

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. TABLE OF CONTENTS.**

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

7 (1) Division A—Department of Defense Authorizations.

8 (2) Division B—Military Construction Authorizations.

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

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Sec. 201. Authorization of appropriations.

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- Sec. 413. End strengths for military technicians (dual status).
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Sec. 512. Modifications to Reserve educational benefit for certain active service.
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Sec. 514. Retention incentive for members of the Selected Reserve qualified in a critical military skill or unit.
Sec. 515. Uniform authority for Reserve general officer age deferments.
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1 **TITLE I—PROCUREMENT**

2 **Subtitle A—Authorization of Appropriations**

3 **SEC. 101. ARMY.**

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

- 6 (1) For aircraft, \$2,800,880,000.
- 7 (2) For missiles, \$1,270,850,000.
- 8 (3) For weapons and tracked combat vehicles, \$1,660,149,000.
- 9 (4) For ammunition, \$1,720,872,000.
- 10 (5) For other procurement, \$4,302,634,000.

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

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

- 14 (1) For aircraft, \$10,517,126,000.
- 15 (2) For weapons, including missiles and torpedoes, \$2,707,841,000.
- 16 (3) For shipbuilding and conversion, \$8,721,165,000.
- 17 (4) For other procurement, \$5,487,818,000.

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

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

6 **SEC. 103. AIR FORCE.**

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

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

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

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

16 **Subtitle B—Army Programs**

17 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-60/MH-60**

18 **HELICOPTERS.**

19 The Secretary of the Army and the Secretary of the Navy may, in accordance with section
20 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal
21 year 2006 program year, for procurement of UH-60/MH-60 Helicopters.

22 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR THE ARMY APACHE**

1 **MODERNIZED TARGET ACQUISITION DESIGNATION SIGHT/PILOT**
2 **NIGHT VISION SENSOR.**

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

7 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY APACHE**
8 **BLOCK II CONVERSION.**

9 The Secretary of the Army may, in accordance with section 2306b of title 10, United
10 States Code, enter into a multiyear contract, beginning with the fiscal year 2006 program year,
11 for procurement of Apache Block II Conversions.

12 **Subtitle C—Navy Programs**

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

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

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

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

1 contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for
2 that purpose for that later fiscal year.

3 **SEC. 122. CONSTRUCTION OF THE LHA REPLACEMENT SHIP.**

4 (a) AMOUNT AUTHORIZED FROM THE SCN ACCOUNT.—Of the amount authorized to be
5 appropriated by section 102(a)(3) for fiscal year 2006, \$150,000,000 is available for the design,
6 advance procurement and advance construction of the LHA Replacement (LHA®) ship.

7 Construction of the LHA® ship is anticipated during fiscal year 2007 and may proceed utilizing
8 funding appropriated in fiscal years 2007 and 2008.

9 (b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during
10 fiscal year 2006 for the design, advance procurement and advance construction of the LHA®
11 ship. The Secretary of the Navy may enter into a contract during fiscal year 2007 for the detail
12 design and construction of the LHA® ship.

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

17 **SEC. 123. USE OF FUNDS FROM THE NATIONAL DEFENSE SEALIFT FUND TO**
18 **EXERCISE PURCHASE OPTIONS ON MARITIME PREPOSITIONING**
19 **SHIPS.**

20 Notwithstanding the provisions of subsection (f)(1) of section 2218 of title 10, United
21 States Code, the Secretary of Defense may obligate and expend any funds in the National
22 Defense Sealift Fund to exercise options under contracts to purchase any or all Maritime

1 procurement contract for the replacement aircraft or aircraft parts, independent of the delivery
2 date of the traded aircraft. Proceeds shall only be applied to programs authorized under law.

3 "(c) AIRCRAFT TYPE CERTIFICATION.—(1) Aircraft that were—

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

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

6 "(C) sold under subsection (a), without being declared surplus, for use as civil
7 aircraft,

8 "meet the eligibility requirements for Type Certification in accordance with section 21.27(a) of
9 title 14, Code of Federal Regulations.

10 "(2) With respect to an aircraft sold under the authority of subsection (a), nothing in this
11 section may be construed to waive any requirement for the purchaser to obtain a certificate from
12 the Federal Aviation Administrator to operate the aircraft.

13 "(d) ADDITIONAL CONDITIONS.—(1) The Secretary of the Air Force shall establish a fair
14 and reasonable value for aircraft sold under subsection (a). The Secretary may establish terms
15 and conditions as the Secretary considers appropriate to protect the interests of the United States.

16 "(2) With respect to an aircraft sold under the authority of subsection (a), nothing in this
17 section may be construed to waive any requirement for the purchaser to obtain an export license
18 in accordance with sections 38-40 of the Arms Export Control Act (22 U.S.C. 2778,
19 2779-2780).".

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

22 "9515. Civil Reserve Air Fleet expansion using military aircraft.".

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

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

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

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

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

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

8 (4) For Defense-wide activities, \$18,971,874,000, of which \$168,458,000 is
9 authorized for the Director of Operational Test and Evaluation.

10 **TITLE III—OPERATION AND MAINTENANCE**

11 **Subtitle A—Authorization of Appropriations**

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

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

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

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

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

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

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

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

- 1 (7) For the Naval Reserve, \$1,245,695,000.
- 2 (8) For the Marine Corps Reserve, \$199,934,000.
- 3 (9) For the Air Force Reserve, \$2,501,686,000.
- 4 (10) For the Army National Guard, \$4,509,719,000.
- 5 (11) For the Air National Guard, \$4,724,091,000.
- 6 (12) For the United States Court of Appeals for the Armed Forces, \$11,236,000.
- 7 (13) For Environmental Restoration, Army, \$407,865,000.
- 8 (14) For Environmental Restoration, Navy, \$305,275,000.
- 9 (15) For Environmental Restoration, Air Force, \$406,461,000.
- 10 (16) For Environmental Restoration, Defense-wide, \$28,167,000.
- 11 (17) For Environmental Restoration, Formerly Used Defense Sites, \$221,921,000.
- 12 (18) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$61,546,000.
- 13 (19) For Cooperative Threat Reduction programs, \$415,549,000.
- 14 (20) For Overseas Contingency Operations Transfer Fund, \$20,000,000.

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

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

- 19 (1) For the Defense Working Capital Funds, \$1,471,340,000.
- 20 (2) For the National Defense Sealift Fund, \$1,648,504,000.

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

22 There is hereby authorized to be appropriated for fiscal year 2006 from the Armed Forces

1 Retirement Home Trust Fund the sum of \$ 58,281,000 for the operation of the Armed Forces
2 Retirement Home.

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

4 (a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the
5 Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the
6 Defense Health Program, in the amount of \$19,791,612,000, of which—

7 (1) \$19,247,137,000 is for Operation and Maintenance;

8 (2) \$169,156,000 is for Research, Development, Test, and Evaluation; and

9 (3) \$375,319,000 is for Procurement.

10 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION.—(1) Funds are hereby authorized
11 to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise
12 provided for, for Chemical Agents and Munitions Destruction, \$1,405,827,000, of which—

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

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

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

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

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

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

22 (c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are

1 hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for
2 expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities,
3 Defense-wide, \$895,741,000.

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

7 (1) \$208,687,000 is for Operation and Maintenance; and

8 (2) \$1,000,000 is for Procurement.

9 **Subtitle B—Environmental Provisions**

10 **SEC. 311. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION** 11 **WITH THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.**

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

15 (1) in paragraph (1), by striking "tribe," both places it appears and inserting "tribe,
16 owner of covenant property,";

17 (2) in paragraph (3)—

18 (A) by striking "An agreement" and inserting "(A) An agreement"; and

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

20 "(B) An agreement under paragraph (1) may not change the cleanup
21 standards applicable to the site as established by law."; and

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

1 "(C) The term 'owner of covenant property' means an owner of property subject to
2 a covenant provided by the United States in accordance with the requirements of section
3 120(h)(3) and (4) of CERCLA (42 U.S.C. 9620(h)(3) and (4)): Provided, however, that
4 the covenant property is also the site of the services to be performed."

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

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

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

10 **"(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIATION AT CERTAIN BASE**
11 **REALIGNMENT AND CLOSURE SITES.**—In the case of property disposed of pursuant to a base
12 closure law and subject to a covenant described in section 2701(d)(4)(C) of this title, the sole
13 source of funds for services under subsection 2701(d)(1) shall be the base closure account
14 established under the applicable base closure law."

15 **SEC. 312. THE ENVIRONMENTAL QUALITY ANNUAL REPORT.**

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

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

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

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

1 **SEC. 313. AIR QUALITY PLANS.**

2 (a) CONFORMITY WITH CLEAN AIR ACT.—In any case in which the requirements of
3 section 176(c) of the Clean Air Act would have applied to proposed military readiness activities,
4 the Department of Defense shall not be prohibited from engaging in such activities and it shall
5 have up to three years, from the date such activities begin, to satisfy the requirements of that
6 section, provided:

7 (1) the Department of Defense has provided the state in which the proposed
8 military readiness activities would occur an estimate of the annual emissions caused by
9 the proposed military readiness activities for all criteria pollutants for which the area is
10 designated "nonattainment" or "maintenance" ; and

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

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

15 (1) such plan or revision meets all the requirements applicable to it under the
16 Clean Air Act other than a requirement that such plan or revision demonstrate attainment
17 and maintenance of the relevant national ambient air quality standards by the attainment
18 date specified under the applicable provision of the Act, or in a regulation promulgated
19 under such provision; and

20 (2) the submitting State established to the satisfaction of the Administrator that
21 the implementation plan of such State would be adequate to attain and maintain the
22 relevant national ambient air quality standards by the attainment date specified under the

1 applicable provision of the Act, or in a regulation promulgated under such provision, but
2 for emissions emanating from military readiness activities not otherwise meeting section
3 176(c) of the Act pursuant to paragraph (a) of this section.

4 (c) EFFECT ON STATE COMPLIANCE WITH OZONE STANDARDS.—Notwithstanding any
5 other provisions of law, any state that establishes to the satisfaction of the Administrator that,
6 with respect to an ozone nonattainment area in such State, such State would have attained the
7 national ambient air quality standard for ozone by the applicable attainment date, but for
8 emissions emanating from military readiness activities not otherwise meeting section 176(c) of
9 the Act pursuant to paragraph (a) of this section, shall not be subject to the provisions of section
10 181(b)(2) and (4) or section 185 of the Act.

