelines prescribed by the Secretary.".

SEC. 822. PARTICIPATION BY DEPARTMENT OF DEFENSE IN ACQUISITION WORKFORCE TRAINING FUND.

(a) REQUIRED CONTRIBUTIONS TO ACQUISITION WORKFORCE TRAINING FUND BY DEPARTMENT OF DEFENSE.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended—

(1) in subparagraph (B), by striking "(other than the Department of Defense)"; and

(2) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively, and inserting after subparagraph (C) the following new subparagraph (D):

"(D) The Administrator of General Services shall transfer to the Secretary of Defense fees collected from the Department of Defense pursuant to subparagraph (B), to be used by the Defense Acquisition University for purposes of acquisition workforce training for the entire Federal acquisition workforce.".

(b) CONFORMING AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 37(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by striking ''This section'' and inserting ''Except as provided in subsection (h)(3), this section''.

(2) PUBLIC LAW 108–136.—Section 1412 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1664) is amended by striking subsection (c).

(c) DEFENSE ACQUISITION UNIVERSITY FUNDING.—Amounts transferred under section 37(h)(3)(D) of the Office of Federal Procurement Policy Act (as amended by subsection (a)) for use by the Defense Acquisition University shall be in addition to other amounts authorized for the University.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 823. INCREASE IN COST ACCOUNTING STANDARD THRESHOLD.

Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(A)) is amended by striking ''$500,000'' and inserting ''$550,000''.

SEC. 824. AMENDMENTS TO DOMESTIC SOURCE REQUIREMENTS RELATING TO CLOTHING MATERIALS AND COMPONENTS COVERED.

(a) NOTICE.—Section 2533a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subparagraph (B), (C), (D), or (E) of subsection (b)(1), if the Secretary of Defense or of the military department concerned applies an exception set forth in subsection (c) or (e) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).''.

(b) CLOTHING MATERIALS AND COMPONENTS COVERED.—Subsection (b) of section 2533a of title 10, United States Code, is amended in paragraph (1)(B) by inserting before the semicolon the following: ''and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof)''.

SEC. 825. RAPID ACQUISITION AUTHORITY TO RESPOND TO DEFENSE INTELLIGENCE COMMUNITY EMERGENCIES.

(a) RAPID ACQUISITION AUTHORITY.—In the case of any critical intelligence capability that, as determined in writing by the Secretary of Defense, without delegation, is urgently needed to address a demonstrable, imminent, and urgent threat to national security that would likely result in combat fatalities or grave harm to the national security of the United States, the Secretary shall use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed critical intelligence capabilities.

(b) DESIGNATION OF SENIOR OFFICIAL.—Whenever the Secretary makes a determination under subsection (a) that the rapid acquisition of critical intelligence capability is needed, the Secretary shall designate a senior official of the Department of Defense to ensure that the intelligence capability is acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the intelligence capability within 15 days after the determination is made.

(c) WAIVER AUTHORITY.—Upon designation of a senior official under subsection (b), the Secretary shall authorize that official to waive any provision of law, policy, directive, or regulation described in subsection (f) that

1 such official determines in writing would unnecessarily im-
2 pede the rapid acquisition and deployment of the needed
3 intelligence capability.

4 (d) FUNDING OF RAPID ACQUISITIONS.—The author-
5 ity of this section may not be used to acquire intelligence
6 capability in an amount aggregating more than
7 $20,000,000 during any fiscal year. For acquisitions of
8 intelligence capability under this subsection during the fis-
9 cal year in which the Secretary makes the determination
10 described in subsection (a) with respect to such intel-
11 ligence capability, the Secretary may use any funds avail-
12 able to the Department of Defense for the Joint Military
13 Intelligence Program or Tactical Intelligence and Related
14 Activities for that fiscal year.

15 (e) NOTICE TO CONGRESS.—The Secretary of De-
16 fense shall notify the congressional defense committees
17 and the Permanent Select Committee on Intelligence of
18 the House of Representatives within 15 days after each
19 determination made under subsection (a). Each such no-
20 tice shall identify in either classified or unclassified for-
21 mat, as appropriate—

22 (1) the intelligence capability to be acquired;

23 (2) the amount anticipated to be expended for
24 the acquisition; and

25 (3) the source of funds for the acquisition.

(f) WAIVER OF CERTAIN STATUTES AND REGULATIONS.—

(1) IN GENERAL.—Upon a determination described in subsection (a), the senior official designated in accordance with subsection (b) with respect to that designation is authorized to waive any provision of law, policy, directive or regulation addressing—

(A) the establishment of the requirement for the intelligence capability;

(B) the research, development, test, and evaluation of the intelligence capability; or

(C) the solicitation and selection of sources, and the award of the contract, for procurement of the intelligence capability.

(2) LIMITATION.—Nothing in this subsection authorizes the waiver of any provision of law imposing civil or criminal penalties.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Restoration of parity in pay levels among Under Secretary positions.
Sec. 902. Eligibility criteria for Director of Department of Defense Test Resource Management Center.
Sec. 903. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.
Sec. 904. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Subtitle B—Space Activities

Sec. 911. Space Situational Awareness Strategy.
Sec. 912. Military satellite communications.
Sec. 913. Operationally responsive space.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Transfer to Secretary of the Army of responsibility for assembled chemical weapons alternatives program.
Sec. 922. Clarification of Cooperative Agreement Authority under Chemical Demilitarization Program.

Subtitle D—Intelligence-Related Matters

Sec. 931. Department of Defense Strategy for Open-Source intelligence.
Sec. 932. Comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects.

Subtitle A—Department of Defense Management

SEC. 901. RESTORATION OF PARITY IN PAY LEVELS AMONG UNDER SECRETARY POSITIONS.

(a) POSITIONS OF UNDER SECRETARIES OF MILITARY DEPARTMENTS RAISED TO LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Intelligence'' the following:

''Under Secretary of the Air Force.

''Under Secretary of the Army.

''Under Secretary of the Navy.''.

(b) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking the following:

''Under Secretary of the Air Force.

''Under Secretary of the Army.

''Under Secretary of the Navy.''.

SEC. 902. ELIGIBILITY CRITERIA FOR DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(b) of title 10, United States Code, is amended to read as follows:

''(b) DIRECTOR.—At the head of the Center shall be a Director, who shall be appointed by the Secretary from among individuals who have substantial experience in the field of test and evaluation.''.

SEC. 903. CONSOLIDATION AND STANDARDIZATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) BASIC AUTHORITIES FOR REGIONAL CENTERS.—

(1) IN GENERAL.—Section 184 of title 10, United States Code, is amended to read as follows:

''§ 184. Regional Centers for Security Studies

''(a) IN GENERAL.—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

''(b) REGIONAL CENTERS SPECIFIED.—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

"(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

"(B) serves as a forum for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

"(2) The Department of Defense Regional Centers for Security Studies are the following:

"(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

"(B) The Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

"(C) The Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

"(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

"(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

"(3) No institution or element of the Department of Defense may be designated as a Department of Defense

1 Regional Center for Security Studies for purposes of this
2 section, other than the institutions specified in paragraph
3 (2), except as specifically provided by law after the date
4 of the enactment of this section.

5 ''(c) REGULATIONS.—The administration of the Re-
6 gional Centers under this section shall be carried out
7 under regulations prescribed by the Secretary.

8 ''(d) PARTICIPATION.—Participants in activities of
9 the Regional Centers may include United States military
10 and civilian personnel, governmental and nongovernmental
11 personnel, and foreign military and civilian, governmental
12 and nongovernmental personnel.

13 ''(e) EMPLOYMENT AND COMPENSATION OF FAC-
14 ULTY.—At each Regional Center, the Secretary may, sub-
15 ject to appropriations—

16 ''(1) employ a Director, a Deputy Director, and
17 as many civilians as professors, instructors, and lec-
18 turers as the Secretary considers necessary; and

19 ''(2) prescribe the compensation of such per-
20 sons, in accordance with Federal guidelines.

21 ''(f) PAYMENT OF COSTS.—(1) Participation in ac-
22 tivities of a Regional Center shall be on a reimbursable
23 basis (or by payment in advance), except in a case in
24 which reimbursement is waived in accordance with para-
25 graph (3).

"(2) For a foreign national participant, payment of costs may be made by the participant's own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant's government.

"(3) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense civilian officials from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

"(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.

"(5) Funds available for the payment of personnel expenses under the Latin American cooperation authority

set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.

"(g) SUPPORT TO OTHER AGENCIES.—The Director of a Regional Center may enter into agreements with the Secretaries of the military departments, the heads of the Defense Agencies, and, with the concurrence of the Secretary of Defense, the heads of other Federal departments and agencies for the provision of services by that Regional Center under this section. Any such participating department and agency shall transfer to the Regional Center funds to pay the full costs of the services received.

"(h) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Regional Centers for security studies during the preceding fiscal year. The annual report shall include, for each Regional Center, the following information:

"(1) The status and objectives of the center.

"(2) The budget of the center, including the costs of operating the center.

"(3) A description of the extent of the international participation in the programs of the center,

including the costs incurred by the United States for the participation of each foreign nation.

"(4) A description of the foreign gifts and donations, if any, accepted under section 2611 of this title.".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"184. Regional Centers for Security Studies.".

(b) STANDARDIZATION OF AUTHORITY FOR ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

"§ 2611. Regional Centers for Security Studies: acceptance of gifts and donations

"(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—Subject to subsection (c), the Secretary of Defense may accept, on behalf of one or more of the Regional Centers for Security Studies, a gift or donation from any source in order to defray the costs of, or enhance the operation of, one or more of the Regional Centers.

"(b) REGIONAL CENTERS.—For purposes of this section, the Regional Centers for Security Studies are the Department of Defense institutions specified in section 184(b) of this title.

"(c) LIMITATION.—(1) The Secretary may not accept a gift or donation under subsection (a) if the acceptance of the gift or donation would compromise or appear to compromise—

"(A) the ability of the Department of Defense, or any employee of the Department or member of the armed forces, to carry out the responsibility or duty of the Department in a fair and objective manner; or

"(B) the integrity of any program of the Department of Defense or any person involved in such a program.

"(2) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in paragraph (1).

"(d) CREDITING OF FUNDS.—Funds accepted by the Secretary under subsection (a) shall be credited to appropriations available to the Department of Defense for the Regional Centers. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Regional Centers for the same purposes and the same period as the appropriations with which merged.

"(e) GIFTS AND DONATIONS DEFINED.—For purposes of this section—

"(1) a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country; and

"(2) the term 'gift' includes a devise of real property or a bequest of personal property and any gift of an interest in real property.".

(2) CLERICAL AMENDMENT.—The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2611. Regional Centers for Security Studies: acceptance of foreign gifts and donations.".

(c) CONFORMING AMENDMENTS.—

(1) MARSHALL CENTER GENERAL AUTHORITY.—Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.

(2) MARSHALL CENTER GIFT AUTHORITY.—Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113) is amended—

(A) by striking subsections (a) and (b);

(B) by redesignating subsection (c) as subsection (a); and

(C) by redesignating paragraph (3) of such subsection as subsection (b) and inserting "CERTAIN NON-CITIZENS AUTHORIZED TO SERVE ON BOARD.—" before "Notwithstanding".

(3) EMPLOYMENT AND COMPENSATION AUTHORITY FOR CIVILIAN FACULTY.—Section 1595 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by striking paragraphs (3) and (5); and

(ii) by redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively; and

(B) by striking subsection (e).

(4) STATUS OF CENTER FOR HEMISPHERIC DEFENSE STUDIES.—Section 2165 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking paragraph (6); and

(ii) by redesignating paragraph (7) as paragraph (6); and

(B) by striking subsection (c).

SEC. 904. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title

10, United States Code, is amended to read as follows:

"(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.".

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: "The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.".

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking "There is a Secretary of the Navy" and inserting "There is a Secretary of the Navy and Marine Corps".

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

"CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS".

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by insert-

ing ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(d) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(e) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that office as redesignated by that subsection.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. SPACE SITUATIONAL AWARENESS STRATEGY.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Defense has the responsibility, within the executive branch, for developing the strategy and the systems of the United States for ensuring freedom to operate United States space assets affecting national security; and

(2) the foundation of any credible strategy for ensuring freedom to operate United States space assets is a comprehensive system for space situational awareness.

(b) SPACE SITUATIONAL AWARENESS STRATEGY.—

(1) REQUIREMENT.—The Secretary of Defense shall develop a strategy, to be known as the ''Space Situational Awareness Strategy'', for ensuring freedom to operate United States space assets affecting national security. The Secretary shall submit that strategy to Congress not later than April 15, 2006. The Secretary shall submit to Congress an updated, current version of the Space Situational Awareness Strategy not later than April 15 of every even-numbered year thereafter.

(2) TIME PERIOD.—The Space Situational Awareness Strategy shall cover the 20-year period from 2006 through 2025.

(3) MATTERS TO BE INCLUDED.—The Space Situational Awareness Strategy shall include the fol-

lowing (set forth for the 20-year period specified in paragraph (2) and separately for each successive five-year period beginning with 2006):

(A) A threat assessment describing the perceived threats to United States space assets affecting national security.

(B) Details for a coherent and comprehensive strategy for the United States for space situational awareness, together with a description of the systems architecture to implement that strategy in light of the threat assessment under subparagraph (A).

(C) A description of each of the individual program concepts that will make up the systems architecture described pursuant to subparagraph (B) and, for each such program concept, a description of the specific capabilities to be achieved and the threats to be abated.

(c) SPACE SITUATIONAL AWARENESS CAPABILITIES ROADMAP.—

(1) REQUIREMENT.—The Secretary of the Air Force shall develop a roadmap, to be known as the ''space situational awareness capabilities roadmap'', for the development of the systems architecture described pursuant to subsection (b)(3)(B).

(2) MATTERS TO BE INCLUDED.—The space situational awareness capabilities roadmap shall include—

(A) capabilities of all systems deployed as of mid-2005 or planned for modernization or acquisition from 2006 to 2015; and

(B) a description of recommended solutions for inadequacies in the architecture to address threats identified under subsection (b)(3)(A).

SEC. 912. MILITARY SATELLITE COMMUNICATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Military requirements for satellite communications exceed the capability of on-orbit assets as of mid-2005.

(2) To meet future military requirements for satellite communications, the Secretary of the Air Force has initiated a highly complex and revolutionary program called the Transformational Satellite Communications System (TSAT).

(3) If the program referred to in paragraph (2) experiences setbacks that prolong the development and deployment of the capability to be provided by that program, the Secretary of the Air Force must be prepared to implement contingency programs to

1 achieve interim improvements in the capabilities of
2 satellite communications to meet military require-
3 ments through upgrades to current systems.

4 (b) DEVELOPMENT OF OPTIONS.—In order to pre-
5 pare for the contingency referred to in subsection (a)(3),
6 the Director of the National Security Space Office of the
7 Department of Defense shall provide for an assessment,
8 to be conducted by an entity outside the Department of
9 Defense, to develop and compare options for individual ac-
10 quisition, and block acquisition, of the Advanced Ex-
11 tremely High Frequency space vehicles numbered 4 and
12 5, in conjunction with modifications to the current Wide-
13 band Gapfiller System program, that will accomplish the
14 following:

15 (1) Minimize nonrecurring costs.

16 (2) Improve communications-on-the-move capa-
17 bilities.

18 (3) Increase net centricity for communications.

19 (4) Increase satellite throughput.

20 (5) Increase user connectivity.

21 (6) Improve airborne communications support.

22 (c) ANALYSIS OF ALTERNATIVES REPORT.—Not
23 later than February 28, 2006, the Director of the National
24 Security Space Office shall submit to Congress a report
25 providing an analysis of alternatives with respect to the

options developed pursuant to subsection (b). The analysis of alternatives shall be prepared taking into consideration the findings and recommendations of the independent assessment conducted under subsection (b).

SEC. 913. OPERATIONALLY RESPONSIVE SPACE.

(a) JOINT OPERATIONALLY RESPONSIVE SPACE PAYLOAD TECHNOLOGY ORGANIZATION.—

(1) IN GENERAL.—The Secretary of Defense shall establish or designate an organization in the Department of Defense to coordinate joint operationally responsive space payload technology.

(2) MASTER PLAN.—The organization established or designated under paragraph (1) shall produce an annual master plan for coordination of operationally responsive space payload technology and shall coordinate resources provided to stimulate technical development of small satellite payloads. The annual master plan shall describe focus areas for development of operationally responsive space payload technology, including—

(A) miniaturization technology for satellite payloads;

(B) increased sensor acuity;

(C) concept of operations exploration;

(D) increased processor capability; and

(E) such additional matters as the head of that organization determines appropriate.

(3) REQUESTS FOR PROPOSALS.—The Secretary of Defense, acting through the Director of the Office of Force Transformation, shall award contracts, from amounts available for that purpose for any fiscal year, for technology projects that support the focus areas set out in the master plan for development of operationally responsive space payload technology.

(4) ASSESSMENT FACTORS.—In assessing any proposal submitted for a contract under paragraph (3), the Secretary shall consider —

(A) how the proposal correlates to the goals articulated in the master plan under paragraph (2) and to the National Security Space Architecture; and

(B) the probability, for the project for which the proposal is submitted, of eventual transition either to a laboratory of one of the military departments for continued development or to a joint program office for operational deployment.

(b) REPORT ON JOINT PROGRAM OFFICE FOR TACSAT.—Not later than February 28, 2006, the Sec-

retary of Defense shall submit to the congressional defense committees a report providing a plan for the creation of a joint program office for the Tactical Satellite program and for transition of that program out of the Office of Force Transformation and to the administration of the joint program office. The report shall be prepared in conjunction with the Department of Defense executive agent for space.

(c) JOINT REPORT ON CERTAIN SPACE AND MISSILE DEFENSE ACTIVITIES.—Not later than February 28, 2006, the Department of Defense executive agent for space and the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a joint report on the value of each of the following:

(1) Increased use of the Rocket Systems Launch Program for the respective missions of the Department of the Air Force and the Missile Defense Agency.

(2) An agreement between the Director of the Missile Defense Agency and the Secretary of the Air Force for eventual transition of operational control of small satellite demonstrations from the Missile Defense Agency to the Department of the Air Force.

(3) A partnership between the Missile Defense Agency and the Department of the Air Force in the development of common high-altitude and near-space assets for the respective missions of the Missile Defense Agency and the Department of the Air Force.

Subtitle C—Chemical Demilitarization Program

SEC. 921. TRANSFER TO SECRETARY OF THE ARMY OF RESPONSIBILITY FOR ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Effective January 1, 2006, the text of section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

''(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Alternatives program shall report to the Secretary of the Army.

''(2) The Secretary of the Army shall provide for that program to be managed as part of the management organization within the Department of the Army specified in section 1412(e) of Public Law 99–145 (50 U.S.C. 1521(e)).

''(b) CONTINUED IMPLEMENTATION OF PREVIOUSLY SELECTED ALTERNATIVE TECHNOLOGIES.—(1) In carrying out the destruction of lethal chemical munitions at

Pueblo Chemical Depot, Colorado, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on July 16, 2002.

"(2) In carrying out the destruction of lethal chemical munitions at Blue Grass Army Depot, Kentucky, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on February 3, 2003.".

SEC. 922. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) AGREEMENTS WITH FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C 1521(c)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in the first sentence—

(A) by inserting "and to tribal organizations of Indian tribes" after "to State and local governments"; and

(B) by inserting ''and organizations'' after ''assist those governments''

(3) by designating the text beginning ''Additionally, the Secretary '' as subparagraph (B);

(4) in the first sentence of subparagraph (B), as designated by paragraph (2), by inserting '', and with tribal organizations of Indian tribes,'' after ''with State and local governments''; and

(5) by adding at the end the following new subparagraph:

''(C) In this subparagraph, the terms 'tribal organization' and 'Indian tribes' have the meanings given those terms in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 5, 1991, and shall apply with respect to cooperative agreements entered into on or after that date.

Subtitle D—Intelligence-Related Matters

SEC. 931. DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Open-source intelligence (OSINT) is intelligence that is produced from publicly available information collected, exploited, and disseminated in a timely manner to an appropriate audience for the purpose of addressing a specific intelligence requirement.

(2) With the Information Revolution, the amount, significance, and accessibility of open-source information has exploded, but the Intelligence Community has not expanded its exploitation efforts and systems to produce open-source intelligence.

(3) The production of open-source intelligence is a valuable intelligence discipline that must be integrated in the intelligence cycle to ensure that United States policymakers are fully and completely informed.

(4) The dissemination and use of validated open-source intelligence inherently enables information sharing as it is produced without the use of sensitive sources and methods. Open-source intelligence products can be shared with the American public and foreign allies because of its unclassified nature.

(5) The National Commission on Terrorist Attacks Upon the United States, in its Final Report released on July 22, 2004, identified shortfalls in

the ability of the United States to employ all-source intelligence, a large component of which is open-source intelligence.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) advocates for coordination of the collection, analysis, production, and dissemination of open-source intelligence.

(7) The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, in its report to the President released on March 31, 2005, found ''that the need for exploiting open-source material is greater now than ever before,'' but that ''the Intelligence Community's open source programs have not expanded commensurate with either the increase in available information or with the growing importance of open source data to today's problems''.

(b) STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—

(1) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy, to be known as the ''Strategy for Open-Source Intelligence'', to be incorporated within the larger military intelligence strategy, for the purpose of inte-

grating open-source intelligence into the military intelligence cycle.