11 (d) EFFECT ON STATE COMPLIANCE WITH CARBON MONOXIDE STANDARDS.—
12 Notwithstanding any other provision of law, any State that establishes to the satisfaction of the
13 Administrator, with respect to a carbon monoxide nonattainment area in such State, that such
14 State has attained the national ambient air quality standard for carbon monoxide by the applicable
15 attainment date, but for emissions emanating from military readiness activities not otherwise
16 meeting section 176(c) of the Act pursuant to paragraph (a) of this section, shall not be subject to
17 the provisions of section 186(b)(2) or 187(g) of the Act.

18 (e) EFFECT ON STATE COMPLIANCE WITH PM-10 STANDARDS.—Notwithstanding any
19 other provisions of law, any State that establishes to the satisfaction of the Administrator that,
20 with respect to a PM-10 nonattainment area in such State, such State would have attained the
21 national ambient air quality standard for PM-10 by the applicable attainment date, but for
22 emission emanating from military readiness activities not otherwise meeting section 176(c) of the

1 Act pursuant to paragraph (a) of this section, shall not be subject to the provisions of section
2 188(b)(2) of the Act.

3 (f) MILITARY READINESS ACTIVITIES.—The term "military readiness activities"—(1)
4 includes—

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

6 (B) the adequate and realistic testing of military equipment, vehicles, weapons,
7 and sensors for proper operation and suitability for combat use; but

8 (2) does not include—

9 (A) the routine operation of installation operating support functions, including but
10 not limited to heat and electric production, administrative offices, military exchanges,
11 commissaries, water treatment facilities, storage facilities, schools, housing, motor pools,
12 laundries, morale, welfare, and recreation activities, shops, and mess halls;

13 (B) the operation of industrial activities; or

14 (C) the construction or demolition of facilities used for a purpose described in
15 paragraph (1).

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

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

19 (A) military munitions, including unexploded ordnance, or

20 (B) the constituents thereof, that are or have come to be located, incident to their
21 normal and expected use, on an operational range, and remain thereon.

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

- 1 (A)(i) military munitions, including unexploded ordnance, or
2 (ii) the constituents thereof, that—
3 (B)(i) are recovered, collected, and then disposed of by burial or landfilling;
4 (ii) have migrated off an operational range;
5 (iii) come to be located off of an operational range; or
6 (iv) remain on the range once the range ceases to be an operational range.

7 (3) Nothing in this section affects the authority of federal, state, interstate, or local
8 regulatory authorities to determine when—

9 (A) military munitions, including unexploded ordnance, or

10 (B) the constituents thereof, become hazardous waste for purposes of the Solid
11 Waste Disposal Act, as amended, including, but not limited to, sections 7002 and 7003
12 (42 U.S.C. §§ 6972 and 6973), except for military munitions, including unexploded
13 ordnance, or the constituents thereof, that are excluded from the definition of solid waste
14 by this subsection.

15 (b) DEFINITION OF RELEASE.—(1) The term "release" as used in the Comprehensive
16 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §
17 9601 et seq.), does not include the deposit or presence of any—

18 (A) military munitions, including unexploded ordnance, or

19 (B) the constituents thereof,

20 that are or have come to be located, incident to their normal and expected use, on an operational
21 range, and remain thereon.

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

1 (A)(i) military munitions, including unexploded ordnance, or

2 (ii) the constituents thereof, that—

3 (B)(i) migrate off an operational range;

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

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

6 (3) Notwithstanding the provisions of paragraph (1), the authority of the President under
7 section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act
8 of 1980, as amended (42 U.S.C. § 9606(a)), to take action because there may be an imminent and
9 substantial endangerment to the public health or welfare or the environment because of an actual
10 or threatened release of a hazardous substance includes the authority to take action because of the
11 deposit or presence of any—

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

13 (B) the constituents thereof,

14 that are or have come to be located, incident to their normal and expected use, on an operational
15 range, and remain thereon.

16 (c) DEFINITIONS.—(1) For purposes of this section, the term "constituents" means any
17 materials originating from military munitions, including—

18 (A) unexploded ordnance,

19 (B) explosive and non-explosive materials, and

20 (C) emission, degradation, or breakdown products of such munitions.

21 (2) For purposes of this section, the terms "military munitions", "operational range", and
22 "unexploded ordnance" have the meanings given such terms in subsections 101(e)(4), (3), and

1 (5), respectively, of title 10, United States Code.

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

4 (1) military munitions, including unexploded ordnance, or

5 (2) the constituents thereof,

6 that have come to be located on an operational range, once the range ceases to be an operational
7 range.

8 (e) CONTINUATION OF AUTHORITY.—Nothing in this section affects the authority of the
9 Department of Defense to protect the environment, safety, and health on operational ranges.

10 **SEC. 315. REMOVAL TO FEDERAL COURT OF CLEAN AIR ACT AND SAFE**
11 **DRINKING WATER ACT CASES.**

12 (a) RIGHT OF REMOVAL TO FEDERAL COURT OF CLEAN AIR ACT CASES.—Section 118(a)
13 of the Clean Air Act (42 U.S.C. 7418(a)), is amended by adding at the end the following new
14 sentence:

15 "Nothing in this act shall be construed to prevent any department, agency, or
16 instrumentality of the Federal Government, or any officer, agent, or employee thereof in the
17 performance of his official duties, from removing to the appropriate Federal district court any
18 proceeding in State court to which the department, agency, or instrumentality or officer, agent, or
19 employee thereof is subject pursuant to this subsection, and any such proceeding may be
20 removed in accordance with section 1441 et seq. of title 28, United States Code."

21 (b) RIGHT OF REMOVAL TO FEDERAL COURT OF SAFE DRINKING WATER ACT
22 CASES.—Section 1447 of the Safe Drinking Water Act (42 U.S.C. 300j-6) is amended by adding

1 at the end the following new subsection:

2 "(f) REMOVAL.—Nothing in this act shall be construed to prevent any department,
3 agency, or instrumentality of the Federal Government, or any officer, agent, or employee thereof
4 in the performance of his official duties, from removing to the appropriate Federal district court
5 any proceeding in State court to which the department, agency, or instrumentality or officer,
6 agent, or employee thereof is subject pursuant to subsection (a), and any such proceeding may be
7 removed in accordance with section 1441 et seq. of title 28, United States Code."

8 (c) APPLICATION.—The amendments made by this section shall apply to any action filed
9 in a state court after the effective date of this section.

10 **SEC. 316. CLARIFICATION OF FEDERAL COURT JURISDICTION TO REVIEW**
11 **CHALLENGES TO REMOVAL OR REMEDIAL ACTIONS UNDER THE**
12 **COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION,**
13 **AND LIABILITY ACT.**

14 Section 113(h) of the Comprehensive Environmental Response, Compensation, and
15 Liability Act of 1980 (Public Law 96-510; 42 U.S.C. 9613), as amended by the Superfund
16 Amendments and Reauthorization Act of 1986 (Public Law 99-499), is amended—

17 (1) in the matter before paragraph (1), by inserting "(which includes responses
18 under section 120)" after "selected under section 104"; and

19 (2) in paragraph (4), by inserting "(which includes responses under section 120)"
20 after "action taken under section 104".

21 **Subtitle C—Workplace and Depot Issues**

22 **SEC. 321. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL**

1 **FIRE PROTECTION SERVICES.**

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

4 (1) by inserting "(a)" after "SEC. 5."; and

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

6 "(b) Notwithstanding the provisions of subsection (a), all sums received by any
7 Department of Defense activity for fire protection rendered pursuant to this Act shall be credited
8 to the appropriation, fund, or account from which the expenses were paid. Amounts so credited
9 shall be merged with funds in such appropriation, fund, or account and shall be available for the
10 same purposes and subject to the same limitations as the funds with which merged."

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

14 Section 2465(b) of title 10, United States Code, is amended by adding at the end the
15 following new paragraphs:

16 "(5) A contract for the performance of security-guard functions that the Secretary
17 of Defense determines are, or otherwise would be, performed by members of the armed
18 forces.

19 "(6) A contract to be carried out at a closed military installation or facility."

20 **SEC. 323. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.**

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

1 (b) COVERED FUNDS.—Subsection (a) applies to funds appropriated for fiscal year 2006
2 or fiscal year 2007 for research, development, test, and evaluation for the Missile Defense
3 Agency.

4 **SEC. 324. EXPANSION OF FIRE PROTECTION SERVICES UNDER RECIPROCAL**
5 **AGREEMENTS.**

6 Section (b) of the Act of May 27, 1955 (chapter 105; 69 Stat. 66; 42 U.S.C. 1856(b)
7 is amended by inserting after "and fire fighting" the following: "as well as emergency services
8 including, but not limited to, basic and advanced life support, hazardous material containment
9 and confinement, and special rescue events involving vehicular and water mishaps, and trench,
10 building and confined space extractions".

11 **Subtitle D-Other Matters**

12 **SEC. 331. TERMINATION OF THE NATIONAL SECURITY EDUCATION TRUST**
13 **FUND.**

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

16 (1) close the National Security Education Trust Fund established under section
17 804 of the David L. Boren National Security Education Act of 1991 (Public Law 102-
18 183; 50 U.S.C. 1904); and

19 (2) transfer the amounts in the closed fund to the currently available appropriation
20 for the Department of Defense under the heading "Operation and Maintenance-Defense
21 Wide" for use as specified in section 805(d) of such Act (50 U.S.C. 1905(d)) (as amended
22 by subsection (b)(2) of this section).

1 (b) CONFORMING AMENDMENTS AND REPEALS.—Title VIII of such Public Law 102-183
2 is amended—

3 (1) in section 802(2) (50 U.S.C. 1902(a)(2)), by striking "for obligation out of the
4 National Security Education Trust Fund";

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

6 "(d) NECESSARY EXPENDITURES.—Expenditures necessary for awarding
7 scholarships, fellowships, and grants in accordance with the provisions of this title and
8 for properly allocable costs of the Federal Government for the administration of the
9 program under this title shall be paid from funds available for the Operation and
10 Maintenance of the Department of Defense.";

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

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

13 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

14 **Subtitle A—Active Forces**

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

16 The Armed Forces are authorized strengths for active duty personnel as of September 30,
17 2006, as follows:

18 (1) The Army, 482,400.

19 (2) The Navy, 352,700.

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

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

22 **Subtitle B—Reserve Forces**

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by the total number of such individual members.

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

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

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

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

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

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

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

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

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

16 The minimum number of military technicians (dual status) as of the last day of fiscal year
17 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
18 title 10, United States Code) shall be the following:

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

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

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

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

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

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

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

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

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

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

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

15 **TITLE V—MILITARY PERSONNEL POLICY**

16 **Subtitle A Officer Personnel Policy**

17 **SEC. 501. ELIMINATION OF FROCKING FOR OFFICERS ABOVE THE GRADE OF**
18 **MAJOR GENERAL OR REAR ADMIRAL.**

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

21 (1) by striking "AUTHORITY.—An officer" and inserting "AUTHORITY.—(1)
22 Except as provided in paragraph (2), an officer"; and

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

2 "(2) No officer may be frocked to a grade above the grade of major general or, in
3 the case of an officer of the Navy, rear admiral."

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

6 "(d) An officer continuing to hold the grade of general, admiral, lieutenant general, or
7 vice admiral under paragraph (2), (3), or (4) of section 601(b) shall not be counted for purposes
8 of this section."

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

11 (1) in subsection (a), by inserting after the third sentence the following new
12 sentence: "An officer assigned to a position of importance and responsibility under this
13 section shall be promoted to the grade specified for that position on the date he begins
14 serving in that position.";

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

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

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

1 the Committee on Armed Services of the House of Representatives of his decision at the same
2 time that he notifies the Secretary concerned. If a transition period exceeds 30 days without the
3 approval of the Secretary of Defense or his designee, the officer moving to a new position shall
4 revert to his permanent grade effective on the thirty-first day after leaving a position designated
5 under subsection (a)."

6 **SEC. 502. AUTHORIZED STRENGTH: GENERAL AND FLAG OFFICERS ON**
7 **ACTIVE DUTY.**

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

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

14 **Subtitle B—Reserve Component Personnel Matters**

15 **SEC. 511. ELIMINATE LIMITATION ON AMOUNT OF ROTC SCHOLARSHIP**
16 **FINANCIAL ASSISTANCE.**

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

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

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

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

22 **SEC. 512. MODIFICATIONS TO RESERVE EDUCATIONAL BENEFIT FOR**

1 **CERTAIN ACTIVE SERVICE.**

2 (a) ELIGIBILITY CRITERIA.—Section 16163(a) of title 10, United States Code, is amended
3 by striking "On or after September 11, 2001, a member of a reserve component" and inserting "A
4 member of a reserve component who commenced active service described in paragraphs (1) or
5 (2) on or after September 11, 2001".

6 (b) ELECTION OF BENEFIT.—Subsection (e) of such section is amended by striking
7 "Secretary concerned" and inserting "Secretary of Veterans Affairs".

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

10 (1) by striking "Educational assistance" and inserting "(a) Except as provided in
11 subsection (b), educational assistance"; and

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

13 "(b) Under regulations prescribed by the Secretary of Defense, educational assistance may
14 be provided under this chapter to a member of the Selected Reserve when the member incurs a
15 break in service in the Selected Reserve of not more than 90 days, provided the member
16 continues to serve in the Ready Reserve."

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

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

21 **"§ 308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve**

22 "(a) BONUS AUTHORIZATION.—Under regulations prescribed by the Secretary of Defense,

1 the Secretary concerned may pay—

2 "(1) an affiliation bonus to an enlisted member of an armed force who has
3 completed fewer than 20 total years of military service and executes a written agreement
4 to serve in the Selected Reserve of a reserve component for a period of not less than three
5 years in a skill, unit or pay grade designated under subsection (b) after being discharged
6 or released from active duty under honorable conditions; and

7 "(2) an accession bonus to a person who has not previously served in the armed
8 forces and who executes a written agreement to serve as an enlisted member in the
9 Selected Reserve of a reserve component for a period of not less than three years, upon
10 acceptance of the agreement by the Secretary concerned.

11 "(b) DESIGNATION OF CRITICAL SHORTAGES.—The Secretary concerned shall designate
12 the critical skills, units and pay grade shortages for the purposes of subsection (a)(1).

13 "(c) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a)
14 may not exceed \$10,000.

15 "(d) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary
16 concerned, the total amount of the bonus payable under the agreement becomes fixed. The
17 agreement shall specify whether the bonus shall be paid by the Secretary in a lump sum or in
18 installments.

19 "(e) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1)
20 An individual who, after receiving all or part of the bonus under an agreement referred to in
21 subsection (a), does not commence to serve in the Selected Reserve or does not satisfactorily
22 participate in the Selected Reserve for the total period of service specified in the agreement shall

1 repay to the United States such compensation or benefit, except under conditions established by
2 the Secretary concerned.

3 "(2) The Secretary concerned shall set forth whether repayment is required in whole or in
4 part, the method for computing the amount of the repayment, and the conditions under which an
5 exception to the required repayment would apply.

6 "(3) An obligation to repay the United States imposed under paragraph (1) is for all
7 purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is
8 entered less than five years after the termination of an agreement entered into under subsection
9 (a) does not discharge the individual signing the agreement from a debt arising under such
10 agreement or under paragraph (1).

11 "(f) CONTINUED ENTITLEMENT TO BONUS PAYMENTS.—A member entitled to a bonus
12 under this section who is called or ordered to active duty shall be paid, during that period of
13 active duty, any amount of the bonus that becomes payable to the member during that period of
14 active duty.

15 "(g) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section
16 with respect to any agreement, reenlistment, or voluntary extension of an enlistment, in the
17 armed forces entered into after December 31, 2006."

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

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

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

1 "308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve."; and

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

3 **SEC. 514. RETENTION INCENTIVE FOR MEMBERS OF THE SELECTED**

4 **RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR UNIT.**

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

7 **"§ 308k. Special pay: retention incentive for members of the Selected Reserve qualified in a**
8 **critical military skill or unit**

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

11 "(1) in the case of an officer or warrant officer, the member executes a written
12 agreement to remain in the Selected Reserve for at least two years;

13 "(2) in the case of an enlisted member, the member reenlists or voluntarily extends
14 the member's enlistment in the Selected Reserve for a period of at least two years; or

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

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

20 "(1) is qualified in a designated critical military skill or unit; or

21 "(2) agrees to train or retrain in a in a specialty skill designated as critical.

22 "(c) DESIGNATION OF CRITICAL SHORTAGES.—The Secretary of Defense, or the Secretary

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

3 "(d) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under
4 subsection (a) to a member of the armed forces who—

5 "(1) has completed more than 25 years of qualifying service under section 12732
6 of title 10; or

7 "(2) will complete the member's twenty-fifth year of qualifying service under
8 section 12732 of title 10 before the end of the period of service for which the bonus is
9 being offered.

10 "(e) PAYMENT METHODS.—(1) A bonus under this section may be paid in a single lump
11 sum or in periodic installments.

12 (2) In the case of a member who agrees to train or retrain in a specialty skill designated as
13 critical under subsection (b)(2), no payment may be made until the member successfully
14 completes the training or retraining and is qualified in the skill.

15 "(f) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this
16 section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a
17 bonus under this section. However, a member may not receive a total of more than \$100,000 in
18 payments under this section.

19 "(g) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is
20 in addition to any other pay and allowances to which a member is entitled.

21 "(h) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1)
22 An individual who, after receiving all or part of the bonus under an agreement referred to in

1 subsection (a), does not commence to serve in the Selected Reserve or does not satisfactorily
2 participate in the Selected Reserve for the total period of service specified in the agreement shall
3 repay to the United States such compensation or benefit, except under conditions established by
4 the Secretary concerned.

5 "(2) The Secretary concerned shall set forth whether repayment is required in whole or in
6 part, the method for computing the amount of the repayment, and the conditions under which an
7 exception to the required repayment would apply.

8 "(3) An obligation to repay the United States imposed under paragraph (1) is for all
9 purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is
10 entered less than five years after the termination of an agreement entered into under subsection
11 (a) does not discharge the individual signing the agreement from a debt arising under such
12 agreement or under paragraph (1).

13 "(i) REGULATIONS.—This section shall be administered under regulations prescribed by
14 the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of
15 Homeland Security for the Coast Guard when it is not operating as a service in the Navy.

16 "(j) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section
17 with respect to any agreement, reenlistment, or voluntary extension of an enlistment in the armed
18 forces entered into after December 31, 2006, and no agreement under this section may be entered
19 into after that date."

20 (b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Sections 308d and 308h of such
21 title are repealed.

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

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

2 (B) by inserting after the item relating to section 308j the following new item:

3 "308k. Special pay: retention incentive for members of the Selected Reserve qualified in a critical military skill."

4 **SEC. 515. UNIFORM AUTHORITY FOR RESERVE GENERAL OFFICER AGE**

5 **DEFERMENTS.**

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

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

8 (2) in paragraph (b)—

9 (A) by striking "(b) NAVY AND MARINE CORPS.—";

10 (B) by striking "Secretary of the Navy" and inserting "Secretary
11 concerned";

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

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

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

18 **"§ 14512. Separation at age 64".**

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

21 "14512. Separation at age 64."

22 **SEC. 516. EXPANDED USE OF RESERVE COMPONENT MEMBERS TO PERFORM**

1 **DEVELOPMENTAL AND OPERATIONAL TESTING AND NEW**
2 **EQUIPMENT TRAINING.**

3 (a) REIMBURSEMENT.—The Secretary of the Army may transfer from funds available to
4 support an acquisition program in the amount necessary to reimburse the appropriate reserve
5 component military personnel account for costs charged to that account for military pay and
6 allowances in connection with the demonstration program described in subsection (b).

7 (b) DEMONSTRATION PROGRAM.—(1) A demonstration program under this
8 section shall evaluate—

9 (A) cost savings and other benefits that may result from the use of members of the
10 reserve components to perform test, evaluation, and related activities for an acquisition
11 program, rather than the use of contractor personnel for such purposes; and

12 (B) the use of appropriations available for multi-year research, development,
13 testing and evaluation and procurement to reimburse reserve components for the pay,
14 allowances, and expenses incurred when such members perform duties to conduct
15 acquisition, logistics, and new equipment training activities in connection with the
16 demonstration program.

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

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

21 (d) MERGER OF TRANSFERRED FUNDS.—Funds transferred to an account under this
22 section shall be merged with other sums in the account and shall be available for the same period

1 and purposes as the sums with which merged.

2 (e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority under this
3 section is in addition to any other transfer authority.