(2) SUBMISSION.—The Secretary shall submit the Strategy for Open-Source Intelligence to Congress not later than January 31, 2006.

(3) MATTERS TO BE INCLUDED.—The Strategy for Open-Source Intelligence shall include the following:

(A) An investment strategy for the development of a robust open-source intelligence capability, with particular emphasis on exploitation and dissemination.

(B) A description of how management of open-source intelligence collection is currently performed at the Department level and how it can be improved in the future.

(C) A description of the tools, systems, centers, personnel, and procedures that will be used to perform open-source intelligence tasking, collection, exploitation, and dissemination.

(D) A description of proven tradecraft for effective open-source intelligence exploitation, to include consideration of operational security.

(E) A detailed description on how open-source intelligence will be fused with all other intelligence sources across the Department of Defense.

(F) A description of open-source intelligence training plan and guidance for Department of Defense and service intelligence personnel.

(G) A plan to incorporate the open-source intelligence oversight function into the Office of the Undersecretary of Defense for Intelligence and into service intelligence organizations.

(H) A plan to incorporate and identify an open-source intelligence specialty into Department and service personnel systems.

(I) A plan to use reserve component intelligence personnel to augment and support the open-source intelligence mission.

(J) A plan for the use of the Open-Source Information System for the purpose of exploitation and dissemination.

SEC. 932. COMPREHENSIVE INVENTORY OF DEPARTMENT OF DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED PROGRAMS AND PROJECTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees specified in subsection (b) a report providing a comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects. The Secretary shall prepare the inventory in consultation with the Director of National Intelligence, as appropriate.

(b) COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial matters

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of supplemental appropriations for fiscal year 2005.
Sec. 1003. Increase in fiscal year 2005 general transfer authority.
Sec. 1004. Reports on feasibility and desirability of capital budgeting for major defense acquisition programs.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Seattle, Washington.
Sec. 1012. Conveyance, Navy drydock, Jacksonville, Florida.

Sec. 1013. Conveyance, Navy drydock, Port Arthur, Texas.
Sec. 1014. Transfer of U.S.S. IOWA.
Sec. 1015. Transfer of ex-U.S.S. Forrest Sherman.
Sec. 1016. Limitation on leasing of foreign-built vessels.
Sec. 1017. Establishment of memorial to U.S.S. Oklahoma.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of Department of Defense authority to support counter-drug activities.
Sec. 1022. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1023. Clarification of authority for joint task forces to support law enforcement agencies conducting counter-terrorism activities.

Subtitle D—Matters Related to Homeland Security

Sec. 1031. Responsibilities of Assistant Secretary of Defense for Homeland Defense relating to nuclear, chemical, and biological emergency response.
Sec. 1032. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.
Sec. 1033. Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.
Sec. 1034. Repeal of Department of Defense emergency response assistance program.
Sec. 1035. Assignment of members of the Armed Forces to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department of Homeland Security.

Subtitle E—Other Matters

Sec. 1041. Commission on the Long-Term Implementation of the New Strategic Posture of the United States.
Sec. 1042. Reestablishment of EMP Commission.
Sec. 1043. Modernization of authority relating to security of defense property and facilities.
Sec. 1044. Revision of Department of Defense counterintelligence polygraph program.
Sec. 1045. Repeal of requirement for report to Congress regarding global strike capability.
Sec. 1046. Technical and clerical amendments.
Sec. 1047. Deletion of obsolete definitions in titles 10 and 32, United States Code.
Sec. 1048. Sense of Congress recognizing the diversity of the members of the Armed Forces killed in Operation Iraqi Freedom and Operation Enduring Freedom and honoring their sacrifices and the sacrifices of their families.
Sec. 1049. Department of Defense support for youth organizations, including the Boy Scouts of America.
Sec. 1050. Preservation of information and records pertaining to radioactive fallout.
Sec. 1051. Special immigrant status for persons serving as translators with United States Armed Forces.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I and chapter 2 of title IV of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1003. INCREASE IN FISCAL YEAR 2005 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2037) is amended by striking ''$3,500,000,000'' and inserting ''$6,185,000,000''.

SEC. 1004. REPORTS ON FEASIBILITY AND DESIRABILITY OF CAPITAL BUDGETING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CAPITAL BUDGETING DEFINED.—For the purposes of this section, the term ''capital budgeting'' means a budget process that—

(1) identifies large capital outlays that are expected to be made in future years, together with identification of the proposed means to finance those outlays and the expected benefits of those outlays;

(2) separately identifies revenues and outlays for capital assets from revenues and outlays for an operating budget;

(3) allows for the issue of long-term debt to finance capital investments; and

(4) provides the budget authority for acquiring a capital asset over several fiscal years (rather than in a single fiscal year at the beginning of such acquisition).

(b) REPORTS REQUIRED.—Not later than July 1, 2006, the Secretary of Defense and the Secretary of each military department shall each submit to Congress a report analyzing the feasibility and desirability of using a capital budgeting system for the financing of major defense acquisition programs. Each such report shall address the following matters:

(1) The potential long-term effect on the defense industrial base of the United States of continuing with the current full up-front funding system for major defense acquisition programs.

(2) Whether use of a capital budgeting system could create a more effective decisionmaking process for long-term investments in major defense acquisition programs.

(3) The manner in which a capital budgeting system for major defense acquisition programs would affect the budget planning and formulation process of the military departments.

(4) The types of financial mechanisms that would be needed to provide funds for such a capital budgeting system.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to sell the yard floating drydock YFD–70, located in Seattle, Washington, to Todd Pacific Shipyards Corporation, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Todd Pacific Shipyards Corporation until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the drydock, as determined by the Secretary.

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and condi-

tions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to sell the medium auxiliary floating drydock SUSTAIN (AFDM–7), located in Duval County, Florida, to Atlantic Marine Property Holding Company, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Atlantic Marine Property Holding Company until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the drydock, as determined by the Secretary.

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey, without consideration, to the port authority of the city of Port Arthur, Texas, the inactive medium auxiliary floating drydock designated as AFDM–2, currently administered through the National Defense Reserve Fleet.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of the port authority named in subsection (a).

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection

(a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1014. TRANSFER OF U.S.S. IOWA.

(a) WAIVER OF REQUIREMENT FOR CONTINUED LISTING ON NAVAL VESSEL REGISTER.—The provisions of the following laws do not apply with respect to the U.S.S. IOWA (BB–61):

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421).

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118).

(b) TRANSFER.—The Secretary of the Navy shall—

(1) strike the U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to the submission of a donation application for that vessel that is satisfactory to the Secretary, transfer that vessel to the Port of Stockton, California, subject to subsections (b) and (c) of section 7306 of title 10, United States Code.

SEC. 1015. TRANSFER OF EX-U.S.S. FORREST SHERMAN.

(a) TRANSFER.—The Secretary of the Navy shall transfer the decommissioned destroyer ex-U.S.S. Forrest Sherman (DD–931) to the USS Forrest Sherman DD–

931 Foundation, Inc., a nonprofit organization under the laws of the State of Maryland, subject to the submission of a donation application for that vessel that is satisfactory to the Secretary.

(b) APPLICABLE LAW.—The transfer under this section is subject to subsections (b) and (c) of section 7306 of title 10, United States Code. Subsection (d) of that section is hereby waived with respect to such transfer.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate.

(d) EXPIRATION OF AUTHORITY.—The authority granted by subsection (a) shall expire at the end of the five-year period beginning on the date of the enactment of this Act.

SEC. 1016. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—

(1) CONTRACTS FOR LEASES FOR MORE THAN 24 MONTHS.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

"§ 2401b. Limitation on lease of foreign-built vessels

''(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 24 months (including all options to renew or extend the contract) if the hull, or a component of the hull and superstructure of the vessel, is constructed in a foreign shipyard.

''(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

''(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.''.(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

''2401b. Limitation on lease of foreign-built vessels.''.

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 1017. ESTABLISHMENT OF MEMORIAL TO U.S.S. OKLAHOMA.

(a) IDENTIFICATION OF SITE FOR MEMORIAL.—The Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for the location of a memorial to the U.S.S. Oklahoma, which was sunk during the attack on Pearl Harbor on December 7, 1941.

(b) ESTABLISHMENT AND ADMINISTRATION.—After the site for the memorial is identified under subsection (a), the Secretary of the Interior shall establish and administer a memorial to the U.S.S. Oklahoma as part of the USS Arizona National Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to lands administered by the National Park Service.

(c) MEMORIALIZATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a memorialization plan for the portion of Pearl Harbor where United States naval vessels were attacked on December 7, 1941. The Secretary of the Navy shall prepare the plan in consultation with the Secretary of the Interior.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO SUPPORT COUNTER-DRUG ACTIVITIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1212), is amended by striking ''2006'' and inserting ''2011''.

SEC. 1022. RESUMPTION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

(a) ADDITIONAL REPORT REQUIRED.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1215), is further amended by striking ''January 1, 2001, and April 15, 2002,'' and inserting ''April 15, 2006,''.

(b) ADDITIONAL INFORMATION REQUIRED.—Such section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) A description of each base of operation or training facility established, constructed, or operated using the assistance, including any minor construction projects carried out using such assistance, and the amount of assistance expended on base of operations and training facilities.''.

SEC. 1023. CLARIFICATION OF AUTHORITY FOR JOINT TASK FORCES TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1594) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AVAILABILITY OF FUNDS.—Funds available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism support authorized by subsection (a).''.

Subtitle D—Matters Related to Homeland Security

SEC. 1031. RESPONSIBILITIES OF ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE RELATING TO NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

Subsection (a) of section 1413 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2313) is amended to read as follows:

''(a) DEPARTMENT OF DEFENSE.—The Assistant Secretary of Defense for Homeland Defense is responsible for the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving nuclear, radiological, biological, chemical weapons, or high-yield explosives or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear, radiological, biological, chemical weapons, and high-yield explosives and related materials and technologies.''.

SEC. 1032. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, BIOLOGICAL, AND HIGH-YIELD EXPLOSIVES WEAPONS.

(a) SECRETARY OF HOMELAND SECURITY FUNCTIONS.—Subsection (a) of section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) is amended—

(1) in the subsection heading, by striking ''CHEMICAL OR'' and inserting ''NUCLEAR, RADIOLOGICAL, CHEMICAL, OR'';

(2) in paragraph (1)—

(A) by striking ''Secretary of Defense'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''biological weapons and related materials and emergencies involving '' and inserting ''nuclear, radiological, biological, and'';

(3) in paragraph (2), by striking ''during each of fiscal years 1997 through 2013'' and inserting ''in accordance with sections 102(c) and 430(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 112(c), 238(c)(1))''; and

(4) in paragraph (3)—

(A) by inserting ''the Secretary of Defense,'' before ''the Director of the Federal Bureau of Investigation''; and

(B) by striking ''the Director of the Federal Emergency Management Agency,''.

(b) REPEAL OF SECRETARY OF ENERGY FUNCTIONS.—Such section is further amended by striking subsection (b).

(c) CONFORMING AMENDMENTS.—Subsection (c) of such section—

(1) is redesignated as subsection (b); and

(2) is amended—

(A) in the first sentence, by striking ''The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program'' and inserting ''The Secretary of Homeland Security shall revise the program developed under subsection (a)''; and

(B) in the second sentence, by striking ''the official'' and inserting ''the Secretary''.

(d) REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended by striking subsections (d) and (e).

SEC. 1033. DEPARTMENT OF DEFENSE CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAMS.

Section 1414 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2314) is amended as follows:

(1) The heading of such section is amended to read as follows:

"SEC. 1414. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAM.".

(2) Subsection (a) of such section is amended by striking ''or related materials'' and inserting ''radiological, nuclear, and high-yield explosives''.

(3) Subsection (b) of such section is amended—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''PLANS'';

(B) in the first sentence, by striking ''Not later than'' and all that follows through ''response plans and'' and inserting ''The Secretary of Homeland Security shall incorporate into the National Response Plan prepared pursuant to section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), other existing Federal emergency response plans, and''; and

(C) in the second sentence—

(i) by striking ''Director'' and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''consultation'' and inserting ''coordination''.

SEC. 1034. REPEAL OF DEPARTMENT OF DEFENSE EMERGENCY RESPONSE ASSISTANCE PROGRAM.

Section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312) is repealed.

SEC. 1035. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary

of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

"(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Secretary of Homeland Security; and

"(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

"(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of De-

fense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force,

and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

"(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

"(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

"(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).".

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting

after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

Subtitle E—Other Matters

SEC. 1041. COMMISSION ON THE LONG-TERM IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on the Long-Term Implementation of the New Strategic Posture of the United States". The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide for the organization, management, and support of the Commission. Such contract shall be entered into in consultation with the Secretary of Energy. The selection of the federally funded research and development center shall be subject to the approval of the chairman of the Commission.

(2) COMPOSITION.—(A) The Commission shall be composed of 12 members who shall be appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairman and ranking minority member of the Committee on Armed Serv-

ices of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(B) Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political, military, operational, and technical aspects of nuclear strategy.

(3) CHAIRMAN OF THE COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(b) DUTIES OF COMMISSION.—

(1) REVIEW OF LONG-TERM IMPLEMENTATION OF THE NUCLEAR POSTURE REVIEW.—The Commission shall examine long-term programmatic requirements to achieve the goals set forth in the report of

the Secretary of Defense submitted to Congress on December 31, 2001, providing the results of the Nuclear Posture Review conducted pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654, 1654A–262) and results of periodic assessments of the Nuclear Posture Review. Matters examined by the Commission shall include the following:

(A) The process of establishing requirements for strategic forces and how that process accommodates employment of nonnuclear strike platforms and munitions in a strategic role.

(B) How strategic intelligence, reconnaissance, and surveillance requirements differ from nuclear intelligence, reconnaissance, and surveillance requirements.

(C) The ability of a limited number of strategic platforms to carry out a growing range of nonnuclear strategic strike missions.

(D) The limits of tactical systems to perform nonnuclear global strategic missions in a prompt manner.

(E) An assessment of the ability of the current nuclear stockpile to address the evolving strategic threat environment through 2025.

(2) RECOMMENDATIONS.—The Commission shall include in its report recommendations with respect to the following:

(A) Changes to the requirements process to employ nonnuclear strike platforms and munitions in a strategic role.

(B) Changes to the nuclear stockpile and infrastructure required to preserve a nuclear capability commensurate with the changes to the strategic threat environment through 2025.

(C) Actions the Secretary of Defense and the Secretary of Energy can take to preserve flexibility of the defense nuclear complex while reducing the cost of a Cold War strategic infrastructure.

(D) Identify shortfalls in the strategic modernization programs of the United States that would undermine the ability of the United States to develop new nonnuclear strategic strike capabilities.

(3) COOPERATION FROM GOVERNMENT OFFICIALS.—(A) In carrying out its duties, the Commis-

sion shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—The Commission shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report on the Commission's findings and conclusions. Such report shall be submitted not later that 28 months after the date of the first meeting of the Commission.

(2) SECRETARY OF DEFENSE RESPONSE.—Not later than one year after the date on which the Commission submits its report under paragraph (1), the Secretary of Defense shall submit to Congress a report—

(A) commenting on the Commission's findings and conclusions; and

(B) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each such recommendation, the Secretary's reasons for implementing, or not implementing, the recommendation.

(d) HEARINGS AND PROCEDURES.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out the purposes of this section, hold hearings and take testimony.

(2) PROCEDURES.—The federally funded research and development center with which a contract is entered into under subsection (a)(1) shall be responsible for establishing appropriate procedures for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 60 days after the date of the submission of its report under subsection (c)(1).

(g) IMPLEMENTATION.—

(1) FFRDC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later that 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1042. REESTABLISHMENT OF EMP COMMISSION.

(a) REESTABLISHMENT.—The commission established pursuant to title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345), known as the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, is hereby reestablished.

(b) MEMBERSHIP.—The Commission as reestablished shall have the same membership as the Commission had

as of the date of the submission of the report of the Commission pursuant to section 1403(a) of such Act, as in effect before the date of the enactment of this Act. Service on the Commission is voluntary, and Commissioners may elect to terminate their service on the Commission.

(c) COMMISSION CHARTER DEFINED.—In this section, the term ''Commission charter'' means title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345 et seq.).

(d) ESTABLISHMENT AND PURPOSE.—Section 1401 of the Commission charter (114 Stat. 1654A–345) is amended—

(1) by striking subsections (e) and (g);

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

(3) by inserting after subsection (a) the following new subsection (b):

''(b) PURPOSE.—The purpose of the Commission is to monitor, investigate, make recommendations, and report to Congress on the evolving threat to the United States from electromagnetic pulse (hereinafter in this title referred to as 'EMP') attack resulting from the detonation of a nuclear weapon or weapons at high altitude.'';

(4) in subsection (c), as redesignated by paragraph (2), by striking the second and third sentences and inserting ''In the event of a vacancy in the membership of the Commission, the Secretary of Defense shall appoint a new member.''; and

(5) in subsection (d), as redesignated by paragraph (2), by striking ''pulse (hereafter'' and all that follows and inserting ''pulse effects referred to in subsection (b).''.

(e) DUTIES OF COMMISSION.—Section 1402 of the Commission charter (114 Stat. 1654A–346) is amended to read as follows:

''SEC. 1402. DUTIES OF COMMISSION.

''The Commission shall on an ongoing basis assess the following:

''(1) The nature and magnitude of potential EMP threats to the United States from terrorists and all other potentially hostile actors.

''(2) The proliferation of technology relevant to the EMP threat.

''(3) The vulnerability of electric-dependent military systems and other electric-dependent systems in the United States to an EMP attack, giving special attention to the progress, or lack of progress, by the Department of Defense, other Government

departments and agencies of the United States, and entities of the private sector in taking steps to protect such systems from such an attack.''.

(f) REPORT.—Section 1403 of the Commission charter (114 Stat. 1654A–345) is amended to read as follows:

''SEC. 1403. REPORTS.

''(a) ANNUAL REPORT.—Not later than March 1 each year (beginning in 2007 and ending three years later), the Commission shall submit to Congress an annual report providing the Commission's current assessment of the matters specified in section 1402.

''(b) ADDITIONAL REPORTS.—The Commission may submit to Congress additional reports at such other times as the Commission considers appropriate.

''(c) CONTENT OF REPORTS.—Each annual report under subsection (a) shall include recommendations for any steps the Commission believes should be taken by the United States to better protect systems referred to in section 1402(3) from an EMP attack.''.

(g) CLERICAL AMENDMENT.—The heading for subsection (c) of section 1405 of the Commission charter (114 Stat. 1654A–347) is amended by striking ''Commission'' and inserting ''Panels''.

(h) COMMISSION PERSONNEL MATTERS.—Section 1406(c)(2) of the Commission charter (114 Stat. 1654A–

347) is amended by striking ''for grade GS–15 of the General Schedule'' and inserting ''for senior level and scientific or professional positions''.

(i) FUNDING.—Section 1408 of the Commission charter (114 Stat. 1654A–348) is amended—

(1) by inserting ''for any fiscal year'' after ''activities of the Commission''; and

(2) by striking ''for fiscal year 2001'' and inserting ''for that fiscal year''.

(j) TERMINATION OF COMMISSION.—Section 1409 of the Commission charter (114 Stat. 1654A–348) is amended by striking ''60 days'' and all that follows through ''section 1403(a)'' and inserting ''on May 1, 2010''.

SEC. 1043. MODERNIZATION OF AUTHORITY RELATING TO SECURITY OF DEFENSE PROPERTY AND FACILITIES.

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797) is amended to read as follows:

''PENALTY FOR VIOLATION OF SECURITY REGULATIONS AND ORDERS

''SEC. 21. (a) MISDEMEANOR VIOLATION OF DEFENSE PROPERTY SECURITY REGULATIONS.—

''(1) MISDEMEANOR.—Whoever willfully violates any defense property security regulation shall be fined under title 18, United States Code, or imprisoned not more than one year, or both.

"(2) DEFENSE PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (1), a defense property security regulation is a property security regulation that, pursuant to lawful authority—

"(A) shall be or has been promulgated or approved by the Secretary of Defense (or by a military commander designated by the Secretary of Defense or by a military officer, or a civilian officer or employee of the Department of Defense, holding a senior Department of Defense director position designated by the Secretary of Defense) for the protection or security of Department of Defense property; or

"(B) shall be or has been promulgated or approved by the Administrator of the National Aeronautics and Space Administration for the protection or security of NASA property.

"(3) PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (2), a property security regulation, with respect to any property, is a regulation—

"(A) relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory condi-

tions on such property, or the ingress thereto or egress or removal of persons therefrom; or

"(B) otherwise providing for safeguarding such property against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions.

"(4) DEFINITIONS.—In this subsection:

"(A) DEPARTMENT OF DEFENSE PROPERTY.—The term 'Department of Defense property' means covered property subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which that Department consists, or any officer or employee of that Department or agency.

"(B) NASA PROPERTY.—The term 'NASA property' means covered property subject to the jurisdiction, administration, or in the custody of the National Aeronautics and Space Administration or any officer or employee thereof.

"(C) COVERED PROPERTY.—The term 'covered property' means aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, labora-

tories, stations, vehicles, equipment, explosives, or other property or places.

"(D) REGULATION AS INCLUDING ORDER.—The term 'regulation' includes an order.

"(b) POSTING.—Any regulation or order covered by subsection (a) shall be posted in conspicuous and appropriate places.".