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

6 **Subtitle C—Joint Officer Management and Professional Military Education**
7 **SEC. 521. NEW MISSION STATEMENT AND EXPANDED ELIGIBILITY FOR**
8 **ENLISTED PERSONNEL AT THE NAVAL POSTGRADUATE SCHOOL.**

9 (a) COMBAT RELATED FOCUS OF THE NAVAL POSTGRADUATE SCHOOL.—(1) Section
10 7041 of title 10, United States Code, is amended to read as follows:

11 **"§ 7041. Function**

12 "There is a United States Naval Postgraduate School that provides advanced instruction,
13 and technical and professional education to commissioned officers of the naval service to
14 enhance combat effectiveness and our national security."

15 (2) Paragraph (1) of section 7042(b) of such title is amended by striking "advanced
16 instruction and technical education" and inserting "advanced instruction, and technical and
17 professional education".

18 (b) EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL.—Paragraph (2) of section 7045(a)
19 of such title is amended—

20 (1) by redesignating subparagraph (C) as subparagraph (D);

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

22 "(C) The Secretary may permit an eligible member of the armed forces to receive

1 instruction from the Postgraduate School in certificate programs and courses required for
2 the performance of their duties."; and

3 (3) in subparagraph (D), as redesignated by paragraph (1), by striking "(A) and
4 (B)" and inserting "(A) through (C)".

5 (c) REIMBURSEMENT OF COSTS.—Paragraph (2) of section 7045(b) of such title is
6 amended by striking "(a)(2)(C)" and inserting "(a)(2)(D)".

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

9 **"§ 7050. Graduate degree pilot program for enlisted members**

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

13 "(b) ADMISSION.—The Secretary may permit eligible enlisted members to receive
14 graduate level instruction at the Naval Postgraduate School on a space-available basis in
15 programs leading to a master's degree in technical, analytical, and engineering curricula.

16 "(c) ELIGIBILITY.—(1) No more than ten eligible enlisted members may be admitted
17 under this program in an academic year.

18 "(2) To be eligible for instruction under this section, the enlisted member must have been
19 awarded a baccalaureate degree by an institution of higher education.

20 "(d) AWARD OF A MASTER'S DEGREE.—Upon successful completion of the course of
21 instruction in which the enlisted member was enrolled, the member may be awarded a master's
22 degree under section 7048 of this title.

1 States Naval Academy.".

2 (b) RETENTION OF PERMANENT PROFESSORS BEYOND THIRTY YEARS.—(1) Chapter 603
3 of such title is amended by adding at the end the following new section:

4 **"§ 6979. Retention of permanent professors at the United States Naval Academy.**

5 "(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an
6 officer serving as a permanent professor at the Naval Academy in the grade of commander, who
7 is not on a list of officers recommended for promotion to the grade of captain, shall, if not earlier
8 retired, be retired on the first day of the month after the month in which he completes 28 years of
9 active commissioned service.

10 "(2) Except as provided in subsection (b), an officer serving as a permanent professor at
11 the Naval Academy in the grade of captain, who is not on a list of officers recommended for
12 promotion to the grade of rear admiral (lower half), shall, if not earlier retired, be retired on the
13 first day of the month after the month in which he completes 30 years of active commissioned
14 service.

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

17 "(A) upon the recommendation of the Superintendent of the Naval Academy; and

18 "(B) with the concurrence of the Chief of Naval Operations.

19 "(2) The Secretary of the Navy shall determine the period of continuation on active duty
20 under this section.

21 "(c) ELIGIBILITY FOR PROMOTION.—A permanent professor at the Naval Academy who
22 has been retained on active duty as a permanent professor after more than 28 years of active

1 commissioned service in the grade of commander remains eligible for consideration for
2 promotion to the grade of captain."

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

5 "6979. Retention of permanent professors at the United States Naval Academy."

6 **Subtitle E—Other Education and Training Matters**

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

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

10 **SEC. 542. CLARIFICATION OF RESTRICTION ON COMPENSATION FOR** 11 **CORRESPONDENCE COURSES.**

12 Paragraph (1) of section 206(d) of title 37, United States Code, is amended by inserting "a
13 member of the National Guard or" after "performed by".

14 **Subtitle F—Military Justice Matters**

15 **SEC. 551. PROHIBIT TRAFFICKING OF SUBSTANCES THAT DEFEAT** 16 **SCREENING TESTS FOR CONTROLLED SUBSTANCES.**

17 (a) **AUTHORITY.**—Chapter 47 of title 18, United States Code, is amended by adding at the
18 end the following new section:

19 **"§ 1038. Prohibition on drug masking products**

20 "(a) Any person who knowingly manufactures or traffics in any device, synthetic
21 substance, human substance, chemical compound, consumable item, or other product with the
22 intent to facilitate a person's efforts to defeat or compromise the effectiveness of a screening test

1 to determine the use of a controlled substance, and by such conduct obtains anything of value
2 aggregating \$1,000 or more during any one-year period, shall be fined not more than \$250,000 or
3 imprisoned not more than five years, or both.

4 "(b) DEFINITIONS.—For the purposes of this section:

5 "(1) The term 'controlled substance' has the meaning given that term in section
6 102 of the Controlled Substances Act (21 U.S.C. 802(6)).

7 "(2) The term 'screening test' refers to any test of a sample, including a sample of
8 urine, blood, hair, saliva, fingernail, or other sample, taken from a person for the purposes
9 of determining whether that person has partaken of a controlled substance as defined in
10 this subsection."

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

13 "1038. Prohibition on Drug Masking Products."

14 **SEC. 552. ADMINISTRATIVE SESSIONS OF COURTS-MARTIAL.**

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

20 **SEC. 553. UNLIMITED PERIOD FOR PROSECUTION OF MURDER AND RAPE;
21 EXTENDED PERIOD FOR PROSECUTION OF CHILD ABUSE CASES
22 IN COURTS-MARTIAL.**

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

3 (1) in subsection (a), by inserting ", murder, rape" after "in a time of war"; and

4 (2) in subsection (b)(2)—

5 (A) in subparagraph (A), by striking "before the child attains the age of 25
6 years" and inserting "during the life of the victim or within five years from the
7 date of the offense, whichever is greater,";

8 (B) in subparagraph (B)—

9 (i) by striking "sexual or physical";

10 (ii) in clause (i), by striking "Rape or carnal" and inserting
11 "Carnal"; and

12 (iii) in clause (v), by striking "Indecent assault," and inserting
13 "Kidnapping; indecent assault;"; and

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

15 "(C) In subparagraph (A), the term 'child abuse offense' includes an act
16 that involves abuse of a person who has not attained the age of 18 years and
17 would constitute an offense under chapters 110 or 117 or section 1591 of title
18 18."

19 **SEC. 554. AMENDING OFFENSE OF RAPE UNDER THE UNIFORM CODE OF**
20 **MILITARY JUSTICE; ELIMINATION OF MISTAKE OF AGE DEFENSE**
21 **IN CARNAL KNOWLEDGE OF CHILD CASES.**

22 (a) RAPE.—Section 920(a) of title 10, United States Code (article 120 of the Uniform

1 Code of Military Justice), is amended by striking ", by force and without consent," and inserting
2 "by force".

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

5 (c) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months
6 after the date of the enactment of this Act and apply with respect to offenses committed after
7 such effective date.

8 **SEC. 555. ESTABLISHING THE OFFENSE OF STALKING UNDER THE UNIFORM**
9 **CODE OF MILITARY JUSTICE.**

10 (a) IN GENERAL.—(1) Subchapter X of chapter 47 of title 10, United States Code (the
11 Uniform Code of Military Justice), is amended by inserting after section 893 (article 93) the
12 following new section:

13 **"§ 893a. Art. 93a. Stalking**

14 "(a) Any person subject to this chapter—

15 "(1) who wrongfully engages in a course of conduct directed at a specific person
16 that would cause a reasonable person to fear death or bodily harm, including sexual
17 assault, to himself or herself or a member of his or her immediate family;

18 "(2) who has knowledge or should have knowledge that the specific person will be
19 placed in reasonable fear of death or bodily harm, including sexual assault, to himself or
20 herself or a member of his or her immediate family; and

21 "(3) whose acts induce reasonable fear in the specific person of death or bodily
22 harm, including sexual assault, to himself or herself or to a member of his or her

1 immediate family, is guilty of stalking.

2 "(b) Any person found guilty of stalking shall be punished as a court-martial may direct.

3 "(c) For purposes of this section:

4 "(1) The term 'course of conduct' means repeatedly maintaining a visual or
5 physical proximity to a specific person, or repeatedly conveying verbal or written threats,
6 or threats implied by conduct or a combination thereof directed at or toward a specific
7 person.

8 "(2) The term 'repeatedly' means on two or more occasions.

9 "(3) The term 'immediate family' means a spouse, parent, child, sibling, or any
10 other family member or relative who regularly resides in the household or who within the
11 prior six months regularly resided in the household."

12 (2) The table of sections at the beginning of such subchapter is amended by inserting after
13 the item relating to section 893 the following new item:

14 "893a Art. 93a. Stalking."

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

18 **SEC. 556. AMENDING OFFENSE OF SODOMY UNDER THE UNIFORM CODE OF**
19 **MILITARY JUSTICE.**

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

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

1 "(a) Any person subject to this chapter who engages in unnatural carnal copulation by
2 force with another person is guilty of forcible sodomy. Any person found guilty of forcible
3 sodomy shall be punished as a court-martial may direct.

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

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

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

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

9 "(c) Penetration, however slight, is sufficient to complete either of these offenses."

10 (2) The table of sections at the beginning of subchapter X of chapter 47 of such title is
11 amended by striking the item relating to section 925 and inserting the following new item:

12 "925. Art. 125. Forcible sodomy and sodomy of a child."

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

16 **Subtitle G—Management and Administrative Matters**

17 **SEC. 561. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE**
18 **COUNSEL TO PROVIDE MILITARY LEGAL ASSISTANCE WITHOUT**
19 **REGARD TO LICENSING REQUIREMENTS.**

20 Section 1044 of title 10, United States Code, is amended by adding at the end the
21 following new subsection:

22 "(e)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or

1 civilian attorney who is authorized to provide military legal assistance is authorized to provide
2 that assistance in any jurisdiction, subject to such regulations as may be prescribed by the
3 Secretary concerned.

4 "(2) In this subsection, the term 'military legal assistance' includes—

5 "(A) legal assistance provided under this section; and

6 "(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of
7 this title."

8 **Subtitle H—Other Matters**

9 **SEC. 571. UNIFORM ENLISTMENT PRACTICES OF THE ARMED FORCES.**

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

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

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

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

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

1 respectively). However, the Secretary concerned may authorize exceptions when the Secretary
2 determines that such enlistment is vital to the national interest."

3 **SEC. 572. INCREASE IN PERCENTAGE LIMITS ON REDUCTION OF TIME IN**
4 **GRADE REQUIREMENTS FOR RETENTION OF GRADE UPON**
5 **VOLUNTARY RETIREMENT.**

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

8 "(F) Notwithstanding subparagraph (E), and during the period beginning on October 1,
9 2005 and ending on September 30, 2010, the number of active-duty lieutenant colonels or (in the
10 case of the Navy) commanders in one of the armed forces for whom a service-in-grade reduction
11 is made under this section in any fiscal year may not exceed four percent of the authorized
12 active-duty strength for that fiscal year for officers of that armed force in that grade, and the
13 number of active-duty colonels or (in the case of the Navy) captains in one of the armed forces
14 for whom a service-in-grade reduction is made under this section in any fiscal year may not
15 exceed four percent of the authorized active-duty strength for that fiscal year for officers of that
16 armed force in that grade."

17 **SEC. 573. CONSOLIDATING FROCKING LIMITS.**

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

19 (1) by striking paragraphs (1) and (2) and inserting the following new paragraph

20 (1):

21 "(1) The total number of brigadier generals, rear admirals (lower half), major
22 generals and rear admirals on the active-duty list who are authorized as described in

1 subsection (a) to wear the insignia for the grade of brigadier general, rear admiral (lower
2 half), major general or rear admiral, as the case may be, may not exceed 85."; and

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

4 **SEC. 574. RECEIPT OF STATUTORY SELECTION BOARD CORRESPONDENCE.**

5 (a) OFFICERS ON THE ACTIVE-DUTY LIST.—Section 614(b) of title 10, United States Code,
6 is amended by inserting "11:59 PM on the date prior to" after "not later than".

7 (b) OFFICERS ON THE RESERVE ACTIVE-STATUS LIST.—Section 14106 of such title is
8 amended by inserting "11:59 PM on the date prior to" after "not later than".

9 **SEC. 575. MILITARY PERSONNEL DEMONSTRATION PROJECTS.**

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

12 **"§ 129d. Military personnel demonstration projects**

13 "(a) AUTHORITY.—As provided in this section, the Secretary of Defense, in consultation
14 with the Director of the Office of Management and Budget, may conduct and evaluate
15 demonstration projects regarding foreign area officers, surface warfare officers and the special
16 operation forces within the military personnel system. Subject to the provisions of this section,
17 this authority shall not be limited by any lack of specific authority under this title or title 37 to
18 take the action contemplated, or by any provision of this title, title 37 or any rule or regulation
19 prescribed under those titles which is inconsistent with the action, including any law or
20 regulation relating to the methods of—

21 "(1) establishing qualification requirements for, recruitment for, and appointment
22 to positions;

1 "(2) determining requirements and compensating personnel;

2 "(3) assigning, reassigning, separating or promoting personnel;

3 "(4) providing incentives to personnel, including the provision of group or
4 individual incentive bonuses or pay;

5 "(5) involving military members in personnel decisions; and

6 "(6) reducing requirements.

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

9 "(1) develop a plan for such project which describes its purpose, the personnel
10 groups to be covered, the project itself, its anticipated outcomes and the method of
11 evaluating the project;

12 "(2) at least 30 days in advance of the date a project is to take effect, provide
13 notification of the proposed project—

14 "(A) to personnel who are likely to be affected by the project; and

15 "(B) to each House of the Congress; and

16 "(3) provide each House of the Congress with the final version of the plan and a
17 summary of the results of each project.

18 "(c) WAIVER.—No demonstration project under this section may provide for a waiver of
19 this title or title 37 except with the approval of the Secretary.

20 "(d) LIMITATIONS.—(1) Each demonstration project shall—

21 "(A) involve not more than 2,000 individuals other than individuals in any control
22 groups necessary to validate the results of the project; and

1 "(B) terminate before the end of the 5-year period beginning on the date on which
2 the project takes effect, except that the project may continue beyond the date to the extent
3 necessary to validate the results of the project.

4 "(2) Not more than 4 active demonstration projects may be in effect at any time."

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

7 "129d . Military personnel demonstration projects."

8 **SEC. 576. EQUALIZATION OF FORGIVENESS OF INCOME TAXES OF MEMBERS**
9 **OF THE ARMED FORCES UPON DEATH.**

10 Section 692(a)(1) of the Internal Revenue Code of 1986 (relating to income taxes on
11 members of the Armed Forces upon death), is amended—

12 (1) by inserting ", in the period beginning with the earlier of the prior taxable
13 year," after "or with respect to any prior taxable year"; and

14 (2) by inserting ", or with respect to the last taxable year ending before the taxable
15 year in which the wounds, disease, or injury were incurred" after "1950".

16 **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

17 **Subtitle A—Pay and Allowances**

18 **SEC. 601. PERMANENT AUTHORITY FOR THE SUPPLEMENTAL SUBSISTENCE**
19 **ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.**

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

21 **SEC. 602. REPEAL OF BASIC ALLOWANCE FOR HOUSING DIFFERENTIAL.**

22 (a) MEMBERS PAYING CHILD SUPPORT.—Section 403 of title 37, United States Code, is

1 amended by striking subsection (m).

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

3 (1) by redesignating subsections (n) and (o) as subsections (m) and (n),
4 respectively; and

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

6 "(o) DEPENDENT DEFINED.—For purposes of this section, the term 'dependent', with
7 respect to a member of a uniformed service, means the following persons:

8 "(1) The spouse of the member.

9 "(2) An unmarried child of the member who—

10 "(A) resides with the member unless separated—

11 "(i) by the necessity of military service;

12 "(ii) to receive institutional care as a result of disability or
13 incapacitation; or

14 "(iii) under such other circumstances as the Secretary concerned
15 may prescribe; and

16 "(B) is under 21 years of age;

17 "(C) is incapable of self-support because of mental or physical incapacity
18 and is in fact dependent on the member for more than one-half of the child's
19 support; or

20 "(D) is under 23 years of age, is enrolled in a full-time course of study in
21 an institution of higher education approved by the Secretary concerned for
22 purposes of this clause, and is in fact dependent on the member for more than one-

1 half of the child's support.

2 "(3) A parent of the member if—

3 "(A) the parent is in fact dependent on the member for more than one-half
4 of the parent's support;

5 "(B) the parent has been so dependent for a period prescribed by the
6 Secretary concerned or became so dependent due to a change of circumstances
7 arising after the member entered on active duty; and

8 "(C) the dependency of the parent on the member is determined on the
9 basis of an affidavit submitted by the parent and any other evidence required
10 under regulations prescribed by the Secretary concerned.

11 "(4) An unmarried person who—

12 "(A) is placed in the legal custody of the member as a result of an order of
13 a court of competent jurisdiction in the United States (or Puerto Rico or a
14 possession of the United States) for a period of at least 12 consecutive months;

15 "(B) either—

16 "(i) has not attained the age of 21;

17 "(ii) has not attained the age of 23 years and is enrolled in a full-
18 time course of study at an institution of higher learning approved by the
19 Secretary concerned; or

20 "(iii) is incapable of self support because of a mental or physical
21 incapacity that occurred while the person was considered a dependent of
22 the member or former member under this paragraph pursuant to clause (i)

1 or (ii);

2 "(C) is dependent on the member for over one-half of the person's support;

3 "(D) resides with the member unless separated by the necessity of military
4 service or to receive institutional care as a result of disability or incapacitation or
5 under such other circumstances as the Secretary concerned may by regulation
6 prescribe; and

7 "(E) is not a dependent of a member under any other subparagraph.

8 "(5) For purposes of this section:

9 "(A) The term 'child' includes—

10 "(i) a stepchild of the member (except that such term does not
11 include a stepchild after the divorce of the member from the stepchild's
12 parent by blood);

13 "(ii) an adopted child of the member, including a child placed in
14 the home of the member by a placement agency (recognized by the
15 Secretary of Defense) in anticipation of the legal adoption of the child by
16 the member; and

17 "(iii) an illegitimate child of the member if the member's parentage
18 of the child is established in accordance with criteria prescribed in
19 regulations by the Secretary concerned.

20 "(B) The term 'parent' means—

21 "(i) a natural parent of the member;

22 "(ii) a stepparent of the member;

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

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

4 "(v) any other person, including a former stepparent, who has stood
5 in loco parentis to the member at any time for a continuous period of at
6 least five years before the member became 21 years of age."

7 **SEC. 603. REVISIONS TO PAY AND ALLOWANCES CONSIDERED FOR SAVED**
8 **PAY UPON APPOINTMENT AS AN OFFICER.**

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

10 "(d)(1) In determining the amount of the pay and allowances of a grade formerly held by
11 an officer, the following special and incentive pays may be considered only so long as the officer
12 continues to perform the duty creating the entitlement to or eligibility for that pay and would
13 otherwise be eligible to receive that pay in his former grade:

14 "(A) Incentive pay for hazardous duty under section 301 of this title.

15 "(B) Submarine duty incentive pay under section 301c of this title.

16 "(C) Special pay for diving duty under section 304 of this title.

17 "(D) Hardship duty pay under section 305 of this title.

18 "(E) Career sea pay under section 305a of this title.

19 "(F) Special pay for service as a member of a Weapons of Mass Destruction Civil
20 Support Team under section 305b of this title.

21 "(G) Assignment incentive pay under section 307a of this title.

22 "(H) Hostile fire pay or imminent danger pay under section 310 of this title.

1 "(I) Overseas tour extension incentive pay under section 314 of this title.

2 "(J) Foreign language proficiency pay under section 316 of this title.

3 "(K) Critical skill retention bonus under section 323 of this title.

4 "(2) The following special and incentive pays are dependent on a member being in
5 enlisted status and may not be considered in determining the amount of the pay and allowances
6 of a grade formerly held by an officer:

7 "(A) Special duty assignment pay under section 307 of this title.

8 "(B) Reenlistment bonus under section 308 of this title.

9 "(C) Enlistment bonus under section 309 of this title.

10 "(D) Nuclear enlisted bonus under section 312a of this title.

11 "(E) Career enlisted flyer incentive pay under section 320 of this title."