SEC. 1044. REVISION OF DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) IN GENERAL.—Section 1564a of title 10, United States Code, is amended to read as follows:

"§ 1564a. Counterintelligence polygraph program

"(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be conducted in accordance with the standards specified in subsection (e).

"(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons, if their duties are described in subsection (c), are subject to this section:

"(1) Military and civilian personnel of the Department of Defense.

"(2) Personnel of defense contractors.

"(3) A person assigned or detailed to the Department of Defense.

"(4) An applicant for a position in the Department of Defense.

"(c) COVERED TYPES OF DUTIES.—The Secretary of Defense may provide, under standards established by the Secretary, that a person described in subsection (b) is subject to this section if that person's duties involve—

"(1) access to information that—

"(A) has been classified at the level of top secret; or

"(B) is designated as being within a special access program under section 4.4(a) of Executive Order No. 12958 (or a successor Executive order); or

"(2) assistance in an intelligence or military mission in a case in which the unauthorized disclosure or manipulation of information, as determined under standards established by the Secretary of Defense, could reasonably be expected to—

"(A) jeopardize human life or safety;

"(B) result in the loss of unique or uniquely productive intelligence sources or methods vital to United States security; or

"(C) compromise technologies, operational plans, or security procedures vital to the strategic advantage of the United States and its allies.

"(d) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply to the following persons:

"(1) A person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency.

"(2) A person who is—

"(A) employed by or assigned or detailed to the National Security Agency;

"(B) an expert or consultant under contract to the National Security Agency;

"(C) an employee of a contractor of the National Security Agency; or

"(D) a person applying for a position in the National Security Agency.

"(3) A person assigned to a space where sensitive cryptographic information is produced, processed, or stored.

"(4) A person employed by, or assigned or detailed to, an office within the Department of Defense

for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

"(e) STANDARDS.—(1) Polygraph examinations conducted under this section shall comply with all applicable laws and regulations.

"(2) Such examinations may be authorized for any of the following purposes:

"(A) To assist in determining the initial eligibility for duties described in subsection (c) of, and aperiodically thereafter, on a random basis, to assist in determining the continued eligibility of, persons described in subsections (b) and (c).

"(B) With the consent of, or upon the request of, the examinee, to—

"(i) resolve serious credible derogatory information developed in connection with a personnel security investigation; or

"(ii) exculpate him- or herself of allegations or evidence arising in the course of a counterintelligence or personnel security investigation.

"(C) To assist, in a limited number of cases when operational exigencies require the immediate use of a person's services before the completion of

a personnel security investigation, in determining the interim eligibility for duties described in subsection (c) of the person.

"(3) Polygraph examinations conducted under this section shall provide adequate safeguards, prescribed by the Secretary of Defense, for the protection of the rights and privacy of persons subject to this section under subsection (b) who are considered for or administered polygraph examinations under this section. Such safeguards shall include the following:

"(A) The examinee shall receive timely notification of the examination and its intended purpose and may only be given the examination with the consent of the examinee.

"(B) The examinee shall be advised of the examinee's right to consult with legal counsel.

"(C) All questions asked concerning the matter at issue, other than technical questions necessary to the polygraph technique, must have a relevance to the subject of the inquiry.

"(f) OVERSIGHT.—(1) The Secretary shall establish a process to monitor responsible and effective application of polygraph examinations within the Department of Defense.

"(2) The Secretary shall make information on the use of polygraphs within the Department of Defense available to the congressional defense committees.

"(g) POLYGRAPH RESEARCH PROGRAM.—The Secretary shall carry out a continuing research program to support the polygraph examination activities of the Department of Defense. The program shall include the following:

"(1) An on-going evaluation of the validity of polygraph techniques used by the Department.

"(2) Research on polygraph countermeasures and anti- countermeasures.

"(3) Developmental research on polygraph techniques, instrumentation, and analytic methods.".

(b) EFFECTIVE DATE; IMPLEMENTATION.—The amendment made by subsection (a) shall apply with respect to polygraph examinations administered beginning on the date of the enactment of this Act.

SEC. 1045. REPEAL OF REQUIREMENT FOR REPORT TO CONGRESS REGARDING GLOBAL STRIKE CAPABILITY.

(a) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO PLAN FOR GLOBAL STRIKE CAPABILITY.—Subsection (a) of section 1032 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–

136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by striking the second sentence.

(b) REPEAL OF 2006 REPORT REQUIREMENT.—Subsection (b)(1) of such section is amended by striking ", 2005, and 2006" and inserting "and 2005".

SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS RELATING TO DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.—

(1) Chapter 169 of title 10, United States Code, is amended as follows:

(A) Paragraph (4) of section 2801(c) is amended to read as follows:

"(4) The term 'congressional defense committees' includes, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense—

"(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

"(B) the Select Committee on Intelligence of the Senate.".

(B) The following sections are amended by striking "appropriate committees of Congress" each place it appears and inserting "congressional defense committees": sections 2803(b),

2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c), 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A), 2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1), 2827(b), 2828(f), 2837(c)(2), 2853(c)(2), 2854(b), 2854a(c)(1), 2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e), 2883(f), and 2884(a).

(C) Section 2835 is amended by adding at the end the following new subsection:

''(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the congressional defense committees and, with respect to the Coast Guard, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(D) Section 2836 is amended by adding at the end the following new subsection:

''(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the congressional defense committees and, with respect to the Coast Guard, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(2) Section 2694a of such title is amended—

(A) in subsection (e), by striking ''appropriate committees of Congress'' and inserting ''congressional defense committees''; and

(B) in subsection (i), by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(b) AMENDMENTS RELATING TO DEFINITION OF BASE CLOSURE LAWS.—

(1) Section 2694a(i) of title 10, United States Code, is amended by striking paragraph (2).

(2) Paragraph (1) of section 1333(i) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended to read as follows:

''(1) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(3) Subsection (b) of section 2814 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 10 U.S.C. 2687 note) is amended to read as follows:

''(b) BASE CLOSURE LAW DEFINED.—In this section, the term 'base closure law' has the meaning given

such term in section 101(a)(17) of title 10, United States Code.''.

(4) Subsection (c) of section 3341 of title 5, United States Code, is amended to read as follows:

''(c) For purposes of this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10.''.

(5) Chapter 5 of title 40, United States Code, is amended—

(A) in section 554(a)(1), by striking ''means'' and all that follows and inserting ''has the meaning given that term in section 101(a)(17) of title 10.''; and

(B) in section 572(b)(1)(B), by striking ''section 2667(h)(2)'' and inserting ''section 101(a)(17) of title 10''.

(6) The Act of November 13, 2000, entitled ''An Act to Amend the Organic Act of Guam, and for other purposes'' (Public Law 106–504, 114 Stat. 2309) is amended by striking paragraph (2) of section 1(c) and inserting the following new paragraph (2):

''(2) The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(c) DEFINITION OF STATE FOR PURPOSES OF SECTION 2694A.—Subsection (i) of section 2694a of title 10, United States Code, as amended by subsections (a)(2)(B) and (b)(1), is further amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(2) in paragraph (2), as so redesignated, by striking ''and the territories and possessions of the United States'' and inserting '', Guam, the Virgin Islands, and American Samoa''.

(d) OTHER MISCELLANEOUS CORRECTIONS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 101(e)(4)(B)(ii) is amended by striking the comma after ''bulk explosives''.

(2) Section 127b(d)(1) is amended by striking ''polices'' in the second sentence and inserting ''policies''.

(3) Section 1732 is amended—

(A) in subsection (c)—

(i) by striking ''(b)(2)(A) and (b)(2)(B)'' in paragraphs (1) and (2) and inserting ''(b)(1)(A) and (b)(1)(B)''; and

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(1)(A)(ii)''.

(4) Section 2410n(b) is amended by striking ''compeititon'' in the second sentence and inserting ''competition''.

(5) Section 2507(d) is amended by striking ''section (a)'' and inserting ''subsection (a)''.

(6) Section 2665(a) is amended by striking ''under section 2664 of this title''.

(7) Section 2703(b) is amended by striking ''The terms 'unexploded ordnance', 'discarded military munitions', and'' and inserting ''In this subsection, the terms 'discarded military munitions' and''.

(8) Section 2773a(a) is amended by inserting ''by'' after ''incorrect payment made'' in the first sentence.

(9) Section 2801(d) is amended by striking ''sections 2830 and 2835'' and inserting ''sections 2830, 2835, and 2836 of this chapter''.

(10) Section 2881a(f) is amended by striking ''Notwithstanding section 2885 of this title, the'' and inserting ''The''.

(11) Section 3084 is amended by striking the semicolon in the section heading and inserting a colon.

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 108–375) is amended as follows:

(1) Section 513(c)(2)(C) (118 Stat. 1881) is amended by striking ''404(a)(4)'' and inserting ''416(a)(4)''.

(2) Section 1105(h) (118 Stat. 2075) is amended by striking ''(21 U.S.C.'' and inserting ''(20 U.S.C.''.

(f) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended as follows:

(1) Section 314 (116 Stat. 2508) is amended—

(A) in subsection (d), by striking ''(40 U.S.C.'' and inserting ''(42 U.S.C.''; and

(B) in subsection (e)(2), by striking ''(40 U.S.C.'' and inserting ''(42 U.S.C.)''.

(2) Section 635(a) (116 Stat. 2574) is amended by inserting ''the first place it appears'' after ''by striking 'a claim' ''.

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1605(a)(4) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking ''Logisitics'' in the first sentence and inserting ''Logistics''.

(h) TITLE 38, UNITED STATES CODE.—Section 8111(b)(1) of title 38, United States Code, is amended by inserting ''of 1993'' after ''the Government Performance and Results Act''.

SEC. 1047. DELETION OF OBSOLETE DEFINITIONS IN TITLES 10 AND 32, UNITED STATES CODE.

(a) DELETING OBSOLETE DEFINITION OF ''TERRITORY'' IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 101(a) is amended by striking paragraph (2).

(2) The following sections are amended by striking the terms ''Territory or'', ''or Territory'', ''a Territorial Department,'', ''or a Territory'', ''Territory and'', ''its Territories,'', and ''and Territories'' each place they appear: sections 101(a)(3), 332, 822, 1072, 1103, 2671, 3037, 5148, 8037, 8074, 12204, and 12642.

(3) The following sections are amended by striking the terms ''Territory,'' and ''Territories,''

each place they appear: sections 849, 858, 888, 2668, 2669, 7545, and 9773.

(4) Section 808 is amended by striking ''Territory, Commonwealth, or possession,'' and inserting ''Commonwealth, possession,''.

(5) The following sections are amended are by striking ''Territories, Commonwealths, or possessions'' each place it appears and inserting ''Commonwealths or possessions'': sections 846, 847, 2734, 3062, 3074, 4747, 4778, 5986, 7652, 7653, 8062, 9778, and 12406.

(6) The following sections are amended by striking ''Territories, Commonwealths, and possessions'' each place it appears and inserting ''Commonwealths and possessions'': sections 3062, 3074, 4747, 4778, 8062, and 9778.

(7) Section 312 is amended by striking ''States and Territories, and Puerto Rico'' and inserting ''States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands''.

(8) Section 335 is amended by striking ''the unincorporated territories of''.

(9) Sections 4301 and 9301 are amended by striking ''State or Territory, Puerto Rico, or the District of Columbia'' each place it appears and in-

serting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands''.

(10) Sections 4685 and 9685 are amended by striking ''State or Territory concerned'' each place it appears and inserting ''State concerned or Guam or the Virgin Islands'' and by striking ''State and Territorial'' each place it appears and inserting ''State, Guam, and the Virgin Islands''.

(11) Section 7851 is amended by striking ''States, the Territories, and the District of Columbia'' and inserting ''States, the District of Columbia, Guam, and the Virgin Islands''.

(12) Section 7854 is amended by striking ''any State, any Territory, or the District of Columbia'' and inserting ''any State, the District of Columbia, Guam, or the Virgin Islands''.

(b) DELETING OBSOLETE DEFINITION OF ''TERRITORY'' IN TITLE 32.—Title 32, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

''(1) For purposes of other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National

Guard of the United States, the term 'Territory' includes Guam and the Virgin Islands.''.

(2) Sections 103, 104(c), 314, 315, 708(d), and 711 are amended by striking ''State and Territory, Puerto Rico and the District of Columbia'' and ''State or Territory, Puerto Rico, and the District of Columbia'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands''.

(3) Sections 104(d), 107, 109, 503, 703, 704, 710, and 712 are amended by striking ''State or Territory, Puerto Rico or the District of Columbia'' and ''State or Territory, Puerto Rico, the Virgin Islands or the District of Columbia'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands''.

(4) Sections 104(a), 505, 702(a), and 708(a) are amended by striking ''State or Territory and Puerto Rico'' and ''State or Territory, Puerto Rico'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands''.

(5) Section 324 is amended by striking ''State or Territory of whose National Guard he is a mem-

ber, or by the laws of Puerto Rico, or the District of Columbia, if he is a member of its National Guard'' and inserting ''State of whose National Guard he is a member, or by the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the Virgin Islands, whose National Guard he is a member''.

(6) Section 325 is amended by striking ''State or Territory, or of Puerto Rico'' and ''State or Territory or Puerto Rico'' each place they appear and inserting ''State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands''.

(7) Sections 326, 327, and 501 are amended by striking ''States and Territories, Puerto Rico, and the District of Columbia'' each place it appears and inserting ''States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands''.

SEC. 1048. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES KILLED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND HONORING THEIR SACRIFICES AND THE SACRIFICES OF THEIR FAMILIES.

(a) FINDINGS.—Congress finds the following:

(1) Over 1,500 members of the United States Armed Forces have been killed while serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The members of the Armed Forces killed in Operation Iraqi Freedom and Operation Enduring Freedom came from diverse ethnic backgrounds.

(3) All of these members of the Armed Forces lost their lives defending the cause of freedom, democracy, and liberty.

(4) Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic backgrounds and faiths share the same goal of defending the cause of freedom, democracy, and liberty.

(5) The Armed Forces are representative of the diverse culture and backgrounds that make the United States a great nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) recognize and celebrate the diversity of the Armed Forces; and

(2) recognize and honor the sacrifices being made by the diverse members of the Armed Forces and their families in the war against terrorism.

SEC. 1049. DEPARTMENT OF DEFENSE SUPPORT FOR YOUTH ORGANIZATIONS, INCLUDING THE BOY SCOUTS OF AMERICA.

(a) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit the Department of Defense from providing any form of support described in subsection (b) to a youth organization (including the Boy Scouts of America and any group officially affiliated with the Boy Scouts of America) described in part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years that would result in the Department of Defense providing less support to that youth organization than was provided by the Department of Defense during each of the preceding four fiscal years.

(b) TYPES OF SUPPORT.—Support referred to in subsection (a) includes—

(1) holding meetings, camping events, or other activities on defense property; and

(2) hosting any official event of the youth organization.

SEC. 1050. PRESERVATION OF INFORMATION AND RECORDS PERTAINING TO RADIOACTIVE FALLOUT.

(a) PROHIBITION OF DESTRUCTION OF CERTAIN DOCUMENTS.—The Secretary of Defense may not destroy any document in the custody or control of the Department of Defense that is a historical record (or part of a historical record) relating to radioactive fallout from the testing of any nuclear device.

(b) PRESERVATION AND PUBLICATION OF INFORMATION.—The Secretary of Defense shall identify, preserve, and publish information contained in documents referred to in subsection (a).

SEC. 1051. SPECIAL IMMIGRANT STATUS FOR PERSONS SERVING AS TRANSLATORS WITH UNITED STATES ARMED FORCES.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq or Afghanistan;

(B) worked directly with United States Armed Forces as a translator for a period of at least 12 months;

(C) obtained a favorable written recommendation from the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

(D) prior to filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section during any fiscal year shall not exceed 50.

(2) COUNTING AGAINST SPECIAL IMMIGRANT CAP.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

(d) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Extension of eligibility to continue Federal employee health benefits.
Sec. 1102. Extension of Department of Defense voluntary reduction in force authority.
Sec. 1103. Extension of authority to make lump sum severance payments.
Sec. 1104. Authority for heads of agencies to allow shorter length of required service by Federal employees after completion of training.
Sec. 1105. Authority to waive annual limitation on total compensation paid to Federal civilian employees.
Sec. 1106. Transportation of family members incident to repatriation of Federal employees held captive.
Sec. 1107. Permanent extension of Science, Mathematics, and Research for Transformation (SMART) Defense Education Program.
Sec. 1108. Veterans' preference status for certain veterans who served on active duty during the period beginning on September 11, 2001, and ending as of the close of Operation Iraqi Freedom.

SEC. 1101. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2006'' and inserting ''October 1, 2010''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2007'' and inserting ''February 1, 2011''; and

(B) by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

SEC. 1103. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1104. AUTHORITY FOR HEADS OF AGENCIES TO ALLOW SHORTER LENGTH OF REQUIRED SERVICE BY FEDERAL EMPLOYEES AFTER COMPLETION OF TRAINING.

Section 4108 of title 5, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d);

(2) by striking ''subsection (b)'' in subsection (d) (as so redesignated) and inserting ''subsection (c)''; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) The head of an agency that authorized training for an employee may require a period of service for the employee that is shorter than the period required under

subsection (a)(1) if the head of the agency determines it is in the best interests of the agency to require a shorter period.''.

SEC. 1105. AUTHORITY TO WAIVE ANNUAL LIMITATION ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EMPLOYEES.

(a) WAIVER AUTHORITY.—During 2006 and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency may waive, subject to subsection (b), the limitation established in that section for total compensation (including limitations on the aggregate of basic pay and premium pay payable in a calendar year) of an employee who performs work while in an overseas location that is in the area of responsibility of the commander of the United States Central Command, in direct support of or directly related to a military operation (including a contingency operation as defined in section 101(13) of title 10, United States Code).

(b) $200,000 MAXIMUM TOTAL COMPENSATION .—The total compensation of an employee whose pay is covered by a waiver under subsection (a) may not exceed $200,000 in a calendar year.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type

that is normally creditable as basic pay for retirement or any other purpose, such additional pay—

(1) shall not be considered to be basic pay for any purpose; and

(2) shall not be used in computing a lump sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

SEC. 1106. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF FEDERAL EMPLOYEES HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5760. Travel and transportation allowances: transportation of family members incident to repatriation of employees held captive

''(a) ALLOWANCES AUTHORIZED.—(1) The head of an agency may provide the travel and transportation allowances described in subsection (c) to not more than three family members of an employee as defined in section 2105 of this title who—

''(A) was held captive, as determined by the head of the agency, and

''(B) is repatriated to a site in or outside the United States.

"(2) In circumstances determined to be appropriate by the head of the agency concerned, the head of the agency may waive the limitation on the number of family members provided travel and transportation allowances under this section.

"(b) ELIGIBLE PERSONS.—(1) In this section, the term 'family member' has the meaning given that term in section 411h(b) of title 37.

"(2) The head of an agency may also provide such travel and transportation allowances to an attendant who accompanies a family member if the head of the agency determines that—

"(A) the family member is unable to travel unattended because of age, physical condition, or other justifiable reason; and

"(B) no other family member who is receiving the allowances under this section is able to serve as an attendant for the family member.

"(3) If no family member is able to travel to the repatriation site, the head of the agency concerned may provide the travel and transportation allowances to not more than two persons who are related to the member (but who do not satisfy the definition of family member) and are selected by the member.

"(c) ALLOWANCES DESCRIBED.—(1) The transportation authorized by subsection (a) is round-trip transportation between—

"(A) the home of the family member (or the home of an attendant or other person provided transportation pursuant to paragraph (2) or (3) of subsection (b)); and

"(B) the location of the repatriation site or other location determined to be appropriate by the head of the agency concerned.

"(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of title 37.

"(d) PROVISION OF ALLOWANCES.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the heads of the agencies concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(2) An allowance payable under this subsection may be paid in advance.

"(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

"(e) REGULATIONS.—The heads of the agencies concerned shall prescribe uniform regulations to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by adding at the end the following new item:

"5760. Travel and transportation allowances: transportation of family members incident to repatriation of employees held captive.".

SEC. 1107. PERMANENT EXTENSION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT EXTENSION.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) by striking "pilot" each place it appears in the section and subsection headings and the text;

(2) in subsection (a)—

(A) by striking "(1)";

(B) by striking paragraph (2); and

(C) by inserting ''foreign languages,'' after ''engineering,''; and

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking ''undergraduate'' and inserting ''associates degree, undergraduate degree,''; and

(B) by adding at the end the following new paragraph:

''(3) Financial assistance provided under a scholarship awarded under this section may be paid directly to the recipient of such scholarship or to an administering entity for disbursement of the funds.''.

(b) CODIFICATION.—

(1) AMENDMENT TO TITLE 10.—Chapter 111 of title 10, United States Code, is amended—

(A) by inserting after section 2192 the following:

"§ 2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program";

and

(B) by transferring and inserting the text of section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal

Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note), as amended by subsection (a), so as to appear below the section heading for section 2192a, as added by subparagraph (A).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2192 the following new item:

"2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.".

(c) CONFORMING AMENDMENT.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended by striking subsections (a), (b), (c), (d), (e), (f), and (h).

SEC. 1108. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERIOD BEGINNING ON SEPTEMBER 11, 2001, AND ENDING AS OF THE CLOSE OF OPERATION IRAQI FREEDOM.

(a) DEFINITION OF VETERAN.—Section 2108(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by adding ''or'' after the semicolon; and

(3) by inserting after subparagraph (C) the following:

''(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;''.

(b) CONFORMING AMENDMENT.—Section 2108(3)(B) of such title is amended by striking ''paragraph (1)(B) or (C)'' and inserting ''paragraph (1)(B), (C), or (D)''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of humanitarian and civic assistance provided to host nations in conjunction with military operations.
Sec. 1202. Commanders' Emergency Response Program.
Sec. 1203. Military educational exchanges between senior officers and officials of the United States and Taiwan.
Sec. 1204. Modification of geographic restriction under bilateral and regional cooperation programs for payment of certain expenses of defense personnel of developing countries.
Sec. 1205. Authority for Department of Defense to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.
Sec. 1206. Two-year extension of authority for payment of certain administrative services and support for coalition liaison officers.

Subtitle B—Nonproliferation Matters and Countries of Concern

Sec. 1211. Report on acquisition by Iran of nuclear weapons.
Sec. 1212. Procurement sanctions against foreign persons that transfer certain defense articles and services to the People's Republic of China.
Sec. 1213. Prohibition on procurements from Communist Chinese military companies.

Subtitle C—Other Matters

Sec. 1221. Purchase of weapons overseas for force protection purposes.
Sec. 1222. Requirement for establishment of certain criteria applicable to ongoing Global Posture Review.
Sec. 1223. War-related reporting requirements.
Sec. 1224. Sense of Congress concerning cooperation with Russia on issues pertaining to missile defense.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED TO HOST NATIONS IN CONJUNCTION WITH MILITARY OPERATIONS.

(a) LIMITATION ON AMOUNT OF ASSISTANCE FOR CLEARANCE OF LANDMINES, ETC.—Subsection (c)(3) of section 401 of title 10, United States Code is amended by striking "$5,000,000" and inserting "$10,000,000".

(b) EXTENSION AND CLARIFICATION OF TYPES OF HEALTH CARE AUTHORIZED.—Subsection (e)(1) of such section is amended—

(1) by inserting "surgical," before "dental," both places it appears; and

(2) by inserting ", including education, training, and technical assistance related to the care provided" before the period at the end.

SEC. 1202. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) FISCAL YEAR 2006 AUTHORITY.—During fiscal year 2006, from funds made available to the Department of Defense for operation and maintenance pursuant to title XV, not to exceed $500,000,000 may be used by the Secretary of Defense to provide funds—

(1) for the Commanders' Emergency Response Program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) LIMITATION ON USE OF FUNDS.—Funds authorized for the Commanders' Emergency Response Program by this section may not be used to provide goods, services, or funds to national armies, national guard forces, border security forces, civil defense forces, infrastructure protection forces, highway patrol units, police, special police, or intelligence or other security forces.

(d) SECRETARY OF DEFENSE GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the commander of the United States Central Command detailed guidance concerning the types of activities for which United States military commanders in Iraq may use funds under the Commanders' Emergency Response Program to respond to urgent relief and reconstruction requirements and the terms under which such funds may be expended. The Secretary shall simultaneously provide a copy of that guidance to the congressional defense committees.

SEC. 1203. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to im-

prove Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, the term ''exchange'' means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises fo-

cused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''senior military officer'' means a general or flag officer of the Armed Forces on active duty.

(2) The term ''senior official'' means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

SEC. 1204. MODIFICATION OF GEOGRAPHIC RESTRICTION UNDER BILATERAL AND REGIONAL CO-OPERATION PROGRAMS FOR PAYMENT OF CERTAIN EXPENSES OF DEFENSE PERSONNEL OF DEVELOPING COUNTRIES.

Section 1051(b)(1) of title 10, United States Code, is amended—

(1) by inserting ''to and'' after ''in connection with travel''; and

(2) by striking ''in which the developing country is located'' and inserting ''in which the meeting for which expenses are authorized is located''.

SEC. 1205. AUTHORITY FOR DEPARTMENT OF DEFENSE TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.

Subchapter I of chapter 138 of title 10, United States Code, is amended by striking ''of which the United States is a member'' in sections 2341(1), 2342(a)(1)(C), and 2344(b)(4).

SEC. 1206. TWO-YEAR EXTENSION OF AUTHORITY FOR PAYMENT OF CERTAIN ADMINISTRATIVE SERVICES AND SUPPORT FOR COALITION LIAISON OFFICERS.

Section 1051a(e) of title 10, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

Subtitle B—Nonproliferation Matters and Countries of Concern

SEC. 1211. REPORT ON ACQUISITION BY IRAN OF NUCLEAR WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Iran Nonproliferation Act of 2000 (Public Law 106–178) has been a critical tool in preventing the spread of weapons of mass destruction and their associated delivery systems to Iran;

(2) the prevention of the development by Iran of weapons of mass destruction and their associated delivery systems remains the paramount policy goal of the United States with respect to matters associated with Iran; and

(3) the Iran Nonproliferation Act of 2000 should not be weakened by creating exceptions to requirements of such Act that are intended to serve lesser policy priorities.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense and Chairman of the Joint Chiefs of Staff shall submit to Congress a report that examines the strategic and military implications of the acquisition by Iran of nuclear weapons during the five-year period beginning on the date of the enactment of this Act. The report shall include the following:

(1) An assessment of the acquisition by Iran of nuclear weapons on the balance of power among states within the area of responsibility of the United States Central Command.

(2) A description of the active and passive defense systems of the United States that may be able to counter such nuclear weapons based on the future-years defense program under section 221 of

1 title 10, United States Code, extant at the time of
2 the fiscal year 2005 defense budget request.
3 (3) A description of the military capabilities
4 that the United States possesses that would enable
5 it to deal with the potential acquisition and use of
6 nuclear weapons by Iran within the area of responsi-
7 bility of the United States Central Command.
8 (4) An assessment of Iran's ability to deliver
9 and detonate nuclear weapons outside of the area of
10 responsibility of the United States Central Com-
11 mand.
12 (5) A summary of the entities that have pro-
13 vided technology, knowledge, or assistance useful in
14 the efforts of Iran to develop weapons of mass de-
15 struction or their associated delivery systems during
16 the ten-year period ending on the date of the enact-
17 ment of this Act.
18 (c) FORM.—The report described in subsection (b)
19 shall be submitted in unclassified form as appropriate,
20 with a classified annex as necessary.

SEC. 1212. PROCUREMENT SANCTIONS AGAINST FOREIGN PERSONS THAT TRANSFER CERTAIN DEFENSE ARTICLES AND SERVICES TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States to deny the People's Republic of China such defense goods and defense technology that could be used to threaten the United States or undermine the security of Taiwan or the stability of the Western Pacific region.

(b) PROCUREMENT SANCTION.—(1) The Secretary of Defense may not procure, by contract or otherwise, any goods or services from—

(A) any foreign person the Secretary of Defense determines has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to governmental or nongovernmental entities of the People's Republic of China any item or class of items on the United States Munitions List (or any item or class of items that are identical, substantially identical, or directly competitive to an item or class of items on the United States Munitions List); or

(B) any foreign person the Secretary of Defense determines—

(i) is a successor entity to a person referred to in paragraph (1);

(ii) is a parent or subsidiary of a person referred to in paragraph (1); or

(iii) is an affiliate of a person referred to in paragraph (1) if that affiliate is controlled in fact by such person.

(2) The prohibition under paragraph (1) with respect to a foreign person shall last for a period of five years after a determination is made by the Secretary of Defense with respect to that person under paragraph (1)(A).

(c) PUBLIC AVAILABILITY OF LIST OF SANCTIONED PERSONS.—(1) The Secretary of Defense shall annually publish in the Federal Register a current list of any foreign persons sanctioned under subsection (b). The removal of foreign persons from, and the addition of foreign persons to, the list shall also be so published.

(2) The Secretary shall maintain the list published under paragraph (1) on the Internet website of the Department of Defense.

(d) REMOVAL FROM LIST OF SANCTIONED PERSONS.—The Secretary of Defense may remove a person from the list of sanctioned persons referred to in subsection (c) only after the five-year prohibition period im-

posed under subsection (b) with respect to the person has expired.

(e) EXCEPTIONS.—(1) Subsection (b) shall not apply—

(A) to contracts, or subcontracts under such contracts, in existence on the date of the enactment of this Act, including options under such contracts;

(B) if the Secretary of Defense determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the goods or services being procured, that the goods or services are essential, and that alternative sources are not readily or reasonably available;

(C) in the case of a contract for routine servicing and maintenance, if the Secretary of Defense determines in writing alternative sources for performing the contract are not readily or reasonably available; or

(D) if the Secretary of Defense determines in writing that goods or services proposed to be procured under the contract are essential to the national security of the United States.

(2) Determinations under paragraph (1) shall be published in the Federal Register.

(f) DEFINITIONS.—In this section:

(1) The term ''foreign person'' has the meaning given the term in section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note).

(2) The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1213. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) PROHIBITION.—The Secretary of Defense may not procure goods or services, through a contract or any subcontract (at any tier) under a contract, from any Communist Chinese military company.

(b) DEFINITION.—In this section, the term ''Communist Chinese military company'' has the meaning provided that term by section 1237(b)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note).

Subtitle C—Other Matters

SEC. 1221. PURCHASE OF WEAPONS OVERSEAS FOR FORCE PROTECTION PURPOSES.

(a) PURCHASES IN COUNTRIES IN WHICH COMBAT OPERATIONS ARE ONGOING.—

(1) FORCE PROTECTION PURCHASES.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

"§ 127c. Purchase of weapons overseas: force protection

''(a) AUTHORITY.—When elements of the armed forces are engaged in ongoing military operations in a country, the Secretary of Defense may, for the purpose of protecting United States forces in that country, purchase weapons from any foreign person, foreign government, international organization, or other entity located in that country.

''(b) LIMITATION.—The total amount expended during any fiscal year for purchases under this section may not exceed $15,000,000.

''(c) ANNUAL CONGRESSIONAL REPORT.—Not later than 30 days after the end of each fiscal year during which the authority under subsection (a) is used, the Secretary of Defense shall submit to the congressional defense committees a report on the use of that authority during that fiscal year. Each such report shall include the following:

''(1) The number and type of weapons purchased during that fiscal year under subsection (a), together with the amount spent for those weapons and the Secretary's estimate of the fair market value of those weapons.

''(2) A description of the dispositions (if any) during that fiscal year of weapons purchased under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127b the following new item:

"127c. Purchase of weapons overseas: force protection.".

(b) EFFECTIVE DATE.—Section 127c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

SEC. 1222. REQUIREMENT FOR ESTABLISHMENT OF CERTAIN CRITERIA APPLICABLE TO ON-GOING GLOBAL POSTURE REVIEW.

(a) CRITERIA.—As part of the on-going review of overseas basing plans being conducted within the Department of Defense that is referred to as the "Global Posture Review", the Secretary of Defense shall develop criteria for assessing, with respect to each type of facility specified in subsection (c), the following factors in deciding whether to seek agreement with a foreign country to establish or maintain such a facility in that country:

(1) The effect on strategic mobility of units deployed to overseas locations in areas in which United States Armed Forces have not traditionally been deployed.

(2) The cost of deploying units to areas referred to in paragraph (1) on a rotational basis (rather than on a permanent basing basis).

(3) The strategic benefit of rotational deployments through countries with which the United States is developing a close or new security relationship.

(4) The relative speed and complexity of conducting negotiations with a particular country.

(5) The appropriate and available funding mechanisms for changes to specific Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(6) The effect on military quality of life of establishing or maintaining any of such types of facilities.

(7) Other criteria as Secretary of Defense determines appropriate.

(b) ANALYSIS OF ALTERNATIVES TO BASING OR OPERATING LOCATIONS.—The Secretary of Defense shall develop a mechanism for analyzing alternatives to any particular overseas basing or operating location. Such a mechanism shall incorporate the factors specified in paragraphs (1) through (4) of subsection (a).

(c) MINIMAL INFRASTRUCTURE REQUIREMENTS FOR OVERSEAS INSTALLATIONS.—The Secretary of Defense shall develop a template of minimal infrastructure requirements for each of the following types of facilities:

(1) Facilities categorized as Main Operating Bases.

(2) Facilities categorized as Forward Operating Bases.

(3) Facilities categorized as Cooperative Security Locations.

(d) CONSULTATION WITH SENIOR MILITARY OFFICERS.—The Secretary of Defense shall carry out subsections (a), (b), and (c) in consultation with the Chairman of the Joint Chiefs of Staff and the commanders of the regional combatant commands.

(e) ANNUAL BUDGET ELEMENT.—The Secretary of Defense shall provide to Congress, as an element of the annual budget request of the Secretary, information regarding the funding sources for changes to individual Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(f) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a report on the matters specified in subsections (a) through (c).

SEC. 1223. WAR-RELATED REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—The Secretary of Defense shall submit to the congressional defense committees, in accord-

ance with this section, war-related reports on costs, reconstitution, and military construction for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

(b) SUBMISSION TO GAO OF CERTAIN REPORTS ON COSTS.—The Secretary of Defense shall submit to the Comptroller General, no later than 45 days after the end of each reporting month, the Department of Defense Supplemental and Cost of War Execution reports. Based on these reports, the Comptroller General shall provide Congress quarterly updates on war costs.

(c) RECONSTITUTION.—

(1) PROCUREMENT.—The report prepared under subsection (a) shall identify, for each war-related procurement funding request since fiscal year 2003, end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—The report prepared under subsection (a) shall provide an assessment that compares peacetime versus wartime equipment maintenance requirements. The assessment should include the effect of war operations on the backlog of maintenance requirements over the

period of fiscal years 2003 to the present. It should also examine the extent that war operations have precluded maintenance from being performed because equipment was unavailable.

(3) SUBMISSION REQUIREMENTS.—The report under this subsection shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit updated procurement and equipment maintenance reports concurrently with future war-related funding requests.

(d) MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION.—The report prepared under subsection (a) shall identify the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraq Freedom and Operation Enduring Freedom are supported.

(2) SUBMISSION REQUIREMENTS.—The report shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated military construction report concurrently with future war-related funding requests.

SEC. 1224. SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperation;

(3) the United States should explore innovative and nontraditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles; and

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data.

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

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Authority to obligate weapons of mass destruction proliferation prevention funds for nuclear weapons storage security.
Sec. 1304. Extension of limited waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
Sec. 1305. Report on elimination of impediments to nuclear threat-reduction and nonproliferation programs in the Russian Federation.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2006 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section

301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $78,900,000.

(2) For nuclear weapons storage security in Russia, $74,100,000.

(3) For nuclear weapons transportation security in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,600,000.

(5) For chemical weapons destruction in Russia, $108,500,000.

(6) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. AUTHORITY TO OBLIGATE WEAPONS OF MASS DESTRUCTION PROLIFERATION PREVENTION FUNDS FOR NUCLEAR WEAPONS STORAGE SECURITY.

(a) IN GENERAL.—Subject to subsection (b), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for the purpose listed in subsection (c)(4) of section 1302 for the purpose listed in subsection (c)(2) of that section.

(b) LIMITATION.—The authority provided in subsection (a) may be used only after—

(1) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(2) 15 days have elapsed following the date of the notification.

SEC. 1304. EXTENSION OF LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (22 U.S.C. 5952 note) is amended by adding at the end the following new subsection:

''(f) COVERAGE OF CALENDAR YEARS.—The authority under subsection (a) applies with respect to calendar years 2005, 2006, and 2007 in the same manner as it applies to fiscal years. The authority under this subsection shall expire on December 31, 2007.''.

SEC. 1305. REPORT ON ELIMINATION OF IMPEDIMENTS TO NUCLEAR THREAT-REDUCTION AND NONPROLIFERATION PROGRAMS IN THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress finds that—

(1) despite the importance of programs and activities to assist in securing nuclear weapons and fissile materials in the states of the former Soviet Union, the effective conduct of some programs and activities in the Russian Federation is impeded by numerous legal and administrative disagreements regarding a variety of issues, including issues relating to access to sites, liability, and taxation; and

(2) it has been possible to resolve disagreements of that nature in other republics of the former Soviet Union through committed and high-level discussions between the United States and those republics.

(b) REPORT.—Not later than November 1, 2006, the President shall submit to Congress a report on impediments in the states of the former Soviet Union to the effective conduct of programs and activities of the United States relating to securing nuclear weapons and fissile materials in those states. The report shall—

(1) identify the impediments to the rapid, efficient, and effective conduct of programs and activities of the Department of Defense, the Department of State, and the Department of Energy to assist in securing such materials in those states, including issues relating to access to sites, liability, and taxation; and

(2) describe the plans of the United States to overcome or ameliorate such impediments, including an identification and discussion of new models and approaches that might be used to develop new relationships with entities in Russia capable of assisting in removing or ameliorating those impediments, and any congressional action that may be necessary for that purpose.

TITLE XIV—CONTRACT DISPUTE ENHANCEMENT

Subtitle A—General provisions

Sec. 1411. Definitions.

Subtitle B—Establishment of civilian and defense Boards of contract appeals

Sec. 1421. Establishment.
Sec. 1422. Membership.
Sec. 1423. Chairmen.
Sec. 1424. Rulemaking authority.
Sec. 1425. Authorization of appropriations.

Subtitle C—Functions of defense and civilian Boards of contract appeals

Sec. 1431. Contract disputes.
Sec. 1432. Enhanced access for small business.
Sec. 1433. Applicability to certain contracts.

Subtitle D—Transfers and transition, savings, and conforming provisions

Sec. 1441. Transfer and allocation of appropriations and personnel.
Sec. 1442. Terminations and savings provisions.
Sec. 1443. Contract disputes authority of Boards.
Sec. 1444. References to agency Boards of contract appeals.
Sec. 1445. Conforming amendments.

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

Sec. 1451. Effective date.
Sec. 1452. Regulations.
Sec. 1453. Appointment of Chairmen of Defense Board and Civilian Board.

Subtitle A—General Provisions

SEC. 1411. DEFINITIONS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"TITLE II—DISPUTE RESOLUTION

"Subtitle A—General Provisions

"SEC. 201. DEFINITIONS.

''In this title:

''(1) The term 'Defense Board' means the Department of Defense Board of Contract Appeals established pursuant to section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607).

''(2) The term 'Civilian Board' means the Civilian Board of Contract Appeals established pursuant to section 8(b)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607).

''(3) The term 'Board judge' means a member of the Defense Board or the Civilian Board, as the case may be.

''(4) The term 'Chairman' means the Chairman of the Defense Board or the Civilian Board, as the case may be.

''(5) The term 'Board concerned' means—

"(A) the Defense Board with respect to matters within its jurisdiction; and

"(B) the Civilian Board with respect to matters within its jurisdiction.

"(6) The term 'executive agency'—

"(A) with respect to contract disputes under the jurisdiction of the Defense Board, means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration; and

"(B) with respect to contract disputes under the jurisdiction of the Civilian Board, has the meaning given by section 4(1) of this Act except that the term does not include the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, and the Tennessee Valley Authority.".

(b) CONFORMING AMENDMENTS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is further amended—

(1) by inserting the following before section 1:

"TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY"; and

(2) in section 4, by striking out "As used in this Act:" and inserting in lieu thereof "Except as otherwise specifically provided, as used in this Act:".

Subtitle B—Establishment of Civilian and Defense Boards of Contract Appeals

SEC. 1421. ESTABLISHMENT.

(a) DEFENSE BOARD.—Subsection (a)(1) of section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended to read as follows:

"(a)(1) There is established in the Department of Defense a board of contract appeals to be known as the Department of Defense Board of Contract Appeals.".

(b) CIVILIAN BOARD.—Subsection (b)(1) of section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended to read as follows:

"(b)(1) There is established in the General Services Administration a board of contract appeals to be known as the Civilian Board of Contract Appeals.".

SEC. 1422. MEMBERSHIP.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1411, is further amended by adding at the end the following:

"SEC. 202. MEMBERSHIP.

"(a) APPOINTMENT.—(1)(A) The Defense Board shall consist of judges appointed by the Secretary of Defense from a register of applicants maintained by the Defense Board, in accordance with rules issued by the Defense Board for establishing and maintaining a register of eligible applicants and selecting Defense Board judges. The Secretary shall appoint a judge without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Defense Board judge.

"(B) The Civilian Board shall consist of judges appointed by the Administrator for Federal Procurement Policy from a register of applicants maintained by the Administrator, in accordance with rules issued by the Administrator for establishing and maintaining a register of eligible applicants and selecting Civilian Board judges. The Administrator shall appoint a judge without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Civilian Board judge.

"(2) The members of the Defense Board and the Civilian Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, United States Code, with an additional requirement that such members shall have had not fewer than five years of experience in public contract law.

"(3) Notwithstanding paragraph (2) and subject to subsection (b), the following persons shall serve as Board judges:

"(A) For the Defense Board, any full-time member of the Armed Services Board of Contract Appeals serving as such on the day before the effective date of this title.

"(B) For the Civilian Board, any full-time member of any agency board of contract appeals other than the Armed Services Board of Contract Appeals, the Postal Service Board of Contract Appeals, and the board of contract appeals of the Tennessee Valley Authority serving as such on the day before the effective date of this title.

"(b) REMOVAL.—Members of the Defense Board and the Civilian Board shall be subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5, United States Code.