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

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

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

17 (1) in subsection (a)—

18 (A) by striking "subsection (c)" and inserting "subsection (b)";

19 (B) by striking "monthly special pay" and inserting "a bonus"; and

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

22 (2) by striking subsection (b) and redesignating subsections (c), (d), (e), (f), (g)

1 and (h) as subsections (b), (c), (d), (e), (f) and (g), respectively;

2 (3) in subsection (b), as redesignated by paragraph (2)—

3 (A) by striking "special pay or a bonus" and inserting "a bonus";

4 (B) by striking "subsection (a) or (b)" and inserting "subsection (a)"; and

5 (C) by striking "special pay or bonus" and inserting "bonus";

6 (4) by amending subsections (c) and (d), as redesignated by paragraph (2), to read
7 as follows:

8 "(c) BONUS AMOUNT.—The bonus paid under subsection (a) may not exceed \$12,000 per
9 year. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the
10 certification period or in installments during the certification period.

11 "(d) RELATIONSHIP TO OTHER PAY OR ALLOWANCES.—A bonus paid under this section is
12 in addition to any other pay or allowance payable to a member under any other provision of
13 law.";

14 (5) in subsection (e), as redesignated by paragraph (2)—

15 (A) in paragraph (1)—

16 (i) by striking "Notwithstanding" and all that follows through "pay
17 or" and inserting "The Secretary concerned may waive the certification
18 requirement in subsection (b) and pay"; and

19 (ii) in subparagraph (C), by striking "or a" and all that follows
20 through "member";

21 (B) in paragraph (2), by striking "For purposes" and all that follows
22 through "the Secretary" and inserting "The Secretary";

1 (C) in paragraph (3)—

2 (i) by striking "special pay or a bonus" and inserting "a bonus";

3 (ii) by striking "subsection (c)" and inserting "subsection (b)";

4 (iii) by striking "special pay or bonus" and inserting "bonus"; and

5 (iv) by striking "subsection (h)" and inserting "subsection (g)"; and

6 (D) in paragraph (4)—

7 (i) by striking "subsection (c)" and inserting "subsection (b)";

8 (ii) by striking "bonus in the manner" and inserting "amount
9 received by the member as"; and

10 (iii) by striking "subsection (g)" and inserting "subsection (f)"; and

11 (6) by amending subsection (f), as redesignated by paragraph (2), to read as

12 follows:

13 "(f) REPAYMENT OF BONUS.—(1) The Secretary concerned may terminate at any time the
14 eligibility of a member to receive a bonus under subsection (a).

15 "(2) A member who receives a bonus under this section, but who does not satisfy an
16 eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire
17 certification period for which the bonus was paid, shall be subject to the repayment provisions of
18 section 327 of this title."

19 (b) CLERICAL AMENDMENTS.—(1) Section 316 is further amended by striking "**pay and**"
20 in the heading and inserting "**pay:**".

21 (2) The table of sections at the beginning of chapter 5 of such title is amended by striking
22 the item relating to section 316 and inserting the following new item:

1 "316: Special pay: bonus for members with foreign language proficiency."

2 **SEC. 612. INCREASE MAXIMUM AMOUNT OF SELECTIVE REENLISTMENT**

3 **BONUS.**

4 (a) IN GENERAL.—Section 308(a)(2)(B) of title 37, United States Code, is amended by
5 striking "\$60,000" and inserting "\$90,000".

6 (b) CLERICAL AND CONFORMING AMENDMENTS.—(1)(A) Section 312a of such title is
7 repealed.

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

10 (2) Section 308(a)(1) of such title is further amended—

11 (A) by adding "and" at the end of subparagraph (B);

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

13 (C) by redesignating subparagraph (D) as subparagraph (C).

14 **SEC. 613. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAYS FOR**

15 **RESERVE FORCES.**

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

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

21 (c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended
22 by striking "December 31, 2005" and inserting "December 31, 2006".

1 (d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY
2 UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2005" and inserting
3 "December 31, 2006".

4 (e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended
5 by striking "December 31, 2005" and inserting "December 31, 2006".

6 (f) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308g(h) of such
7 title is amended by striking "September 30, 1992" and inserting "December 31, 2006".

8 (g) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such
9 title is amended by striking "December 31, 2005" and inserting "December 31, 2006".

10 (h) PRIOR SERVICE REENLISTMENT BONUS.—Section 308i(f) of such title is amended by
11 striking "December 31, 2005" and inserting "December 31, 2006".

12 (i) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO
13 SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is
14 amended by striking "January 1, 2006" and inserting "January 1, 2007".

15 **SEC. 614. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE PAY.**

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

17 (1) in subsection (a), by striking "monthly";

18 (2) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h),
19 respectively; and

20 (3) by inserting after subsection (c) the following new subsections (d) and (e):

21 "(d) PAYMENT OF SPECIAL PAY.—(1) The Secretary concerned may specify in a written
22 agreement under subsection (b) that payment shall be at a monthly rate, a lump sum, or in

1 States Code, is amended by adding at the end the following new section:

2 **"§ 327. Repayment of unearned portions of bonuses, incentives, special pay or similar**
3 **payments, or educational benefits or stipends when conditions of payment**
4 **not met**

5 "(a) IN GENERAL.—A member of the uniformed services who has received a bonus,
6 incentive, special pay or similar payment, or an educational benefit or stipend, and who is, by
7 law, subject to the repayment provisions of this section shall repay to the United States such
8 compensation or benefit when the member does not meet the conditions of the pay or benefit,
9 except under conditions established by the Secretary concerned.

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

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

19 "(d) EFFECT OF BANKRUPTCY.—A discharge in bankruptcy under title 11 does not
20 discharge a person from a debt under this section if the final decree of discharge is entered less
21 than five years after the date of the termination of the service or the date of the termination of the
22 agreement on which the debt is based. This subsection applies to any case commenced under

1 title 11 after March 30, 2006."

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

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

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

8 "(g) REPAYMENT OF BONUS.—An officer who does not complete the period of active duty
9 specified in the agreement entered into under subsection (a) shall be subject to the repayment
10 provisions of section 327 of this title."

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

13 "(c) REPAYMENT OF BONUS.—An officer who does not complete the period of active
14 duty specified in the agreement entered into under subsection (a) shall be subject to the
15 repayment provisions of section 327 of this title."

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

18 "(d) REPAYMENT OF BONUS.—An officer who does not complete the period of active
19 duty specified in the agreement entered into under subsection (a) shall be subject to the
20 repayment provisions of section 327 of this title."

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

22 (1) in subsection (c), by amending the last sentence in paragraph (2) to read as

1 follows: "If such entitlement is terminated, the officer concerned shall be subject to the
2 repayment provisions of section 327 of this title."

3 (2) by amending subsection (f) to read as follows:

4 "(f) REPAYMENT.—An officer who does not complete the period for which the payment
5 was made under subsection (a)(4) or (b)(1) shall be subject to the repayment provisions of
6 section 327 of this title."

7 (f) OPTOMETRIST RETENTION SPECIAL PAY.—Paragraph (4) of section 302a(b) of such
8 title is amended to read as follows:

9 "(4) The Secretary concerned may terminate at any time the eligibility of an officer to
10 receive retention special pay under paragraph (1). An officer who does not complete the period
11 for which the payment was made under paragraph (1) shall be subject to the repayment
12 provisions of section 327 of this title."

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

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

15 (2) by amending subsection (e) to read as follows:

16 "(e) REPAYMENT.—An officer who does not complete the period of active duty for which
17 the payment was made under subsection (a)(4) shall be subject to the repayment provisions of
18 section 327 of this title.";

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

20 (4) by redesignating subsections (g) and (h) as subsections (f) and (g),
21 respectively.

22 (h) ACCESSION BONUS FOR REGISTERED NURSES.—Subsection (d) of section 302d of

1 such title is amended to read as follows:

2 "(d) REPAYMENT OF BONUS.—An officer who does not become and remain licensed as a
3 registered nurse during the period for which the payment is made, or who does not complete the
4 period of active duty specified in the agreement entered into under subsection (a) shall be subject
5 to the repayment provisions of section 327 of this title."

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

7 (1) in subsection (c), by striking the last sentence; and

8 (2) by amending subsection (e) to read as follows:

9 "(e) REPAYMENT.—An officer who does not complete the period of active duty specified
10 in the agreement entered into under subsection (a) shall be subject to the repayment provisions of
11 section 327 of this title."

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

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

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

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

19 "(d) REPAYMENT.—An officer who does not complete the period of service in the
20 Selected Reserve of an armed force specified in the agreement entered into under subsection (a)
21 shall be subject to the repayment provisions of section 327 of this title."; and

22 (3) by redesignating subsection (f) as subsection (e).

1 (l) ACCESSION BONUS FOR DENTAL OFFICERS.—Subsection (d) of section 302h of such
2 title is amended to read as follows:

3 "(d) REPAYMENT OF BONUS.—A person after signing a written agreement who thereafter
4 is not commissioned as an officer of the armed forces, or does not become licensed as a dentist,
5 or does not complete the period of active duty specified in the agreement entered into under
6 subsection (a) shall be subject to the repayment provisions of section 327 of this title."

7 (m) ACCESSION BONUS FOR PHARMACY OFFICERS.—Subsection (e) of section 302j of
8 such title is amended to read as follows:

9 "(e) REPAYMENT OF BONUS.—A person after signing a written agreement who thereafter
10 is not commissioned as an officer of the armed forces, or does not become and remain certified
11 or licensed as a pharmacist, or does not complete the period of active duty specified in the
12 agreement entered into under subsection (a) shall be subject to the repayment provisions of
13 section 327 of this title."

14 (n) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Subsection (d) of section 308 of
15 such title is amended to read as follows:

16 "(d) REPAYMENT OF BONUS.—A member who does not complete the term of enlistment
17 for which a bonus was paid to the member under this section, or a member who is not technically
18 qualified in the skill for which a bonus was paid to him under this section, shall be subject to the
19 repayment provisions of section 327 of this title."

20 (o) REENLISTMENT BONUS FOR SELECTED RESERVE.—Subsection (e) of section 308b of
21 such title is amended to read as follows:

22 "(e) REPAYMENT OF BONUS.—A member who does not complete the term of enlistment

1 in the element of the Selected Reserve of the Ready Reserve for which the bonus was paid to the
2 member under this section, shall be subject to the repayment provisions of section 327 of this
3 title."

4 (p) ENLISTMENT BONUS FOR SELECTED RESERVE.—Subsection (d) of section 308c of
5 such title is amended to read as follows:

6 "(d) REPAYMENT OF BONUS.—A member who does not participate satisfactorily in
7 training with his unit during a term of enlistment for which a bonus has been paid to him under
8 this section shall be subject to the repayment provisions of section 327 of this title."