"(c) COMPENSATION.—Compensation for the Chairman of the Defense Board and the Chairman of the Civilian Board and all other members of each Board shall be determined under section 5372a of title 5, United States Code.".

SEC. 1423. CHAIRMEN.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1422, is further amended by adding at the end the following:

"SEC. 203. CHAIRMEN.

"(a) DESIGNATION.—(1)(A) The Chairman of the Defense Board shall be designated by the Secretary of Defense to serve for a term of five years. The Secretary shall select the Chairman from among sitting judges each of whom has had at least five years of service as a member of the Armed Services Board of Contract Appeals.

"(B) The Chairman of the Civilian Board shall be designated by the Administrator for Federal Procurement Policy to serve for a term of five years. The Administrator shall select the Chairman from among sitting judges each of whom has had at least five years of service as a member of an agency board of contract appeals other than the Armed Services Board of Contract Appeals.

"(2) A Chairman of a Board may continue to serve after the expiration of the Chairman's term until a suc-

1 cessor has taken office. A Chairman may be reappointed
2 any number of times.

3 "(b) RESPONSIBILITIES.—The Chairman of the De-
4 fense Board or the Civilian Board, as the case may be,
5 shall be responsible on behalf of the Board for the execu-
6 tive and administrative operation of the Board, including
7 functions of the Board with respect to the following:

8 "(1) The selection, appointment, and fixing of
9 the compensation of such personnel, pursuant to
10 part III of title 5, United States Code, as the Chair-
11 man considers necessary or appropriate, including a
12 Clerk of the Board, a General Counsel, and clerical
13 and legal assistance for Board judges.

14 "(2) The supervision of personnel employed by
15 or assigned to the Board, and the distribution of
16 work among such personnel.

17 "(3) The operation of an Office of the Clerk of
18 the Board, including the receipt of all filings made
19 with the Board, the assignment of cases, and the
20 maintenance of all records of the Board.

21 "(4) The prescription of such rules and regula-
22 tions as the Chairman considers necessary or appro-
23 priate for the administration and management of the
24 Board.

"(c) VICE CHAIRMEN.—The Chairman of the Defense Board or the Civilian Board, as the case may be, may designate up to two other Board judges as Vice Chairmen. The Vice Chairmen, in the order designated by the Chairman, shall act in the place and stead of the Chairman during the absence of the Chairman.".

SEC. 1424. RULEMAKING AUTHORITY.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1423, is further amended by adding at the end the following:

"SEC. 204. RULEMAKING AUTHORITY.

"Except as provided by section 1452 of the National Defense Authorization Act for Fiscal Year 2006, the Chairman of the Defense Board and the Chairman of the Civilian Board, in consultation with the Administrator for Federal Procurement Policy, shall jointly issue and maintain—

"(1) such procedural rules and regulations as are necessary to the exercise of the functions of the Boards under section 211; and

"(2) statements of policy of general applicability with respect to such functions.".

SEC. 1425. AUTHORIZATION OF APPROPRIATIONS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1424, is further amended by adding at the end the following:

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for fiscal year 2006 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title. Funds for the activities of each Board shall be separately appropriated for such purpose. Funds appropriate pursuant to this section shall remain available until expended.''.

Subtitle C—Functions of Defense and Civilian Boards of Contract Appeals

SEC. 1431. CONTRACT DISPUTES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1425, is further amended by adding at the end the following:

"Subtitle B—Functions of the Defense and Civilian Boards of Contract Appeals

"SEC. 211. CONTRACT DISPUTES.

''The Defense Board shall have jurisdiction as provided by section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(a)). The Civilian Board shall have

jurisdiction as provided by section 8(b)(1) of such Act (41 U.S.C. 607(b)).''.

SEC. 1432. ENHANCED ACCESS FOR SMALL BUSINESS.

Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended by striking out the period at the end of the first sentence and inserting the following: ''or, in the case of a small business concern (as defined in the Small Business Act and regulations under that Act), $150,000 or less.''.

SEC. 1433. APPLICABILITY TO CERTAIN CONTRACTS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1431, is further amended by adding at the end the following:

''SEC. 212. APPLICABILITY TO CERTAIN CONTRACTS.

''(a) CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD.—Notwithstanding section 33 of this Act, the authority conferred on the Defense Board and the Civilian Board by this title is applicable to contracts in amounts not greater than the simplified acquisition threshold.

''(b) CONTRACTS FOR COMMERCIAL ITEMS.—Notwithstanding section 34 of this Act, the authority conferred on the Defense Board and the Civilian Board by this title is applicable to contracts for the procurement of commercial items.''.

Subtitle D—Transfers and Transition, Savings, and Conforming Provisions

SEC. 1441. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) TRANSFERS.—

(1) ARMED SERVICES BOARD OF CONTRACT APPEALS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the Armed Services Board of Contract Appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in section 1451), shall be transferred to the Department of Defense Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(2) OTHER BOARDS OF CONTRACTS APPEALS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authoriza-

tions, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in section 1451) other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, and the Postal Service Board of Contract Appeals shall be transferred to the Civilian Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(b) EFFECT ON PERSONNEL.—Personnel transferred pursuant to this subtitle shall not be separated or reduced in compensation for one year after such transfer, except for cause.

(c) REGULATIONS.—(1) The Department of Defense Board of Contract Appeals and the Civilian Board of Contract Appeals shall each prescribe regulations for the release of competing employees in a reduction in force that gives due effect to—

(A) efficiency or performance ratings;

(B) military preference; and

(C) tenure of employment.

(2) In prescribing the regulations, the Board concerned shall provide for military preference in the same manner as set forth in subchapter I of chapter 35 of title 5, United States Code.

SEC. 1442. TERMINATIONS AND SAVINGS PROVISIONS.

(a) TERMINATION OF BOARDS OF CONTRACT APPEALS.—Effective on the effective date described in section 1451, the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before such effective date), other than the board of contract appeals of the Tennessee Valley Authority and the Postal Service Board of Contract Appeals, shall terminate.

(b) SAVINGS PROVISION FOR CONTRACT DISPUTE MATTERS PENDING BEFORE BOARDS.—(1) This title and the amendments made by this title shall not affect any proceedings pending on the effective date described in section 1451 before any board of contract appeals terminated by subsection (a).

(2) In the case of any such proceedings pending before the Armed Services Board of Contract Appeals, the proceedings shall be continued by the Department of Defense Board of Contract Appeals, and orders which were issued in any such proceeding by the Armed Services Board of Contract Appeals shall continue in effect until

modified, terminated, superseded, or revoked by the Department of Defense Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

(3) In the case of any such proceedings pending before an agency board of contract appeals other than the Armed Services Board of Contract Appeals or the board of contract appeals of the Tennessee Valley Authority, the proceedings shall be continued by the Civilian Board of Contract Appeals, and orders which were issued in any such proceeding by the agency board shall continue in effect until modified, terminated, superseded, or revoked by the Civilian Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

SEC. 1443. CONTRACT DISPUTES AUTHORITY OF BOARDS.

(a) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended—

(1) in paragraph (2), by striking out ", the United States Postal Service, and the Postal Rate Commission";

(2) by redesignating paragraph (7) as paragraph (9);

(3) by amending paragraph (6) to read as follows:

"(6) the terms 'agency board' or 'agency board of contract appeals' mean—

"(1) the Department of Defense Board of Contract Appeals established under section 8(a)(1) of this Act;

"(2) the Civilian Board of Contract Appeals established under section 8(b)(1) of this Act;

"(3) the board of contract appeals of the Tennessee Valley Authority; or

"(4) the Postal Service Board of Contract Appeals established under section 8(h) of this Act;"; and

(4) by inserting after paragraph (6) the following new paragraphs:

"(7) the term 'Defense Board' means the Department of Defense Board of Contract Appeals established under section 8(a)(1) of this Act;

"(8) the term 'Civilian Board' means the Civilian Board of Contract Appeals established under section 8(b)(1) of this Act; and".

(b) Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607), as amended by section 1421, is further amended—

(1) by striking out subsection (c);

(2) in subsection (d)—

(A) by striking out the first sentence and inserting in lieu thereof the following: ''The Defense Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration relative to a contract made by that department or agency. The Civilian Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, or the Tennessee Valley Authority) relative to a contract made by that agency. Each other agency board shall have jurisdiction to decide any appeal from a decision of a contracting officer relative to a contract made by its agency.''; and

(B) in the second sentence, by striking out "Claims Court" and inserting in lieu thereof "Court of Federal Claims";

(3) by striking out subsection (h) and inserting in lieu thereof the following:

"(h) There is established an agency board of contract appeals to be known as the 'Postal Service Board of Contract Appeals'. Such board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the United States Postal Service or the Postal Rate Commission relative to a contract made by either agency. Such board shall consist of judges appointed by the Postmaster General who shall meet the qualifications of and serve in the same manner as judges of the Civilian Board of Contract Appeals. This Act and title II of the Office of Federal Procurement Policy Act shall apply to contract disputes before the Postal Service Board of Contract Appeals in the same manner as they apply to contract disputes before the Civilian Board."; and

(4) by striking out subsection (i).

SEC. 1444. REFERENCES TO AGENCY BOARDS OF CONTRACT APPEALS.

(a) DEFENSE BOARD.—Any reference to the Armed Services Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United

States shall be treated as referring to the Department of Defense Board of Contract Appeals.

(b) CIVILIAN BOARD.—Any reference to an agency board of contract appeals other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, or the Postal Service Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the Civilian Board of Contract Appeals.

SEC. 1445. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 5372a(a)(1) of title 5, United States Code, is amended by inserting after ''of 1978'' the following: ''or a member of the Department of Defense Board of Contract Appeals or the Civilian Board of Contract Appeals appointed under section 202 of the Office of Federal Procurement Policy Act''.

(b) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by inserting the following before the item relating to section 1:

''TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY''.

(2) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by adding at the end the following:

"TITLE II—DISPUTE RESOLUTION

"Subtitle A—General provisions

"201. Definitions.
"202. Membership.
"203. Chairmen.
"204. Rulemaking authority.
"205. Authorization of appropriations.

"Subtitle B—Functions of the defense and civilian Boards of contract appeals

"211. Contract disputes.
"212. Applicability to certain contracts.".

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

SEC. 1451. EFFECTIVE DATE.

Title II of the Office of Federal Procurement Policy Act, as added by this title, and the amendments and repeals made by this title shall take effect 1 year after the date of the enactment of this Act.

SEC. 1452. REGULATIONS.

(a) REGULATIONS REGARDING CLAIMS.—Not later than 1 year after the date of the enactment of this Act, the Chairman of the Armed Services Board of Contract Appeals and the Chairman of the General Services Board of Contract Appeals, in consultation with the Administrator for Federal Procurement Policy, shall jointly issue—

(1) such procedural rules and regulations as are necessary to the exercise of the functions of the Department of Defense Board of Contract Appeals and the Civilian Board of Contract Appeals under sections 211 of the Office of Federal Procurement Policy Act (as added by this title); and

(2) statements of policy of general applicability with respect to such functions.

(b) REGULATIONS REGARDING APPOINTMENT OF JUDGES.—Not later than 1 year after the date of the enactment of this Act—

(1) the Chairman of the Armed Services Board of Contract Appeals shall issue rules governing the establishment and maintenance of a register of eligible applicants and the selection of judges for the Department of Defense Board of Contract Appeals; and

(2) the Administrator for Federal Procurement Policy shall issue rules governing the establishment and maintenance of a register of eligible applicants and the selection of judges for the Civilian Board of Contract Appeals.

SEC. 1453. APPOINTMENT OF CHAIRMEN OF DEFENSE BOARD AND CIVILIAN BOARD.

Notwithstanding section 1451, not later than 1 year after the date of the enactment of this Act—

(1) the Secretary of Defense shall appoint the Chairman of the Department of Defense Board of Contract Appeals; and

(2) the Administrator for Federal Procurement Policy shall appoint the Chairman of the Civilian Board of Contract Appeals.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—General Increases

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Defense-wide activities procurement.
Sec. 1505. Research, development, test, and evaluation, defense-wide activities.
Sec. 1506. Operation and maintenance.
Sec. 1507. Defense working capital funds.
Sec. 1508. Defense Health Program.
Sec. 1509. Military personnel.
Sec. 1510. Iraq Freedom Fund.
Sec. 1511. Classified programs.
Sec. 1512. Treatment as additional authorizations.
Sec. 1513. Transfer authority.
Sec. 1514. Availability of funds.

Subtitle B—Personnel Provisions

Sec. 1521. Increase in active Army and Marine Corps strength levels.
Sec. 1522. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.

Sec. 1523. Military death gratuity enhancement.
Sec. 1524. Permanent prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
Sec. 1525. Permanent authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone.
Sec. 1526. Permanent increase in length of time dependents of certain deceased members may continue to occupy military family housing or receive basic allowance for housing.
Sec. 1527. Availability of special pay for members during rehabilitation from combat-related injuries.
Sec. 1528. Allowance to cover monthly deduction from basic pay for Servicemembers' Group Life Insurance coverage for members serving in Operation Enduring Freedom or Operation Iraqi Freedom.

Subtitle C—Matters Involving Support Provided by Foreign Nations

Sec. 1531. Reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle A—General Increases

SEC. 1501. PURPOSE.

The purpose of this title is to authorize emergency appropriations for the Department of Defense for fiscal year 2006 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom. Funds authorized for appropriation in this title are available upon the enactment of this Act.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For weapons and tracked combat vehicles, $574,627,000.

(2) For ammunition, $105,700,000.

(3) For other procurement, $1,945,350,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

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

(1) For weapons procurement, $36,800,000.

(2) For other procurement, $15,300,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $445,400,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of $144,721,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for Defense-wide procurement in the amount of $103,900,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Department of Defense for research, development, test and evaluation, Defense-wide, in the amount of $75,000,000.

SEC. 1506. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for ex-

penses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $20,305,001,000.

(2) For the Navy, $1,838,000,000.

(3) For the Marine Corps, $1,791,800,000.

(4) For the Air Force, $3,195,352,000.

(5) For Defense-wide, $2,870,333,000.

(6) For the Army National Guard, $159,500,000.

(7) For the Army Reserve, $26,400,000.

SEC. 1507. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Defense Working Capital Fund in the amount of $1,700,000,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $846,000,000, for Operation and Maintenance.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 a total of $9,390,010,000.

SEC. 1510. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the account of the Iraq Freedom Fund in amount of $1,000,000,000, to remain available for transfer to other accounts in this title until April 30, 2006. Amounts of authorization so transferred shall be merged with, and be made available for, the same purposes as the authorization to which transferred.

(b) NOTICE TO CONGRESS.—A transfer may be made from the Iraq Freedom Fund only after the Secretary of Defense notifies the congressional defense subcommittees with respect to the proposed transfer in writing not less than five days before the transfer is made.

SEC. 1511. CLASSIFIED PROGRAMS.

There is hereby authorized to be appropriated for fiscal year 2006 for classified programs the amount of $2,500,000,000.

SEC. 1512. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1513. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in

the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1514. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2006.

Subtitle B—Personnel Provisions

SEC. 1521. INCREASE IN ACTIVE ARMY AND MARINE CORPS STRENGTH LEVELS.

(a) AUTHORIZED END STRENGTHS.—The end strength level authorized for fiscal year 2006 under section 401—

(1) for the Army is hereby increased by 30,000; and

(2) for the Marine Corps is hereby increased by 4,000.

(b) STATUTORY MINIMUM ACTIVE STRENGTH LEVELS.—

(1) ARMY.—The minimum strength for the Army under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (1) of that section) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be the number specified in section 401(1) of this Act, increased by 30,000.

(2) MARINE CORPS.—The minimum strength for the Marine Corps under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (3) of that section) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be the number speci-

fied in section 401(3) of this Act, increased by 4,000.

(c) LIMITATION.—The authorized strengths for the Army and Marine Corps provided in subsection (a) for active duty personnel for fiscal year 2006 are subject to the condition that costs of active-duty personnel of the Army and the Marine Corps for that fiscal year in excess of 482,400 and 175,000, respectively, shall be paid out of funds appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

SEC. 1522. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2007 THROUGH 2009.

Effective October 1, 2006, the text of section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1863) is amended to read as follows:

"(a) AUTHORITY.—

"(1) ARMY.—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Army at a number greater than

the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 20,000.

"(2) MARINE CORPS.—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 5,000.

"(3) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under paragraphs (1) and (2) are—

"(A) to support operational missions; and

"(B) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

"(4) FISCAL-YEAR 2006 BASELINE.—In this subsection, the term 'fiscal-year 2006 baseline', with respect to the Army and Marine Corps, means the

active-duty end strength authorized for those services in section 1521 of the National Defense Authorization Act for Fiscal Year 2006.

"(5) ACTIVE-DUTY END STRENGTH.—In this subsection, the term 'active-duty end strength' means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

"(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

"(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

"(d) BUDGET TREATMENT.—

"(1) FISCAL YEAR 2007 BUDGET.—The budget for the Department of Defense for fiscal year 2007 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

"(2) OTHER INCREASES.—If the Secretary of Defense plans to increase the Army or Marine Corps

active duty end strength for a fiscal year under subsection (a), then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2006 active duty end strength authorized for that service under section 401 of the National Defense Authorization Act for Fiscal Year 2006.''.

SEC. 1523. MILITARY DEATH GRATUITY ENHANCEMENT.

(a) INCREASE IN AMOUNT.—Section 1478 of title 10, United States Code, is amended—

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

(2) by designating the second sentence of subsection (a) as subsection (b) and by striking therein ''this purpose'' and inserting ''the purpose of subsection (a)'';

(3) in subsection (a), by striking ''title shall be $12,000 (as adjusted under subsection (c)).'' and inserting the following: ''title—

''(1) except as provided in paragraph (2), shall be $12,000 (as adjusted under subsection (e)); and

''(2) in the case of a death described in subsection (d), shall be $100,000.'';

(4) by inserting after subsection (c), as redesignated by paragraph (1), the following new subsection:

"(d) A death referred to in subsection (a)(2) is a death resulting from wounds, injuries, or illnesses that are—

"(1) incurred as described in section 1413a(e)(2) of this title; or

"(2) incurred in an operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone."; and

(5) in subsection (e), as redesignated by paragraph (1), by striking "subsection (a)" and inserting "subsection (a)(1)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, immediately after the provisions of the second sentence of section 1013(e)(2) of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1524. PERMANENT PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) PROHIBITION.—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) NO PAYMENT FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES.—(1) A member of the armed forces who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease described in paragraph (2) shall not be required to pay, during any month in which the member is entitled to a basic allowance for subsistence under this section, any charge for meals provided to the member by the military treatment facility.

"(2) Paragraph (1) applies with respect to an injury, illness, or disease incurred or aggravated by a member while the member was serving on active duty—

"(A) in support of Operation Iraqi Freedom or Operation Enduring Freedom; or

"(B) in any other operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.".

(b) REPEAL OF TEMPORARY AUTHORITY.—Section 1023 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the following:

(1) The date of the enactment of this Act.

(2) September 30, 2005.

SEC. 1525. PERMANENT AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS TO VISIT HOSPITALIZED MEMBERS INJURED IN COMBAT OPERATION OR COMBAT ZONE.

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds $20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking ''under section 1967(c)(1)(A) of title 38''.

SEC. 1526. PERMANENT INCREASE IN LENGTH OF TIME DEPENDENTS OF CERTAIN DECEASED MEMBERS MAY CONTINUE TO OCCUPY MILITARY FAMILY HOUSING OR RECEIVE BASIC ALLOWANCE FOR HOUSING.

Effective as of September 30, 2005, section 1022 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended—

(1) by striking ''(a)''; and

(2) by striking subsection (b).

SEC. 1527. AVAILABILITY OF SPECIAL PAY FOR MEMBERS DURING REHABILITATION FROM COMBAT-RELATED INJURIES.

(a) SPECIAL PAY AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 327. Combat-related injury rehabilitation pay

''(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who incurs a combat-related injury in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

''(b) COMMENCEMENT OF PAYMENT.—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

''(c) TERMINATION OF PAYMENTS.—The payment of special pay to a member under subsection (a) shall termi-

nate at the end of the first month during which any of the following occurs:

"(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers' Group Life Insurance Program issued under section 1980A of title 38.

"(2) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

"(d) AMOUNT OF SPECIAL PAY.—The monthly amount of special pay paid to a member under this section shall be equal to $430.

"(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.

"(f) COMBAT-RELATED DISABILITY.—In this section, the term 'combat-related injury', with respect to a member, means a wound, injury, or illness that is incurred (as determined using the criteria prescribed by the Secretary of Defense under section 1413a(e)(2) of title 10) by the member—

"(1) as a direct result of armed conflict;

"(2) while engaged in hazardous service;

"(3) in the performance of duty under conditions simulating war; or

"(4) through an instrumentality of war.".

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

"327. Combat-related injury rehabilitation pay.".

(c) EFFECTIVE DATE.—The Secretary of a military department may provide special pay under section 327 of title 37, United States Code, as added by subsection (a), for months beginning on or after the date of the enactment of this Act. A member of the Armed Forces who incurred a combat-related injury, as defined in subsection (f) of such section, before the date of the enactment of this Act may receive such pay for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.