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

11 "(d) REPAYMENT OF BONUS.—A member who does not participate satisfactorily in
12 training with his unit during a term of enlistment for which a bonus has been paid to him under
13 this section shall be subject to the repayment provisions of section 327 of this title."

14 (r) READY RESERVE ENLISTMENT BONUS.—Section 308g of such title is amended—

15 (1) by amending subsection (d) to read as follows:

16 "(d) REPAYMENT OF BONUS.— A person who does not serve satisfactorily in the element
17 of the Ready Reserve in the combat or combat support skill for the period for which the bonus
18 was paid under this section shall be subject to the repayment provisions of section 327 of this
19 title.";

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

21 (3) by redesignating subsections (g) and (h) as subsections (e) and (f),

22 respectively.

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

3 (1) by amending subsection (c) to read as follows:

4 "(c) REPAYMENT OF BONUS.—A person who does not complete the period of enlistment
5 or extension of enlistment for which the bonus was paid under this section shall be subject to the
6 repayment provisions of section 327 of this title.";

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

8 (3) by redesignating subsections (f) and (g) as subsections (d) and (e),
9 respectively.

10 (t) PRIOR SERVICE ENLISTMENT BONUS.—Subsection (d) of section 308i of such title is
11 amended to read as follows:

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

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

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

22 (v) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE

1 DUTY.—Subsection (b) of section 312 of such title is amended to read as follows:

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

6 (w) NUCLEAR CAREER ACCESSION BONUS.—Paragraph (2) of section 312b(a) of such
7 title is amended to read as follows:

8 "(2) An officer who does not commence or complete satisfactorily the nuclear power
9 training specified in the agreement under paragraph (1) shall be subject to the repayment
10 provisions of section 327 of this title."

11 (x) ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS
12 OVERSEAS.—Subsection (d) of section 314 of such title is amended to read as follows:

13 "(d) REPAYMENT OF BONUS.—A member who, having entered into a written agreement to
14 extend a tour of duty for a period under subsection (a), receives a bonus payment under
15 subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-
16 month period to perform the agreed tour of duty shall be subject to the repayment provisions of
17 section 327 of this title."

18 (y) SPECIAL WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Subsection (h)
19 of section 318 of such title is amended to read as follows:

20 "(h) REPAYMENT OF BONUS.—An officer who, having entered into a written agreement
21 under subsection (b) and has received all or part of a bonus under this section, does not complete
22 the period of active duty in special warfare service as specified in the agreement, shall be subject

1 to the repayment provisions of section 327 of this title."

2 (z) SURFACE WARFARE OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.—Subsection (f)
3 of section 319 of such title is amended to read as follows:

4 "(f) REPAYMENT OF BONUS.—An officer who, having entered into a written agreement
5 under subsection (b) and having received all or part of a bonus under this section, does not
6 complete the period of active duty as a department head on a surface vessel specified in the
7 agreement, shall be subject to the repayment provisions of section 327 of this title."

8 (aa) JUDGE ADVOCATE CONTINUATION PAY.—Subsection (f) of section 321 of such title
9 is amended to read as follows:

10 "(f) REPAYMENT.—An officer who has entered into a written agreement under subsection
11 (b) and has received all or part of the amount payable under the agreement but who does not
12 complete the total period of active duty specified in the agreement, shall be subject to the
13 repayment provisions of section 327 of this title."

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

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

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

1 "(g) REPAYMENT OF BONUS.—A member who has entered into a written agreement under
2 subsection (a), and who does not complete the total period of active duty specified in the
3 agreement, shall be subject to the repayment provisions of section 327 of this title."

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

6 "(f) REPAYMENT OF BONUS.—An individual who, having received all or part of the bonus
7 under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or
8 does not commence or does not complete the total period of active duty service specified in the
9 agreement, shall be subject to the repayment provisions of section 327 of this title."

10 (ee) INCENTIVE BONUS: SAVINGS PLAN FOR EDUCATION EXPENSES AND OTHER
11 CONTINGENCIES.—Subsection (g) of section 325 of such title is amended to read as follows:

12 "(g) REPAYMENT.—If a person does not complete the qualifying service for which the
13 person is obligated under a commitment for which a benefit has been paid under this section, the
14 person shall be subject to the repayment provisions of section 327 of this title."

15 (ff) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL
16 SPECIALTY.—Subsection (e) of section 326 of such title is amended to read as follows:

17 "(e) REPAYMENT OF BONUS.—A member who does not convert to and complete the
18 period of service in the military occupational specialty specified in the agreement executed under
19 subsection (a) shall be subject to the repayment provisions of section 327 of this title."

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

1 "(i) REPAYMENT.—If a National Call to Service participant who has entered into an
2 agreement under subsection (b) and received or benefitted from an incentive under subsection
3 (e)(1) or (e)(2) fails to complete the total period of service specified in such agreement, the
4 National Call to Service participant shall be subject to the repayment provisions of section 327 of
5 title 37."

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

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

8 "(3) that if such person does not complete the period of active duty specified in
9 the agreement, or does not fulfill any term or condition prescribed pursuant to clause (4),
10 such person shall be subject to the repayment provisions of section 327 of title 37.";

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

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

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

16 "(d) The Secretary concerned shall require, as a condition to the Secretary providing
17 financial assistance under section 2107 or 2107a of this title to any person, that such person enter
18 into an agreement described in subsection (a). In addition to the requirements of subsections
19 (a)(1) through (a)(4), any agreement required by this subsection shall provide that if such person
20 does not complete the education requirements specified in the agreement, or does not fulfill any
21 term or condition prescribed pursuant to subsection (a)(4), the person shall be subject to the
22 repayment provisions of section 327 of title 37 without the Secretary first ordering such person to

1 active duty as provided for under subsection (a)(2) and sections 2107(f) and 2107a(f) of this
2 title."

3 (ii) TUITION FOR OFF-DUTY TRAINING OR EDUCATION.—Section 2007 of such title is
4 amended by adding at the end the following new subsection:

5 "(f) If such person does not complete the period of active duty specified in the agreement
6 under subsection (b), such person shall be subject to the repayment provisions of section 327 of
7 title 37."

8 (jj) ADVANCED TRAINING, FAILURE TO COMPLETE OR TO ACCEPT COMMISSION.—Section
9 2105 of such title is amended—

10 (1) by striking "A member" and inserting "(a) A member"; and

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

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

14 (kk) FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS.—Section
15 2107 of such title is amended by adding at the end the following new subsection:

16 "(j) A person after signing a written agreement who thereafter is not commissioned as an
17 officer or does not complete the period of service as specified in subsection (b), (f) or (h)(2),
18 shall be subject to the repayment provisions of section 327 of title 37."

19 (ll) HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR
20 ACTIVE SERVICE.—Subparagraph (C) of section 2123(e)(1) of such title is amended to read as
21 follows:

22 "(C) If such person does not complete the period of active duty obligation specified under

1 subsection (a), such person shall be subject to the repayment provisions of section 327 of title
2 37."

3 (mm) FINANCIAL ASSISTANCE: NURSE OFFICER CANDIDATES.—Subsection (d) of section
4 2130a of such title is amended to read as follows:

5 "(d) REPAYMENT.—A person who does not complete a nursing degree program in which
6 the person is enrolled in accordance with the agreement entered into under subsection (a), or
7 having completed the nursing degree program, does not become an officer in the Nurse Corps of
8 the Army or the Navy or an officer designated as a nurse officer of the Air Force or
9 commissioned corps of the Public Health Service; or does not complete the period of obligated
10 active service required under the agreement, shall be subject to the repayment provisions of
11 section 327 of title 37."

12 (nn) EDUCATION LOAN REPAYMENT PROGRAM: COMMISSIONED OFFICERS IN SPECIFIED
13 HEALTH PROFESSIONS.—Subsection (g) of section 2173 of such title is amended—

14 (1) by inserting "(1)" after "(g)"; and

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

16 "(2) An officer who does not complete the period of active duty specified in the
17 agreement entered into under subsection (b)(3), or the alternative obligation under
18 paragraph (1), shall be subject to the repayment provisions of section 327 of title 37."

19 (oo) SCHOLARSHIP PROGRAM FOR DEGREE PROGRAM FOR DEGREE OR CERTIFICATION IN
20 INFORMATION ASSURANCE.—Section 2200a of such title is amended—

21 (1) by amending subsection (e) to read as follows:

22 "(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A member of an

1 armed force who does not complete the period of active duty specified in the service agreement
2 under section (b) shall be subject to the repayment provisions of section 327 of title 37.

3 "(2) A civilian employee of the Department of Defense who voluntarily terminates
4 service before the end of the period of obligated service required under an agreement entered into
5 under subsection (b) shall refund to the United States an amount determined by the Secretary of
6 Defense as being appropriate to obtain adequate service in exchange for financial assistance and
7 otherwise to achieve the goals set forth in section 2200(a) of this title.

8 "(A) OBLIGATION AS DEBT.—An obligation to reimburse the United States
9 imposed under paragraph (1) is for all purposes a debt owed to the United States.

10 "(B) REPAYMENT.—The Secretary of Defense may waive, in whole or in part a
11 refund required under paragraph (1) if the Secretary determines that recovery would be
12 against equity and good conscience or would be contrary to the best interests of the
13 United States.

14 "(C) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under
15 title 11 that is entered less than five years after the termination of an agreement under this
16 section does not discharge the person signing such agreement from a debt arising under
17 such agreement or under this subsection.";

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

19 (3) by redesignating subsection (g) as subsection (f).

20 (pp) CADETS: AGREEMENT TO SERVICE AS OFFICER.—Section 4348 of such title is
21 amended by adding at the end the following new subsection:

22 "(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified

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

3 (qq) MIDSHIPMEN: AGREEMENT FOR LENGTH OF SERVICE.—Section 6959 of such title is
4 amended by adding at the end the following new subsection:

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

8 (rr) CADETS: AGREEMENT TO SERVICE AS OFFICER.—Section 9348 of such title is
9 amended by adding at the end the following new subsection:

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

13 (ss) CADETS: NUMBER, APPOINTMENT, OBLIGATION TO SERVE.—Section 182 of title 14,
14 United States Code, is amended by adding at the end the following new subsection:

15 "(g) A cadet or former cadet who does not fulfill the terms of the obligation to serve as
16 specified under section (b), or the alternative obligation under subsection (c), shall be subject to
17 the repayment provisions of section 327 of title 37."