SEC. 1528. ALLOWANCE TO COVER MONTHLY DEDUCTION FROM BASIC PAY FOR SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR MEMBERS SERVING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) ALLOWANCE TO COVER SGLI DEDUCTIONS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom

''(a) REIMBURSEMENT FOR PREMIUM DEDUCTION.—In the case of a member of the armed forces who has obtained insurance coverage for the member under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38 and who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom at any time during a month, the Secretary concerned shall pay the member an allowance under this section for that month in an amount equal to the lesser of the following:

''(1) The amount of the deduction actually made for that month from the basic pay of the member for the amount of Servicemembers' Group Life Insurance coverage obtained by the member under section 1967 of title 38.

''(2) The amount of the deduction otherwise made under subsection (a)(1) of section 1969 of title 38 for members who have in effect for themselves the maximum amount of coverage under section 1967(a) of title 38.

''(b) NOTICE OF AVAILABILITY OF ALLOWANCE.—To the maximum extent practicable, in advance of the deploy-

ment of a member to a theater of operations referred to in subsection (a), the Secretary concerned shall give the member information regarding the following:

"(1) The availability of the allowance under this section for members insured under the Servicemembers' Group Life Insurance program.

"(2) The ability of members who elected not to be insured under Servicemembers' Group Life Insurance, or elected less than the authorized maximum coverage, to obtain insurance, or to obtain additional coverage, as the case may be, under the authority provided in section 1967(c) of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by adding at the end the following new item:

"437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.".

(c) EFFECTIVE DATE; NOTIFICATION.—Section 437 of title 37, United States Code, as added by subsection (a), shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after October 1, 2005. In the case of members who are serving in the theater of operations for Operation Enduring Freedom or Operation Iraqi Free-

dom as of the date of the enactment of this Act, the Secretary of Defense shall provide such members, as soon as practicable, the information specified in subsection (b) of that section.

(d) FUNDING SOURCE.—Amounts appropriated pursuant to the authorization of appropriations in section 1509 for emergency appropriations for military personnel accounts for the Department of Defense for fiscal year 2006 shall be available to the Secretary of a military department to provide the allowance established by section 437 of title 37, United States Code, as added by subsection (a).

Subtitle C—Matters Involving Support Provided by Foreign Nations

SEC. 1531. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by this title for Defense-Wide Operations and Maintenance, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Iraq, Afghanistan, and the global war on terrorism.

(b) DETERMINATIONS.—Payments authorized under subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in the Secretary's discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided. Any such determination by the Secretary of Defense shall be final and conclusive upon the accounting officers of the United States. To the maximum extent practicable, the Secretary shall develop standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under this section.

(c) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total amount of payments made under the authority of this section during fiscal year 2006 may not exceed $1,500,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a payment under the authority of this section.

(d) CONGRESSIONAL NOTIFICATIONS.—The Secretary of Defense—

(1) shall notify the congressional defense committees not less than 15 days before making any payment under the authority of this section; and

(2) shall submit to those committees quarterly reports on the use of the authority under this section.

TITLE XVI—CONTRACTORS ON THE BATTLEFIELD

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Requirements for commanders of combatant commands relating to contractors accompanying and not accompanying the force.
Sec. 1605. Requirements for contractors relating to possession of weapons.
Sec. 1606. Battlefield accountability.

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Contractors on the Battlefield Regulatory Act''.

SEC. 1602. FINDINGS.

Congress finds the following:

(1) Contract personnel have provided invaluable services in support of combat, humanitarian, peacekeeping, and reconstruction operations worldwide, and they should be recognized for their contributions, including in some instances the loss of their lives, in support of such operations.

(2) Contract personnel are appropriately prohibited from performing inherently governmental functions.

(3) Contract personnel will be present on and supporting the battlefield of tomorrow providing crucial goods and services for military, humanitarian, peacekeeping, and reconstruction operations.

SEC. 1603. DEFINITIONS.

In this title:

(1) CONTRACTOR ACCOMPANYING THE FORCE.—

(A) IN GENERAL.—The term ''contractor accompanying the force'' means a contractor for a contract with the Department of Defense, a subcontract at any tier under such a contract, or a task order at any tier issued under such a contract, if the contract, subcontract, or task order—

(i) is paid for using funds appropriated to or for the use of the Department; and

(ii) is for the performance of work that directly supports United States military operations overseas or deployed United States Armed Forces.

(B) EMPLOYEES INCLUDED.—The term includes employees of any contractor described in subparagraph (A).

(2) CONTRACTOR NOT ACCOMPANYING THE FORCE.—

(A) IN GENERAL.—The term ''contractor not accompanying the force'' means a contractor for a contract with the Federal Government, a subcontract at any tier under such a contract, or a task order at any tier issued under such a contract, if the contract, subcontract, or task order is for the performance of work related to private security, reconstruction, humanitarian assistance, peacekeeping, or other activities in an area of responsibility of a commander of a combatant command.

(B) EMPLOYEES INCLUDED.—The term includes employees of any contractor described in subparagraph (A).

(3) COMBATANT COMMAND.—The term ''combatant command'' has the meaning provided in section 161(c) of title 10, United States Code.

SEC. 1604. REQUIREMENTS FOR COMMANDERS OF COMBATANT COMMANDS RELATING TO CONTRACTORS ACCOMPANYING AND NOT ACCOMPANYING THE FORCE.

(a) PROTECTION OF CONTRACTORS BY ARMED FORCES.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to make a determination regarding the appropriate level of security protection by the Armed Forces of contractors accompanying the force in the commander's area of responsibility, and to include in the operational plans of the commander the results of the determination.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—Any requirements for security protection of contractors accompanying the force included in operational plans under paragraph (1) may also be applied by the commander to contractors not accompanying the force.

(b) COMMUNICATIONS PLAN.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to include in the operational plans of the commander a communica-

tions plan for contractors accompanying the force in the commander's area of responsibility.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—Such communications plan may be applied by the commander to contractors not accompanying the force in such area.

(3) PROVISION OF PLAN TO CONTRACTORS.—Any communications plan included in operational plans under this subsection shall be provided by the commander concerned to the affected contractors.

(c) SHARING INTELLIGENCE.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to share with contractors accompanying the force open-source intelligence, threat assessments, and information related to contractor movement to avoid hostile or friendly fire incidents and to further the missions of both the Department of Defense and the contractors.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to share, to the extent practicable, the intelligence, assessments, and information referred to in paragraph (1) with contractors not accompanying the force.

(3) WAIVER.—The commander of a combatant command may waive the requirements of this subsection if required to ensure operational security in the commander's area of responsibility.

SEC. 1605. REQUIREMENTS FOR CONTRACTORS RELATING TO POSSESSION OF WEAPONS.

(a) REQUIREMENT FOR REGULATIONS REGARDING CARRYING WEAPONS FOR CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall prescribe regulations describing the type of weapons and circumstances under which contractors accompanying the force may carry a weapon for self defense or in order to perform work required under the contract, and information required to be provided by such contractors relating to such weapons. The regulations shall include the following:

(1) A requirement that a contractor accompanying the force request in writing approval, from the commander of the combatant command for the area in which the contractor is performing work under a contract, for the contractor to carry weapons.

(2) Subject to subsection (b), a requirement that the commander of a combatant command determine whether it is appropriate for a contractor accompanying the force to carry a weapon for self de-

fense or in order to perform work required under the contract, taking into account the duties required to be performed under the contract and the security situation in the area of operations, and, if determined appropriate, to approve a request referred to in paragraph (1).

(3) A requirement that any contractor accompanying the force that is carrying a weapon for self defense use only a firearm that meets United States military specifications for self defense and ammunition that meets United States military specifications.

(4) A requirement that a contractor accompanying the force must have proof of appropriate training for using any firearm for self defense, as determined by the Secretary of Defense.

(b) DEEMED APPROVAL FOR CARRYING WEAPON.—The regulations shall provide that, for purposes of the requirements of paragraphs (1) and (2) of subsection (a), a requirement in a contract awarded by the Department that a contractor carry a weapon to perform work under the contract shall be deemed to be approved by the commander for the contractor to carry such a weapon. The regulations shall require that the contracting officer for such a contract shall notify the appropriate commander of any such requirement.

SEC. 1606. BATTLEFIELD ACCOUNTABILITY.

(a) QUARTERLY LIST OF CONTRACTOR PERSONNEL IN COMMANDER'S AREA.—The Secretary of Defense shall require each commander of a combatant command to obtain quarterly from contractors accompanying the force a list of all contractor personnel who are present in the commander's area of responsibility, with the following information for each individual on the list:

(1) Whether the individual carries a weapon.

(2) Proof of appropriate training with respect to any weapon carried by the individual.

(3) Proof of citizenship.

(b) MEETINGS WITH CONTRACTORS.—The Secretary of Defense shall require each commander of a combatant command to meet regularly with representatives of contractors both accompanying and not accompanying the force who are present in the commander's area of responsibility, in order to provide information about the requirements of the commander with respect to the contractors and recommendations to the contractors regarding security for the protection of the contractors.

(c) DATABASE.—The Secretary of Defense shall require each commander of a combatant command to maintain a central database of the information provided under subsection (a) with respect to all contractors accompanying the force in the commander's area of responsi-

bility and shall allow the commander to maintain such a database with respect to contractors not accompanying the force. The Secretary shall prescribe a design for the information to be collected for the database required under this subsection, which shall be uniform for all combatant commands. To the extent practicable, the Secretary shall rely on existing sources in the Department of Defense for the information to be included in the database and make such existing information available to each commander.

(d) CONTRACTOR REQUIREMENT.—Any contractor accompanying the force, and, upon determination of the commander of a combatant command concerned, any contractor not accompanying the force, shall provide information sought by a commander of a combatant command for purposes of subsection (a), upon request from the commander.

Division B—Military Construction Authorizations

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2006''.

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.
Sec. 2105. Modification of authority to carry out certain fiscal year 2004 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army 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:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,150,000
	Fort Rucker	$9,700,000
	Redstone Arsenal	$4,700,000
Alaska	Fort Wainwright	$33,560,000
Arizona	Ft. Huachuca	$5,100,000
California	Concord	$11,850,000
	Fort Irwin	$21,250,000
Colorado	Fort Carson	$70,622,000
Georgia	Fort Benning	$30,261,000
	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
Illinois	Rock Island Arsenal	$7,400,000
Indiana	Crane Army Ammunition Activity	$5,700,000
Kansas	Fort Riley	$23,000,000
Kentucky	Fort Campbell	$108,175,000
Louisiana	Fort Polk	$28,887,000
Missouri	Fort Leonard Wood	$8,100,000
New Jersey	Picatinny Arsenal	$4,450,000
New York	Fort Drum	$73,350,000
	United States Military Academy, West Point	$4,000,000
North Carolina	Fort Bragg	$301,250,000
Ohio	Joint Systems Manufacturing Center, Lima	$11,600,000
Oklahoma	Fort Sill	$5,850,000
	McAlester	$6,500,000
Pennsylvania	Letterkenny Depot	$6,300,000
South Carolina	Fort Jackson	$1,600,000
Texas	Fort Bliss	$5,000,000
	Fort Hood	$57,888,000
Utah	Dugway Proving Ground	$25,000,000
Virginia	Fort A.P. Hill	$2,700,000
	Fort Belvoir	$18,000,000
	Fort Lee	$3,900,000
	Fort Myer	$15,200,000
Washington	Fort Lewis	$99,949,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following 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

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	Fort Richardson	117	$49,000,000
	Fort Wainwright	180	$91,000,000
Arizona	Fort Huachuca	131	$31,000,000
	Yuma Proving Ground	35	$11,200,000
Oklahoma	Fort Sill	129	$24,000,000
Virginia	Fort Lee	96	$19,500,000
	Fort Monroe	21	$6,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,536,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $300,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,955,400,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $985,172,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $204,947,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $168,023,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $549,636,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $803,993,000.

(6) For the construction of phase 3 of the Lewis & Clark instructional facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $42,642,000.

(7) For the construction of phase 2 of a barracks complex at Vilseck, Germany, authorized by

section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), as amended by section 2105 of this Act, $13,600,000.

(8) For the construction of phase 2 of the Drum Road upgrade at Helemano Military Reservation, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $41,000,000.

(9) For the construction of phase 2 a vehicle maintenance facility at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,656,000.

(10) For the construction of phase 2 of a barracks complex, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,650,000.

(11) For the construction of phase 2 of trainee barracks, Basic Training Complex 1 at Fort Knox, Kentucky, authorized by section 2101(a) of the Mili-

tary Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $21,000,000.

(12) For the construction of phase 2 of a library and learning center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $25,470,000.

(13) For the construction of phase 2 of a barracks complex renewal project at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $30,611,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $16,500,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for Fort Drum, New York).

(3) $31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina).

(4) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 3nd Brigade at Fort Bragg, North Carolina).

(5) $77,400,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for divisional artillery at Fort Bragg, North Carolina).

(6) $13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road for Fort Belvoir, Virginia.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF OUTSIDE THE UNITED STATES PROJECT.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1698) is amended—

(1) in the item relating to Vilseck, Germany, by striking "$31,000,000" in the amount column and inserting "$26,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$226,900,000".

(b) CONFORMING AMENDMENT.—Section 2104(b)(6) of that Act (117 Stat. 1700) is amended by striking "$18,900,000" and inserting "$13,900,000".

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2004 project.
Sec. 2206. Modifications of authority to carry out certain fiscal year 2005 projects.

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(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$3,637,000
California	Air-Ground Combat Center, Twentynine Palms	$24,000,000
	Marine Corps Air Station, Camp Pendelton	$1,400,000
	Marine Corps Air Station, Miramar	$5,070,000
	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
	Naval Postgraduate School	$6,500,000
Florida	Diving&Salvage Training Center, Panama City	$9,678,000
	Naval Air Station, Jacksonville	$88,603,000
	Naval Air Station, Pensacola	$8,710,000
	Naval Station, Mayport	$15,220,000
Georgia	Naval Submarine Base, Kings Bay	$6,890,000
	Marine Corps Logistics Base, Albany	$5,840,000
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
	Naval Surface Warfare Center, Indian Head	$13,460,000
	United States Naval Academy, Annapolis	$51,720,000
New Hampshire	Portsmouth Naval Shipyard	$8,100,000
North Carolina	Marine Corps Air Station, Cherry Point	$29,147,000
	Marine Corps Air Station, New River	$6,840,000
	Marine Corps Base, Camp Lejeune	$44,590,000
Pennsylvania	Naval Station Weapons Center, Philadelphia	$4,780,000
Rhode Island	Naval Station, Newport	$4,870,000
Texas	Naval Air Station, Kingsville	$16,040,000
Virginia	Marine Corps Air Field, Quantico	$19,698,000
	Marine Corps Base, Quantico	$4,270,000
	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
	Naval Air Station, Whidbey Island	$4,010,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation outside the United States, and
6 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

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Guam	Commander Naval Region, Marianas.	126	$43,495,000

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $178,644,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,916,779,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $802,311,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $25,584,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $36,029,000.

(4) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $218,942,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $588,660,000.

(5) For the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), as amended by section 2205 of this Act, $54,432,000.

(6) For the construction of increment 3 of pier 11 replacement at Naval Station, Norfolk, Virginia,

authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $40,200,000.

(7) For the construction of increment 2 of the apron and hangar at Naval Air Facility, El Centro, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $18,666,000.

(8) For the construction of increment 2 of the White Side complex, Marine Corps Air Facility, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $34,730,000.

(9) For the construction of increment 2 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $47,095,000.

(10) For the construction of increment 2 of the lab consolidation at Strategic Weapons Facility Pacific, Bangor, Washington authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $9,430,000.

(11) For the construction of increment 2 of the presidential helicopter programs support facility at Naval Air Station, Patuxent River, Maryland, authorized by section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $40,700,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $37,721,000 (the balance of the amount authorized under section 2201(a) for a reclamation

and conveyance project for Camp Pendleton, California).

(3) $43,424,000 (the balance of the amount authorized under section 2201(a) for a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida).

(4) $45,850,000 (the balance of the amount authorized under section 2201(a) for infrastructure upgrades to Recruit Training Command, Great Lakes, Illinois).

(5) $26,790,000 (the balance of the amount authorized under section 2201(a) for construction of a field house at United States Naval Academy, Annapolis, Maryland).

(6) $31,059,000 (the balance of the amount authorized under section 2201(a) for replacement of Ship Repair Pier 3 at Norfolk Naval Shipyard, Virginia).

(7) $21,000,000 (the balance of the amount authorized under section 2201(a) for construction of bachelor quarters for Naval Station, Everett, Washington).

(8) $29,889,000 (the balance of the amount authorized under section 2201(b) for wharf upgrades at Naval Station, Guam).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703) is amended—

(1) in the item relating to Naval Weapons Station, Earle, New Jersey, by striking ''$123,720,000'' in the amount column and inserting ''$140,372,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,352,524,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act (117 Stat. 1706) is amended by striking ''$96,980,000'' and inserting ''$113,632,000''.

SEC. 2206. MODIFICATIONS OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105) is amended—

(1) in the item relating to Marine Corps Air Facility, Quantico, Virginia, by striking

"$73,838,000" in the amount column and inserting "$74,462,000";

(2) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$138,060,000" in the amount column and inserting "$147,760,000"; and

(3) by striking the amount identified as the total in the amount column and inserting "$962,379,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (118 Stat. 2107) is amended—

(1) in paragraph (4), by striking "$34,098,000" and inserting "$34,722,000";

(2) by redesignating paragraph (7) as paragraph (8) and, in such paragraph—

(A) by striking "$65,982,000" and inserting "$66,614,000"; and

(B) by striking "at an unspecified location" and inserting "at Naval Air Station, Patuxent River, Maryland"; and

(3) by inserting after paragraph (6) the following new paragraph (7):

"(7) $9,700,000 (the balance of the amount authorized under section 2201(a) for naval laboratory

consolidation, Strategic Weapons Facility Pacific, Bangor, Washington).''.

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.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$14,900,000
Alaska	Clear Air Force Base	$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	$8,900,000
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	$25,500,000
	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	$21,500,000
Georgia	Robins Air Force Base	$7,600,000
Hawaii	Hickam Air Force Base	$13,378,000
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

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Missouri	Whiteman Air Force Base	$5,721,000
Nebraska	Offutt Air Force Base	$50,280,000
Nevada	Indian Springs Auxiliary Field	$60,724,000
	Nellis Air Force Base	$23,311,000
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	$32,620,000
Oklahoma	Tinker Air Force Base	$31,960,000
South Carolina	Charleston Air Force Base	$2,583,000
	Shaw Air Force Base	$16,030,000
Texas	Goodfellow Air Force Base	$4,300,000
	Laughlin Air Force Base	$7,900,000
	Sheppard Air Force Base	$36,000,000
Utah	Hill Air Force Base	$24,100,000
Virginia	Langley Air Force Base	$44,365,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following 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 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

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of ap-

1 propriations in section 2304(a)(5)(A), the Secretary of the
2 Air Force may construct or acquire family housing units
3 (including land acquisition and supporting facilities) at the
4 installations or locations, in the number of units, and in
5 the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Alaska	Eielson Air Force Base	392	$55,794,000
California	Edwards Air Force Base	226	$59,699,000
District of Columbia	Bolling Air Force Base	157	$48,223,000
Florida	MacDill Air Force Base	109	$40,982,000
Idaho	Mountain Home Air Force Base	194	$56,467,000
Missouri	Whiteman Air Force Base	111	$26,917,000
Montana	Malmstrom Air Force Base	296	$68,971,000
North Carolina	Seymour Johnson Air Force Base	255	$48,868,000
North Dakota	Grand Forks Air Force Base	300	$86,706,000
	Minot Air Force Base	223	$44,548,000
South Carolina	Charleston Air Force Base	10	$15,935,000
South Dakota	Ellsworth Air Force Base	60	$14,383,000
Texas	Dyess Air Force Base	190	$43,016,000
Germany	Ramstein Air Base	101	$62,952,000
	Spangdahlem Air Base	79	$45,385,000
Turkey	Incirlik Air Base	100	$22,730,000
United Kingdom	Royal Air Force Lakenheath	107	$48,437,000

6 (b) PLANNING AND DESIGN.—Using amounts appro-
7 priated pursuant to the authorization of appropriations in
8 section 2304(a)(5)(A), the Secretary of the Air Force may
9 carry out architectural and engineering services and con-
10 struction design activities with respect to the construction
11 or improvement of military family housing units in an
12 amount not to exceed $37,104,000.

13 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
14 **UNITS.**

15 Subject to section 2825 of title 10, United States
16 Code, and using amounts appropriated pursuant to the

authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $409,103,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,162,877,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $871,297,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $193,308,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $91,733,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,236,220,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $755,319,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $30,000,000 (the balance of the amount authorized under section 2301(a) for construction of a C–17 maintenance complex at Elmendorf Air Force Base, Alaska).

(3) $66,000,000 (the balance of the amount authorized under section 2301(a) for construction of a main base runway at Edwards Air Force Base, California).

(4) $29,000,000 (the balance of the amount authorized under section 2301(a) for construction of a joint intelligence center at MacDill Air Force Base, Florida.)

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.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Stewart/Hunter Army Air Field	$16,629,000
North Carolina	Fort Bragg	$18,075,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	$7,900,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	$7,300,000
California	Defense Distribution Depot, Tracy	$33,635,000
	Miramar	$23,000,000
Kansas	McConnell Air Force Base	$15,800,000
New Mexico	Cannon Air Force Base	$13,200,000
North Carolina	Seymour Johnson Air Force Base	$18,500,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$6,500,000
Virginia	Fort Belvoir	$4,500,000
	Naval Station, Norfolk	$6,700,000

National Security Agency

State	Installation or Location	Amount
Georgia	Augusta	$61,466,000
Maryland	Fort Meade	$28,049,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Surface Warfare Center, Coronado	$28,350,000
Florida	Hurlburt Field	$6,500,000
	Eglin Air Force Base	$12,800,000
Georgia	Fort Stewart/Hunter Army Air Field	$10,000,000
Kentucky	Fort Campbell	$37,800,000
North Carolina	Fort Bragg	$14,769,000
Washington	Fort Lewis	$53,300,000

TRICARE Management Activity

State	Installation or Location	Amount
California	Beale Air Force Base	$18,000,000
	Naval Hospital, San Diego	$15,000,000
Colorado	Peterson Air Force Base	$1,820,000
Maryland	Fort Detrick	$55,200,000
	Uniformed Services University, Bethesda	$10,350,000
Mississippi	Keesler Air Force Base	$14,000,000
Nevada	Nellis Air Force Base	$1,700,000
South Carolina	Charleston	$35,000,000
Texas	Lackland Air Force Base	$11,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the

1 United States, and in the amounts, set forth in the fol-
2 lowing tables:

Defense Education Activity

Location	Installation or City	Amount
Germany	Landstuhl	$6,543,000
	Vilseck	$2,323,000
Guam	Agana	$40,578,000
Korea	Taegu	$8,231,000
Spain	Naval Station, Rota	$7,963,000

Defense Logistics Agency

Location	Installation or City	Amount
Greece	Souda Bay	$7,089,000

Missile Defense Agency

Location	Installation or City	Amount
Kwajalein	Kwajalein Atoll	$4,901,000

National Security Agency

Location	Installation or City	Amount
United Kingdom	Menwith Hill	$44,997,000

TRICARE Management Activity

Location	Installation or City	Amount
Bahrain		$4,750,000

3 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2403(a)(6), the Sec-
6 retary of Defense may carry out energy conservation
7 projects under section 2865 of title 10, United States
8 Code, in the amount of $50,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $2,973,848,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $586,843,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $126,404,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $15,736,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $135,681,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $50,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $377,827,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, $1,570,466,000.

(9) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $46,391,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 2 of the hospital replacement at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construc-

tion Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112), $57,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $206,858,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $410,624,000; and

(B) for the Army Reserve, $138,425,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $45,226,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $225,727,000; and

(B) for the Air Force Reserve, $110,847,000.

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.
Sec. 2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2301, 2302, or 2401 of that Act, shall remain in effect until October 1, 2006, or the

date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

Installation or Location	Project	Amount
Aviano Air Base, Italy	Area consolidation	$5,000,000
Eglin Air Force Base, Florida	Family housing (134 units)	$15,906,000
	Family housing office	$597,000
Keesler Air Force Base, Mississippi	Family housing (117 units)	$16,505,000
Randolph Air Force Base, Texas	Family housing (112 units)	$14,311,000
	Housing maintenance facility	$447,000

Defense Wide: Extension of 2003 Project Authorization

Installation or Location	Project	Amount
Stennis Space Center, Mississippi	SOF Training Range	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101 or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Pohakuloa Training Area, Hawaii	Land acquisition	$1,500,000

Air Force: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Barksdale Air Force Base, Louisiana ...	Family housing (56 units)	$7,300,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2005; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of congressional notification requirements for certain military construction activities.
Sec. 2802. Improve availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.
Sec. 2803. Expansion of authority to convey property at military installations to support military construction.
Sec. 2804. Effect of failure to submit required report on need for general and flag officers quarters in National Capital Region.
Sec. 2805. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2806. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.

Sec. 2812. Report on use of utility system conveyance authority and temporary suspension of authority pending report.
Sec. 2813. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.

Subtitle C—Base Closure and Realignment

Sec. 2821. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.
Sec. 2822. Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.
Sec. 2823. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.
Sec. 2824. Sense of Congress regarding consideration of national defense industrial base interests during Base Closure and Realignment Commission review of Department of Defense base closure and realignment recommendations.

Subtitle D—Land Conveyances

Part I—Army Conveyances

Sec. 2831. Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
Sec. 2832. Land conveyance, Army Reserve Center, Bothell, Washington.

Part II—Navy Conveyances

Sec. 2841. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.

Part III—Air Force Conveyances

Sec. 2851. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.
Sec. 2852. Land conveyance, Air Force property, Jacksonville, Arkansas.

Subtitle E—Other Matters

Sec. 2861. Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.
Sec. 2862. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.
Sec. 2863. Assessment of water needs for Presidio of Monterey and Ord Military Community.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR CERTAIN MILITARY CONSTRUCTION ACTIVITIES.

(a) CONTINGENCY CONSTRUCTION.—Section 2804(b) of title 10, United States Code, is amended—

(1) by striking ''21-day period'' and inserting ''14-day period''; and

(2) by striking ''14-day period'' and inserting ''seven-day period''.

(b) ACQUISITION IN LIEU OF CONSTRUCTION.—Section 2813(c) of such title is amended—

(1) by striking ''30-day period'' and inserting ''21-day period''; and

(2) by striking ''21-day period'' and inserting ''14-day period''.

SEC. 2802. IMPROVE AVAILABILITY AND TIMELINESS OF DEPARTMENT OF DEFENSE INFORMATION REGARDING MILITARY CONSTRUCTION AND FAMILY HOUSING ACCOUNTS AND ACTIVITIES.

(a) MAINTENANCE OF INFORMATION ON INTERNET.—Section 2851 of title 10, United States Code, is

amended by adding at the end the following new subsection:

"(c) MAINTENANCE OF MILITARY CONSTRUCTION INFORMATION ON INTERNET; ACCESS.—(1) The Secretary of Defense shall maintain, as part of the Internet site of the Department of Defense, a link that, when activated by a person authorized under paragraph (3), will permit the person to access and view on a separate page of the Internet site a document or other file containing information regarding—

"(A) a specific military construction project or military family housing project, including the information required by paragraph (2); and

"(B) the accounts that are used to fund the project or support the operation and maintenance of military family housing.

"(2) The information required to be maintained under this subsection shall include the following:

"(A) The solicitation date and award date (or anticipated dates) for each contract entered into (or to be entered into) by the United States in connection with a military construction project or a military family housing project.

"(B) The contract recipient, contract award amount, and current working estimate of the cost of the project.

"(C) The latest form 1391 for the project and the status of design and construction for the project.

"(D) The date (or anticipated date) for completion of the project.

"(E) If funds appropriated for the project exceed (or are likely to exceed) the amount required to complete the project, the amount of the excess and the purpose for which the excess funds will be used.

"(F) If funds appropriated for the project are insufficient (or are likely to be insufficient) to complete the project, the additional amount necessary to complete the project and the source of the additional funds.

"(G) For accounts such as planning and design, unspecified minor construction, and family housing operation and maintenance, detailed information regarding expenditures and anticipated expenditures under these accounts and the purposes for which the expenditures are made.

"(3) Access to the Internet page referred to in paragraph (1) shall be restricted to the following persons:

"(A) Members of the congressional defense committees and their staff.

"(B) Staff of the congressional defense committees.

"(4) The Secretary shall update the information required to be maintained under this subsection as promptly as practicable to ensure that the information is available to persons referred to in paragraph (3) in a timely manner.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "SUPERVISION OF MILITARY DEPARTMENT PROJECTS.__" after "(a)"; and

(2) in subsection (b), by inserting "SUPERVISION OF DEFENSE AGENCY PROJECTS.__" after "(b)".

SEC. 2803. EXPANSION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) INCLUSION OF ALL MILITARY INSTALLATIONS.—Subsection (a) of section 2869 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''The Secretary concerned'';

(3) by striking ''located on a military installation that is closed or realigned under a base closure law'' and inserting ''described in paragraph (2)''; and

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

''(2) Paragraph (1) applies with respect to real property under the jurisdiction of the Secretary concerned that—

''(A) is located on a military installation that is closed or realigned under a base closure law; or

''(B) is determined to be surplus to the needs of the Federal Government.''.

(b) ADVANCE NOTICE OF USE OF AUTHORITY; CONTENT OF NOTICE.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''closed or realigned under the base closure laws is to be conveyed'' and inserting ''is proposed for conveyance'';

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

"(2) The Secretary concerned may not enter into an agreement under subsection (a) for the conveyance of real property until—

"(A) the Secretary submits to Congress notice of the conveyance, including—

"(i) the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the conveyance of the property; and

"(ii) the amount of any payment to be made under subsection (b) by the recipient of the property to equalize the fair market values of the property to be conveyed and the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the property; and

"(B) a period of 21 days has elapsed from the date of receipt of the notice or, if over sooner, a period of 14 days has elapsed from the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title".

(c) DEPOSIT AND USE OF FUNDS.—Subsection (e) of such section is amended to read as follows:

"(e) DEPOSIT AND USE OF FUNDS.—(1) The Secretary concerned shall deposit funds received under sub-

section (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'.

"(2) The funds deposited under paragraph (1) shall be available, in such amounts as provided in appropriation Acts, for the purpose of paying increased costs of overseas military construction and family housing construction or improvement associated with unfavorable fluctuations in currency exchange rates. The use of such funds for this purpose does not relieve the Secretary concerned from the duty to provide advance notice to Congress under section 2853(c) of this title whenever the Secretary approves an increase in the cost of an overseas project under such section.".

(d) ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.—Subsection (f) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by inserting before the period at the end the following: "and of surplus real property at military installations";

(3) by striking "(f)" and all that follows through "the following:" and inserting the following:

"(f) ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.—(1) Not later than March 15 of each year, the

Secretary of Defense shall submit to Congress a report detailing the following:''; and

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

''(2) If the report for a year is not submitted to Congress by the date specified in paragraph (1), the Secretary concerned may not enter into an agreement under subsection (a) after that date for the conveyance of real property until the date on which the report is finally submitted.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military construction''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2689. Conveyance of property at military installations to support military construction.''.

(f) CONFORMING AMENDMENTS TO OTHER LAWS.—Section 2883(c) of such title is amended—

(1) in paragraph (1), by striking subparagraph (F); and

(2) in paragraph (2), by striking subparagraph (F).

SEC. 2804. EFFECT OF FAILURE TO SUBMIT REQUIRED REPORT ON NEED FOR GENERAL AND FLAG OFFICERS QUARTERS IN NATIONAL CAPITAL REGION.

Section 2802(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2120) is amended—

(1) by inserting ''(1)'' before ''Not later than March 30, 2005,''; and

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

''(2) Until the report required by this subsection is submitted to the congressional defense committees, amounts appropriated for the Department of Defense for fiscal year 2006 may not be used for the operation, maintenance, or repair of housing units for general officers and flag officers in the National Capital Region.''.

SEC. 2805. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) CONDITIONAL EXTENSION.—Section 2808 of the Military Construction Authorization Act for Fiscal Year

2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), is further amended—

(1) in subsection (a), by striking ''fiscal year 2005'' and inserting ''fiscal years 2005 and 2006''; and

(2) in subsection (d)(2)—

(A) by striking ''during fiscal year 2005'' and inserting ''during a fiscal year'';

(B) by inserting ''for that fiscal year'' after ''commence''; and

(C) by striking ''for fiscal year 2004'' and inserting ''for the preceding fiscal year''.

(b) ADVANCE NOTICE OF PROPOSED OBLIGATION OF FUNDS.—Subsection (b) of such section 2808 is amended—

(1) in the first sentence—

(A) by striking ''Within seven days after'' and all that follows through ''are first'' and inserting ''Not later than seven days before the date on which appropriated funds available for operation and maintenance will be first''; and

(B) by striking ''the obligation'' and inserting ''the proposed obligation'';

(2) in paragraph (2), by striking ''are being obligated'' and inserting ''will be obligated''; and

(3) in paragraph (4), by striking ''obligated'' and inserting ''to be obligated''.

(c) QUARTERLY REPORTS; EFFECT OF FAILURE TO SUBMIT.—Subsection (d) of such section 2808 is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) Not later than 30 days after the end of each fiscal-year quarter during which appropriated funds available for operation and maintenance are obligated or expended to carry out construction projects outside the United States, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of such appropriated funds for such construction projects. If the report for a fiscal-year quarter is not submitted to such committees by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date under the authority of this section to carry out construction projects outside the United States until the date on which the report is finally submitted.''.

SEC. 2806. CLARIFICATION OF MORATORIUM ON CERTAIN IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

(a) EXCEPTIONS TO MORATORIUM.—Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–355) is amended—

(1) in subsection (a), by striking ''conversion, rehabilitation, extension, or improvement'' and inserting ''or extension'';

(2) in subsection (b)(1), by inserting '', repair, or convert'' after ''maintain''; and

(3) in subsection (c), by striking ''conversion, rehabilitation, extension, or improvement'' and inserting ''or extension''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) do not trigger the termination of the moratorium on certain improvements at Fort Buchanan, Puerto Rico, as provided by subsection (c) of section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CONSOLIDATION OF DEPARTMENT OF DEFENSE LAND ACQUISITION AUTHORITIES AND LIMITATIONS ON USE OF SUCH AUTHORITIES.

(a) LAND ACQUISITION AUTHORITY.—Chapter 159 of title 10, United States Code, is amended—

(1) in section 2663—

(A) by striking the section heading and inserting the following new section heading:

"§ 2663. Land acquisition authorities";

(B) in subsection (a)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(ii) in subparagraph (C), as so redesignated, by striking "clause (2)" and inserting "subparagraph (B)"; and

(iii) by inserting "ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—(1)" before "The Secretary";

(C) by redesignating subsection (b) as paragraph (2) and, in such paragraph, by strik-

ing "subsection (a)" and inserting "paragraph (1)";

(D) by redesignating subsection (c) as subsection (b) and, in such subsection, by inserting "ACQUISITION BY PURCHASE IN LIEU OF CONDEMNATION.—" before "The Secretary"; and

(E) by striking subsection (d);

(2) by transferring subsections (a), (b), and (d) of section 2672 to section 2663 and inserting such subsections in that order after subsection (b), as redesignated by paragraph (1)(D);

(3) in subsection (a), as transferred by paragraph (2), by striking "(a) ACQUISITION AUTHORITY" and inserting "(c) ACQUISITION OF LOW-COST INTERESTS IN LAND";

(4) in subsection (b), as transferred by paragraph (2)—

(A) by striking "(b) ACQUISITION OF MULTIPLE PARCELS.—This section" and inserting "(3) This subsection";

(B) by striking "subsection (a)(1)" and inserting "paragraph (1)"; and

(C) by striking "subsection (a)(2)" and inserting "paragraph (2)";

(5) in subsection (d), as transferred by paragraph (2)—

(A) by striking ''(d) AVAILABILITY OF FUNDS.—Appropriations'' and inserting ''(4) Appropriations''; and

(B) by striking ''this section'' and inserting ''this subsection'';

(6) by transferring subsections (a), (c), and (b) of section 2672a to section 2663 and inserting such subsections in that order after subsection (c), as redesignated and amended by paragraphs (3), (4), and (5);

(7) in subsection (a), as transferred by paragraph (6)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking ''(a) The Secretary'' and inserting ''(d) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary'';

(8) in subsection (c), as transferred by paragraph (6)—

(A) by striking ''(c)'' and inserting ''(2)''; and

(B) by striking ''this section'' and inserting ''this subsection'';

(9) in subsection (b), as transferred by paragraph (6)—

(A) by striking ''(b)'' and inserting ''(3)'';

(B) by striking ''this section'' in the first sentence and inserting ''this subsection''; and

(C) by striking the second sentence;

(10) by transferring subsection (b) of section 2676 to section 2663 and inserting such subsection after subsection (d), as redesignated and amended by paragraphs (7), (8), and (9); and

(11) in subsection (b), as transferred by paragraph (10), by striking ''(b) Authority'' and inserting ''(e) SURVEY AUTHORITY; ACQUISITION METHODS.—Authority''.

(b) LIMITATIONS ON ACQUISITION AUTHORITY.—Section 2676 of such title, as amended by subsection (a)(10), is further amended—

(1) in subsection (a)—

(A) by inserting ''AUTHORIZATION FOR ACQUISITION REQUIRED.—'' before ''No military department''; and

(B) by striking '', as amended'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''COST LIMITATIONS.—'' before ''(1)'';

(B) in paragraph (2)—

(i) by striking ''A land'' and inserting ''Until subsection (d) is complied with, a land''; and

(ii) by striking ''lesser,'' and all that follows through the period at the end and inserting ''lesser.'';

(3) in subsection (d), by inserting ''CONGRESSIONAL NOTIFICATION.—'' before ''The limitations''; and

(4) in subsection (e), by inserting ''PAYMENT OF JUDGEMENTS AND SETTLEMENTS.—'' before ''The Secretary''.

(c) TRANSFER AND REDESIGNATION OF REVISED LIMITATION SECTION.—Section 2676 of such title, as amended by subsections (a)(10) and (b)—

(1) is inserted after section 2663 of such title, as amended by subsection (a); and

(2) is amended by striking the section heading and inserting the following new section heading:

''§ 2664. Limitations on real property acquisition''.

(d) INCLUSION OF LIMITATION ON LAND ACQUISITION COMMISSIONS.—Subsection (c) of section 2661 of

such title is transferred to section 2664 of such title, as redesignated by subsection (c)(2), is inserted after subsection (a) of such redesignated section, and is redesignated as subsection (b).

(e) CONFORMING REPEALS.—Sections 2672 and 2672a of such title are repealed.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2663, 2672, 2672a, and 2676; and

(2) by inserting after the item relating to section 2662 the following new items:

"2663. Land acquisition authorities.
"2664. Limitations on real property acquisition.".

SEC. 2812. REPORT ON USE OF UTILITY SYSTEM CONVEYANCE AUTHORITY AND TEMPORARY SUSPENSION OF AUTHORITY PENDING REPORT.

(a) REPORT ON USE OF AUTHORITY.—Subsection (e) of section 2688 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "QUARTERLY REPORT.—" and inserting "REPORTING REQUIREMENTS.—(1)"; and

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

"(2) Not later than March 15, 2006, the Secretary of Defense shall submit to Congress a report containing—

"(A) a discussion of the methodology by which a military department conducts the economic analyses of proposed utility system conveyances under this section, including the economic analysis referred to in this subsection, and any guidance issued by the Department of Defense related to conducting such economic analyses;

"(B) a list of the steps taken to ensure the reliability of completed economic analyses, including post-conveyance reviews of actual costs and savings to the United States versus the costs and savings anticipated in the economic analyses;

"(C) a review of the costs and savings to the United States resulting from each utility system conveyance carried out under this section;

"(D) a discussion of the requirement for consideration equal to the fair market value of a conveyed utility system, as specified in subsection (c), and any guidance issued by the Department of Defense related to implementing that requirement, and the effect of that requirement and guidance on the costs and savings to the United States resulting from pro-

curing by contract the utility services provided by the utility system;

''(E) a discussion of the effects that permanent conveyance of ownership in a utility system may have on the ability of the Secretary concerned to renegotiate contracts for utility services provided by the utility system or to procure such services from another source;

''(F) a discussion of the efforts and direction within the Department of Defense to oversee the implementation and use of the utility system conveyance authority under this section and to ensure the adequacy of utilities services for a military installation after conveyance of a utility system; and

''(G) a discussion of the effect of utility system conveyances on the operating budgets of military installations at which the conveyances were made.''.

(b) SUSPENSION OF AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

''(j) TEMPORARY SUSPENSION OF CONVEYANCE AUTHORITY.—The Secretary concerned may not convey a utility system, including any part of a utility system, under subsection (a) or make a contribution under subsection (g) toward the cost of construction, repair, or re-

placement of a utility system by another entity until the later of the following dates:

"(1) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

"(2) The date that is one year after the date of the submission of the report required by subsection (e)(2).".

SEC. 2813. AUTHORIZED MILITARY USES OF PAPAGO PARK MILITARY RESERVATION, PHOENIX, ARIZONA.

The Act of April 7, 1930 (Chapter 107; 46 Stat. 142), is amended in the first designated paragraph, relating to the Papago Park Military Reservation, by striking "as a rifle range".

Subtitle C—Base Closure and Realignment

SEC. 2821. ADDITIONAL REPORTING REQUIREMENTS REGARDING BASE CLOSURE PROCESS AND USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS.

(a) INFORMATION ON FUTURE RECEIPTS AND EXPENDITURES.—

(1) 1990 ACCOUNT.—Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990

(part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (A)—

(i) by striking ''committees of the amount'' and inserting ''committees of—

''(i) the amount'';

(ii) by striking ''such fiscal year and of the amount'' and inserting ''such fiscal year;

''(ii) the amount''; and

(iii) by striking ''such fiscal year.'' and inserting ''such fiscal year;

''(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

''(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting ''and installation'' after ''subaccount''; and

(ii) by adding at the end the following new clause:

''(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is before January 1, 2005.''.

(2) 2005 ACCOUNT.—Section 2906A(c)(1) of such Act is amended—

(A) in subparagraph (A)—

(i) by striking ''committees of the amount'' and inserting ''committees of—

''(i) the amount'';

(ii) by striking ''such fiscal year and of the amount'' and inserting ''such fiscal year;

''(ii) the amount''; and

(iii) by striking ''such fiscal year.'' and inserting ''such fiscal year;

''(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

"(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report."; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting "and installation" after "subaccount"; and

(ii) by adding at the end the following new clause:

"(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is after January 1, 2005.".

(b) INFORMATION ON BRAC PROCESS.—Section 2907 of such Act is amended—

(1) by striking "fiscal year 1993" and inserting "fiscal year 2007";

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(3) a description of the closure or realignment actions already carried out at each military installation since the date of the installation's approval for closure or realignment under this part and the current status of the closure or realignment of the installation, including whether—

"(A) a redevelopment authority has been recognized by the Secretary for the installation;

"(B) the screening of property at the installation for other Federal use has been completed; and

"(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

"(4) a description of redevelopment plans for military installations approved for closure or realignment under this part, the quantity of property remaining to be disposed of at each installation as part of its closure or realignment, and the quantity of property already disposed of at each installation;

"(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure or realignment under this part, including the date of transfer or anticipated transfer of the property to

such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

''(6) a list of known environmental remediation issues at each military installation approved for closure or realignment under this part, including the acreage affected by these issues, an estimate of the cost to complete such environmental remediation, and the plans (and timelines) to address such environmental remediation; and

''(7) an estimate of the date for the completion of all closure or realignment actions at each military installation approved for closure or realignment under this part.''.

SEC. 2822. TERMINATION OF PROJECT AUTHORIZATIONS FOR MILITARY INSTALLATIONS APPROVED FOR CLOSURE IN 2005 ROUND OF BASE REALIGNMENTS AND CLOSURES.

(a) PROJECT TERMINATION.—If a military installation is approved for closure in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), any authorization for a military construction project, land acquisition, or family housing project that is related to that installation and contained in title XXI, XXII, XXIII, or

XXIV of this Act or in an Act authorizing funds for a prior fiscal year for military construction projects, land acquisition, and family housing projects (and authorizations of appropriations therefor) shall terminate and no longer constitute authority under section 2676, 2802, 2821, or 2822 of title 10, United States Code, to carry out the military construction project, land acquisition, or family housing project.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, or family housing projects (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the date of approval of the military installation for closure under the Defense Base Closure and Realignment Act of 1990. In this subsection, the term ''date of approval'' has the meaning given that term in section 2910(8) of such Act.

SEC. 2823. EXPANDED AVAILABILITY OF ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY MISSION REALIGNMENTS IN BASE CLOSURE PROCESS.

(a) ELIGIBILITY REQUIREMENTS.—Subsection (b)(3) of section 2391 of title 10, United States Code, is amended—

(1) by striking ''significantly reduced operations of a defense facility'' and inserting ''realignment of a military installation'';

(2) by striking ''cancellation,'' and inserting ''closure or realignment, cancellation or''; and

(3) by striking ''community'' and all that follows through the period at the end and inserting ''community or its residents.''.

(b) ADDITION OF DEFINITION OF REALIGNMENT.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(4) The term 'realignment' has the meaning given that term in section 2910(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

SEC. 2824. SENSE OF CONGRESS REGARDING CONSIDERATION OF NATIONAL DEFENSE INDUSTRIAL BASE INTERESTS DURING BASE CLOSURE AND REALIGNMENT COMMISSION REVIEW OF DEPARTMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

It is the sense of Congress that national defense industrial base interests, including the relationships between military installations and proximate commercial facilities

and the maintenance of, and accessibility to, skills and knowledge critical to military installations and their operation, are an integral part of military value, and should be given full consideration by the Base Closure and Realignment Commission when it conducts its review and analysis of the recommendations made by the Secretary of Defense regarding the closure or realignment of military installations.

Subtitle D—Land Conveyances

PART 1—ARMY CONVEYANCES

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSIDERATION.—Subsection (b)(4) of section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314) is amended by striking ", jointly determined" and all that follows through "Ground" and inserting "equal to $3,880,000".

(b) REPLACEMENT OF FIRE STATION.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking "Building 5089" and inserting "Building 191"; and

(B) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)'';

(2) in paragraph (2), by striking ''Building 5089'' and inserting ''Building 191''; and

(3) by striking paragraph (3).

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, BOTHELL, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey to the Snohomish County Fire Protection District #10 (in this section referred to as the ''Fire District'') all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre at the Army Reserve Center in Bothell, Washington, and currently occupied, in part, by the Queensborough Firehouse for the purpose of supporting the provision of fire and emergency medical aid services.

(b) IN-KIND CONSIDERATION.—As consideration for the conveyance under subsection (a), the Fire District shall provide in-kind consideration acceptable to the Secretary with a total value equal to not less than the fair market value of the conveyed real property, as determined by the Secretary.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed

under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Fire District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Fire District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Fire District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account

that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART 2—NAVY CONVEYANCES

SEC. 2841. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the

County of San Diego, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres along the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the property as public open space and reopen the tract known as the Stowe Trail to public use.

(b) CONSIDERATION.—

(1) IN-KIND CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall provide in-kind consideration with a total value equal to not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) TYPES OF CONSIDERATION.—The in-kind consideration provided by the County shall be in a form and quantity that is acceptable to the Secretary, and may include the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including en-

vironmental restoration) of property or facilities under the control of the Secretary.

(B) Construction of new facilities for the Secretary.

(C) Provision of facilities for use by the Secretary.

(D) Facilities operation support for the Secretary.

(E) Provision of such other services as the Secretary considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United states Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this

subsection shall be made on the record after an opportunity for a hearing.

(d) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under subsection (c) if—

(1) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities; or

(2) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration.

(2) TREATMENT OF AMOUNTS RECEIVED.—Section 2695(c) of title 10, United States Code, shall

apply to any amounts received by the Secretary under paragraph (1). If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by the Secretary under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) EXEMPTIONS.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a), and the authority to make the conveyance shall not be considered to render the property excess or underutilized.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

PART 3—AIR FORCE CONVEYANCES

SEC. 2851. PURCHASE OF BUILD-TO-LEASE FAMILY HOUSING, EIELSON AIR FORCE BASE, ALASKA.

(a) AUTHORITY TO PURCHASE.—After the expiration of the contract for the lease of a 300-unit military family housing project at Eielson Air Force Base, Alaska, that was entered into by the Secretary under the authority of former subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 782), the Secretary of the Air Force may purchase the entire interest of the developer in the military family housing project if the Secretary determines that the purchase of the project is in the best economic interests of the Air Force.

(b) CONSIDERATION.—The consideration paid by the Secretary to purchase the interest of the developer in the military family housing project under subsection (a) may not exceed the fair market value of the military family housing project, as determined by the Secretary.

(c) CONGRESSIONAL NOTIFICATION.—If a decision is made to purchase the interest of the developer in the military family housing project under subsection (a), the Sec-

retary shall submit a report to the congressional defense committees on that decision. The report shall include—

(1) the economic analyses used by the Secretary to determine that purchase of the military family housing project is in the best economic interests of the Air Force, as required by subsection (a); and

(2) a schedule for, and an estimate of the costs and nature of, any renovations or repairs that will be necessary to ensure that all units in the military family housing project meet current housing standards.

(d) PURCHASE DELAY.—A contract to effectuate the purchase authorized by subsection (a) may be entered into by the Secretary only after the end of the 30-day period beginning on the date the report required by subsection (c) is received by the congressional defense committees or, if earlier, the end of the 21-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 2852. LAND CONVEYANCE, AIR FORCE PROPERTY, JACKSONVILLE, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Jacksonville, Arkansas (in this section referred to as the ''City''), all right,

title, and interest of the United States in and to real property consisting of approximately 45.024 acres around an existing short line railroad in Pulaski County, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as established by the assessment of the property conducted under contract for the Corps of Engineers and dated 15 September 2003.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the lease agreement dated October 29, 1982, as amended, between the Secretary and the Missouri Pacific Railroad Company (and its successors and assigns) and any other easement, lease, condition, or restriction of record, including streets, roads, highways, railroads, pipelines, and public utilities, insofar as the easement, lease, condition, or restriction is in existence on the date of the enactment of this Act and lawfully affects the conveyed property.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs

related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed

under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2861. LEASE AUTHORITY, ARMY HERITAGE AND EDUCATION CENTER, CARLISLE, PENNSYLVANIA.

Section 2866 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1333) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) LEASE OF FACILITY.—(1) Under such terms and conditions as the Secretary considers appropriate, the Secretary may lease portions of the facility to the Military Heritage Foundation to be used by the Foundation, consistent with the agreement referred to in subsection (a), for—

''(A) generating revenue for activities of the facility through rental use by the public, commercial

and nonprofit entities, State and local governments, and other Federal agencies; and

"(B) such administrative purposes as may be necessary for the support of the facility.

"(2) The annual amount of consideration paid to the Secretary by the Military Heritage Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the annual operations and maintenance of the facility.

"(3) Amounts paid under paragraph (2) may be used by the Secretary, in such amounts as provided in advance in appropriation Acts, to cover the costs of operation of the facility.".

SEC. 2862. REDESIGNATION OF MCENTIRE AIR NATIONAL GUARD STATION, SOUTH CAROLINA, AS MCENTIRE JOINT NATIONAL GUARD BASE.

McEntire Air National Guard Station in Eastover, South Carolina, shall be known and designated as "McEntire Joint National Guard Base" in recognition of the use of the installation to house both Air National Guard and Army National Guard assets. Any reference to McEntire Air National Guard Station in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to McEntire Joint National Guard Base.

SEC. 2863. ASSESSMENT OF WATER NEEDS FOR PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY.

Not later than April 7, 2006, the Secretary of Defense shall submit to Congress an interim assessment of the current and reasonable future needs of the Department of the Defense for water for the Presidio of Monterey and the Ord Military Community.

Division C—Department of Energy National Security Authorizations and Other Authorizations

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Reliable Replacement Warhead program.
Sec. 3112. Report on assistance for a comprehensive inventory of Russian nonstrategic nuclear weapons.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Depart-

ment of Energy for fiscal year 2006 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,100,852,000, to be allocated as follows:

(1) For weapons activities, $6,455,744,000.

(2) For defense nuclear nonproliferation activities, $1,515,239,000.

(3) For naval reactors, $786,000,000.

(4) For the Office of the Administrator for Nuclear Security, $343,869,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for weapons activities, the following new plant projects:

Project 06–D–140, project engineering and design, various locations, $14,113,000.

Project 06–D–160, Facilities and Infrastructure Recapitalization Program, project engineering and design, various locations, $5,811,000.

Project 06–D–180, Defense Nuclear Nonproliferation Program project engineering and design, National Security Laboratory, Pacific Northwest National Laboratory, $5,000,000.

Project 06–D–401, Central Office Building 2, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,000,000.

Project 06–D–402, replace fire stations no. 1 and no. 2, Nevada Test Site, $8,284,000.

Project 06–D–403, Tritium Facility Modernization, Lawrence Livermore National Laboratory, $2,600,000.

Project 06–D–404, Building B–3 remediation, restoration, and upgrade, Nevada Test Site $16,000,000.

Project 06–D–601, electrical distribution system upgrade, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 06–D–602, gas main and distribution system upgrade, Pantex Plant, Amarillo Texas, $3,700,000.

Project 06–D–603, steam plant life extension project, Y–12 national security complex, Oak Ridge, Tennessee, $729,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for environmental management activities in carrying out pro-

grams necessary for national security in the amount of $6,311,433,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,480,102,000.

(2) For defense environmental services, $831,331,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for other defense activities in carrying out programs necessary for national security in the amount of $635,998,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $351,447,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) IN GENERAL.—Subtitle A (50 U.S.C. 2521 et seq.) of title XLVII of the Atomic Energy Defense Act is amended by adding at the end the following new section:

"SEC. 4214. RELIABLE REPLACEMENT WARHEAD PROGRAM.

"(a) PROGRAM REQUIRED.—The Secretary of Energy, in consultation with the Secretary of Defense, shall carry out a program, to be known as the Reliable Replacement Warhead program, to develop reliable replacement components that are producible and certifiable for the existing nuclear weapons stockpile.

"(b) OBJECTIVES.—The objectives of the Reliable Replacement Warhead program shall be—

"(1) to increase the reliability, safety, and security of the United States nuclear weapons stockpile;

"(2) to further reduce the likelihood of the resumption of nuclear testing;

"(3) to remain consistent with basic design parameters by using, to the extent practicable, components that are well understood or are certifiable without the need to resume underground nuclear testing;

"(4) to ensure that the United States develops a nuclear weapons infrastructure that can respond to unforeseen problems, to include the ability to produce replacement warheads that are safer to manufacture, more cost-effective to produce, and less costly to maintain than existing warheads;

"(5) to achieve reductions in the future size of the nuclear weapons stockpile based on increased reliability of the reliable replacement warheads;

"(6) to use the design, certification, and production expertise resident in the nuclear complex to develop reliable replacement components to fulfill current mission requirements of the existing stockpile; and

"(7) to serve as a complement to, and potentially a more cost-effective and reliable long-term replacement for, the current Stockpile Life Extension Programs.".

(b) REPORT.—Not later than March 1, 2007, the Nuclear Weapons Council shall submit to the congressional defense committees a report on the feasibility and implementation of the Reliable Replacement Warhead program required by section 4214 of the Atomic Energy Defense Act (as added by subsection (a)). The report shall—

(1) identify existing warheads recommended for replacement by 2035 with an assessment of the weapon performance and safety characteristics of the replacement warheads;

(2) discuss the relationship of the Reliable Replacement Warhead program within the Stockpile

Stewardship Program and its impact on the current Stockpile Life Extension Programs;

(3) provide an assessment of the extent to which a successful Reliable Replacement Warhead program could lead to reductions in the nuclear weapons stockpile;

(4) discuss the criteria by which replacement warheads under the Reliable Replacement Warhead program will be designed to maximize the likelihood of not requiring nuclear testing, as well as the circumstances that could lead to a resumption of testing;

(5) provide a description of the infrastructure, including pit production capabilities, required to support the Reliable Replacement Warhead program; and

(6) provide a detailed summary of how the funds made available pursuant to the authorizations of appropriations in this Act, and any funds made available in prior years, will be used.

(c) INTERIM REPORT.—Not later than March 1, 2006, the Nuclear Weapons Council shall submit to the congressional defense committees an interim report on the matters required to be covered by the report under subsection (b).

SEC. 3112. REPORT ON ASSISTANCE FOR A COMPREHENSIVE INVENTORY OF RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) there is an insufficient accounting for, and insufficient security of, the nonstrategic nuclear weapons of the Russian Federation; and

(2) because of the dangers posed by that insufficient accounting and security, it is in the national security interest of the United States to assist the Russian Federation in the conduct of a comprehensive inventory of its nonstrategic nuclear weapons.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than November 1, 2005, the Secretary of Energy shall submit to Congress a report containing—

(A) the Secretary's evaluation of past and current efforts by the United States to encourage or facilitate a proper accounting for and securing of the nonstrategic nuclear weapons of the Russian Federation; and

(B) the Secretary's recommendations regarding the actions by the United States that are most likely to lead to progress in improving the accounting for, and securing of, those weapons.

(2) CONSULTATION WITH SECRETARY OF DEFENSE.—The report under paragraph (1) shall be prepared in consultation with the Secretary of Defense.

(3) CLASSIFICATION OF REPORT.—The report under paragraph (1) shall be in unclassified form, but may be accompanied by a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2006, $22,032,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revision of fiscal year 1999 authority to dispose of certain materials in the National Defense Stockpile.
Sec. 3303. Revision of fiscal year 2000 authority to dispose of certain materials in the National Defense Stockpile.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2006, the National Defense Stockpile Manager

may obligate up to $52,132,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISION OF FISCAL YEAR 1999 AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) REQUIRED RECEIPTS FROM DISPOSALS.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–

261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2193), is amended by striking paragraph (5) and inserting the following new paragraph:

"(5) $1,000,000,000 by the end of fiscal year 2011.".

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) will result in the continued disposal of certain materials in the National Defense Stockpile after September 30, 2005, pursuant to the disposal authority provided by section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, and allow the National Defense Stockpile Manager to take advantage of favorable market conditions for the sales of several of the materials authorized for disposal, such as tungsten ferro, tungsten metal power, and tungsten ores and concentrates.

SEC. 3303. REVISION OF FISCAL YEAR 2000 AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004

(Public Law 108–136; 117 Stat. 1788), is amended by striking paragraph (4) and inserting the following new paragraph:

"(4) $550,000,000 by the end of fiscal year 2011.".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $18,500,000 for fiscal year 2006 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.
Sec. 3502. Payments for State and regional maritime academies.
Sec. 3503. Maintenance and repair reimbursement pilot program.
Sec. 3504. Tank vessel construction assistance.
Sec. 3505. Improvements to the Maritime Administration vessel disposal program.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Funds are hereby authorized to be appropriated for fiscal year 2006, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $113,650,000, of which $10,000,000 shall be available only for paying reimbursement under section 3517 of the National Defense Authorization Act for Fiscal Year 2004, as amended by section 3503 of this Act.

(2) For administrative expenses related to loan guarantee commitments under the program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $3,526,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $21,000,000.

SEC. 3502. PAYMENTS FOR STATE AND REGIONAL MARITIME ACADEMIES.

(a) ANNUAL PAYMENT.—Section 1304(d)(1)(C)(ii) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)(1)(C)(ii)) is amended by striking "$200,000"

and inserting "$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter".

(b) SCHOOL SHIP FUEL PAYMENT.—Section 1304(c)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(c)(2)) is amended—

(1) by striking "The Secretary may pay to any State maritime academy" and inserting "(A) The Secretary shall, subject to the availability of appropriations, pay to each State maritime academy"; and

(2) by adding at the end the following:

"(B) The amount of the payment to a State maritime academy under this paragraph shall not exceed—

"(i) $100,000 for fiscal year 2006;

"(ii) $200,000 for fiscal year 2007; and

"(iii) $300,000 for fiscal year 2008 and each fiscal year thereafter.".

SEC. 3503. MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.

Section 3517 of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended—

(1) in subsection (a)(1) by striking "may" each place it appears and inserting "shall";

(2) in subsection (a)(2) by striking ''LIMITATION.—The Secretary may not'' and inserting ''REQUIREMENT OF AGREEMENT.—The Secretary shall, subject to the availability of appropriations,'';

(3) in subsection (d)(2) by striking ''80 percent of''; and

(4) by amending subsection (g) to read as follows:

''(g) ANNUAL REPORT.—The Secretary shall submit a report to the Congress each year on the program under this section. The report shall include a listing of future inspection schedules for all vessels included in the Maritime Security Fleet established by chapter 531 of title 46, United States Code.''.

SEC. 3504. TANK VESSEL CONSTRUCTION ASSISTANCE.

(a) REQUIREMENT TO ENTER CONTRACTS.—Section 3543(a) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking ''may'' and inserting ''shall, to the extent of the availability of appropriations,''.

(b) AMOUNT OF ASSISTANCE.—Section 3543(b) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking ''up to 75 percent of''.

SEC. 3505. IMPROVEMENTS TO THE MARITIME ADMINISTRATION VESSEL DISPOSAL PROGRAM.

(a) COMPREHENSIVE MANAGEMENT PLAN.—

(1) REQUIREMENT TO DEVELOP PLAN.—The Secretary of Transportation shall prepare, publish, and submit to the Congress by not later than 120 days after the date of the enactment of this Act a comprehensive plan for management of the vessel disposal program of the Maritime Administration in accordance with the recommendations made in the Government Accountability Office in report number GAO–05–264, dated March 2005.

(2) CONTENTS OF PLAN.—The plan shall—

(A) include a strategy and implementation plan for disposal of obsolete Maritime Administration vessels (including vessels added to the fleet after the enactment of this Act) in a timely manner, maximizing the use of all available disposal methods, including dismantling, use for artificial reefs, donation, and Navy training exercises;

(B) identify and describe the funding and other resources necessary to implement the plan, and specific milestones for disposal of vessels under the plan;

(C) establish performance measures to track progress toward achieving the goals of the program, including the expeditious disposal of ships commencing upon the date of the enactmemt of this Act;

(D) develop a formal decisionmaking framework for the program; and

(E) identify external factors that could impede successful implementation of the plan, and describe steps to be taken to mitigate the effects of such factors.

(b) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) REQUIREMENT TO IMPLEMENT.—The Secretary shall implement the vessel disposal program of the Maritime Administration in accordance with—

(A) the management plan submitted under subsection (a); and

(B) the requirements set forth in paragraph (2).

(2) UTILIZATION OF DOMESTIC SOURCES.—In the procurement of services under the vessel disposal program of the Maritime Administration, the Secretary shall—

(A) use full and open competition; and

(B) utilize domestic sources to the maximum extent practicable.

(c) FAILURE TO SUBMIT PLAN.—

(1) PRIVATE MANAGEMENT CONTRACT FOR DISPOSAL OF MARITIME ADMINISTRATION VESSELS.—The Secretary of Transportation, subject to the availability of appropriations, shall promptly award a contract using full and open competition to expeditiously implement all aspects of disposal of obsolete vessels of the Maritime Administration.

(2) APPLICATION.—This subsection shall apply beginning 120 days after the date of the enactment of this Act, unless the Secretary of Transportation has submitted to the Congress the comprehensive plan required under subsection (a)

(d) TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.—The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2006 for disposal by the Navy, no fewer than 4 combatant vessels in the nonretention fleet of the

1 Maritime Administration that are acceptable to the Sec-
2 retary of the Navy.

Passed the House of Representatives May 25, 2005.

Attest: JEFF TRANDAHL,

Clerk.