18 (tt) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section
19 16135 of title 10 United States Code, is amended to read as follows:

20 **"§ 16135. Failure to participate satisfactorily; penalties**

21 "(a) A member of the Selected Reserve of the Ready Reserve of an armed force who does
22 not participate satisfactorily in required training as a member of the Selected Reserve during a

1 term of enlistment or other period of obligated service that created entitlement of the member to
2 educational assistance under this chapter, and during which the member has received such
3 assistance, shall, at the option of the Secretary concerned—

4 "(1) be ordered to active duty for a period of two years or the period of obligated
5 service the person has remaining under section 16132 of this title, whichever is less; or

6 "(2) be subject to the repayment provisions under section 327 of title 37.

7 "(b) Any repayment under the provisions of section 327 of title 37 shall not affect the
8 period of obligation of such member to serve as a Reserve in the selected Reserve."

9 (uu) HEALTH PROFESSIONS STIPEND PROGRAM – PENALTIES AND
10 LIMITATIONS.—Subparagraph (B) of section 16203(a)(1) of such title is amended to read as
11 follows:

12 "(B) shall be subject to the repayment provisions of section 327 of title 37."

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

15 (1) in paragraph (1), by striking "may be required to repay the full amount of
16 financial assistance" and inserting "shall be subject to the repayment provisions of section
17 327 of title 37"; and

18 (2) by amending paragraph (2) to read as follows:

19 "(2) Any requirement to repay any portion of financial assistance received under
20 this section shall be administered under Secretary of Defense regulations issued under
21 section 327 of title 37. The Secretary of the Navy may waive the obligations referenced
22 in paragraph (1) in the case of a person who—".

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

3 (2) Notwithstanding paragraph (1)—

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

7 (B) the following provisions in effect on March 30, 2006, shall continue to apply,
8 in accordance with the provisions thereof, with respect to any bonus, bonus, incentive,
9 special pay, or an educational benefit or stipend, which the United States became
10 obligated to pay before April 1, 2006:

11 (i) sections 301b(g), 301d(c), 301e(d), 302(f), 302a(b)(4), 302b, 302d(d),
12 302e, 302f, 302g, 302h, 302j, 308(d), 308b(d), 308c(d), 308e(d), 308g(d),
13 308h(c), 308i(d), 309(b), 312(b), 312b(a)(2), 314(d), 318(h), 319(h), 321(f),
14 322(f), 323(g), 324(f), 325(g), and 326(e) of title 37, United States Code;

15 (ii) sections 510, 2005(a)(3), 2005(c), 2005(d), 2005(f), 2005(g), 2007,
16 2105, 2107, 2123(e)(1)(C), 2130a(d), 2173(g), 2200a(e)(3), 4348, 6959, 9348,
17 16135, 16203(a)(1)(B), and 16401(f)(1) of title 10, United States Code; and

18 (iii) section 182 of title 14, United States Code.

19 **SEC. 616. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR**
20 **HARDSHIP DUTY PAY.**

21 (a) INCREASE.—Section 305(a) of title 37, United States Code, is amended by striking
22 "\$300" and inserting "\$750".

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

3 **Subtitle C—Retired Pay**

4 **SEC. 621. PROHIBIT COURT-ORDERED PAYMENTS BEFORE RETIREMENT**
5 **BASED ON IMPUTATION OF RETIRED PAY.**

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

7 (1) by inserting "(A)" after "(3)"; and

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

9 "(B) A court may not order a member to make payments based upon an
10 imputation of a property interest in future retired pay of any kind to a spouse or former
11 spouse before the date of the member's actual retirement."

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

15 **Subtitle D—Other Matters**

16 **SEC. 631. PROTECTION AGAINST DOUBLE TAXATION FOR SERVICE**
17 **MEMBERS ABSENT FROM THEIR RESIDENCE OR DOMICILE**
18 **SOLELY BY REASON OF COMPLIANCE WITH MILITARY ORDERS.**

19 Section 511(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 571(c)) is
20 amended by adding at the end the following new paragraph:

21 "(5) USE, EXCISE, OR SIMILAR TAXES.—A tax jurisdiction may not impose a sales, use,
22 excise, or similar tax on the personal property of a nonresident servicemember when the laws of

1 the tax jurisdiction fail to provide a credit against such taxes for sales, use, excise, or similar
2 taxes previously paid on the same property to another tax jurisdiction."

3 **SEC. 632. PAYMENT OF EXPENSES TO OBTAIN PROFESSIONAL CREDENTIALS.**

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

6 **"§ 2015. Payment of expenses for members of the armed forces to obtain professional**
7 **credentials**

8 "The Secretary of Defense and the Secretary of Homeland Security, with respect to the
9 Coast Guard when it is not operating as a service in the Navy, may use appropriated funds, or
10 funds otherwise available to such Secretary, to pay for—

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

14 "(2) examinations to obtain such credentials."

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

17 "2015. Payment of expenses for members of the armed forces to obtain professional credentials."

18 **SEC. 633. MONTHLY DISBURSEMENT TO THE STATES OF STATE INCOME**

19 **TAX VOLUNTARILY WITHHELD FROM RETIRED OR RETAINED**
20 **PAY.**

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

22 (1) by striking "quarter" the first place it appears and inserting "month"; and

1 (2) by striking "during the month following that calendar quarter" and inserting "during
2 the following calendar month".

3 **SEC. 634. INCLUSION OF COMBAT ZONE TAX-EXCLUDED INCOME AS**
4 **COMPENSATION FOR CONTRIBUTIONS TO INDIVIDUAL**
5 **RETIREMENT ACCOUNTS.**

6 Section 219(b) of the Internal Revenue Code of 1986 (relating to maximum amount of
7 deduction), is amended—

8 (1) by redesignating paragraph (5) as paragraph (6); and

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

10 "(5) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—For purposes of
11 paragraph (1)(B), any amount excluded from gross income by reason of section 112 shall
12 be treated as compensation includible in the individual's gross income for such taxable
13 year."

14 **SEC. 635. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO A DEPLOYABLE**
15 **SHIP OR MOBILE UNIT OR OTHER DUTY.**

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

18 "(B) This subsection applies to a member—

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

21 "(2) who is assigned to a deployable ship or mobile unit or to other duty
22 designated for the purpose of this section."

1 **TITLE VII—HEALTH CARE PROVISIONS**

2 **Subtitle A—Enhanced Benefits for Reserves**

3 **SEC. 701. EMPLOYER-SPONSORED HEALTH PLAN COVERAGE FOR MEMBERS**
4 **OF THE UNIFORMED SERVICES.**

5 Section 4317 of title 38, United States Code, is amended—

6 (1) in subsection (a)(1), by inserting ", or such person makes an election of
7 military health care under section 1074(d) of title 10 after being issued a
8 delayed-effective-date of active-duty order (as defined in paragraph 2 of section 1074(d))
9 to perform service in the uniformed services," after "by reason of service in the uniformed
10 services"; and

11 (2) in subsection (b)(1)—

12 (A) by inserting "or by reason of an election of military health care under
13 section 1074(d) of title 10 after being issued a delayed-effective-date active-duty
14 order to perform service in the uniformed services" after "by reason of service in
15 the uniformed services"; and

16 (B) by inserting ", or continued employment in the case of a person who
17 was issued a delayed-effective-date active-duty order that was canceled before the
18 person was to report for service in the uniformed services," after "upon
19 reemployment under this chapter".

20 **SEC. 702. CORRECTION TO ELIGIBILITY FOR HEALTH CARE PENDING**
21 **ACTIVE DUTY FOLLOWING COMMISSIONING.**

22 Clause (iii) of section 1074(a)(2)(B) of title 10, United States Code, is amended by

1 inserting before the semicolon the following: ", or the member has been issued orders but has not
2 entered active duty".

3 **SEC. 703. AMENDMENT TO SERVICEMEMBERS CIVIL RELIEF ACT TO LIMIT**
4 **PREMIUM INCREASES ON REINSTATED HEALTH INSURANCE.**

5 Section 704 of the Servicemembers Civil Relief Act (Public Law 108-189; 117 Stat.
6 2864; 50 U.S.C. App. 594) is amended by adding at the end the following new subsection:

7 "(e) INCREASE IN PREMIUM.—(1) The amount of the premium for health insurance
8 coverage that was terminated by a servicemember and required to be reinstated under this section
9 shall not be increased, for the balance of the period for which coverage would have been
10 continued had the coverage not been terminated, to an amount greater than the amount
11 chargeable for such coverage before the termination.

12 "(2) Paragraph (1) does not prevent an increase in premium to the extent of any general
13 increase in the premiums charged by the carrier of the health care insurance for the same health
14 insurance coverage for persons similarly covered by such insurance during the period between
15 the termination and the reinstatement."

16 **Subtitle B—Other Benefits Improvements**

17 **SEC. 711. AUTHORITY TO RELOCATE PATIENT SAFETY CENTER; RENAMING**
18 **MEDTEAMS PROGRAM.**

19 (a) REPEAL OF REQUIREMENT TO LOCATE THE DEPARTMENT OF DEFENSE PATIENT
20 SAFETY CENTER WITHIN THE ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection (c)(3) of
21 section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001
22 (Public Law 106-398; 114 Stat. 1654A-196) is amended by striking "within the Armed Forces

1 Institute of Pathology".

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

4 **Subtitle C—Planning, Programming, and Management**

5 **SEC. 721. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND**
6 **TECHNOLOGY ENHANCEMENT REPORTING REQUIREMENT.**

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

10 "(1) Quality measures, including structure, process and outcomes.

11 "(2) Population health.

12 "(3) Patient safety.

13 "(4) Patient satisfaction.

14 "(5) The extent of use of evidence-based practices.

15 "(6) Biosurveillance."

16 **Subtitle D—Medical Readiness Tracking and Health Surveillance**

17 **SEC. 731. REVISION OF REQUIREMENTS FOR PHYSICAL EXAMINATIONS AND**
18 **CERTIFICATES OF PHYSICAL CONDITION FOR MEMBERS OF THE**
19 **SELECTED RESERVE.**

20 Subsection (a) of section 10206 of title 10, United States Code, is amended—

21 (1) in paragraph (1), by striking "examined" and all that follows through
22 "necessary" and inserting "provided a periodic health assessment on a frequency basis

1 established by the Secretary concerned"; and

2 (2) in paragraph (2), by striking "annually to the Secretary concerned" and
3 inserting "to the Secretary concerned, on a frequency basis established by the Secretary,".

4 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
5 **AND RELATED MATTERS**

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

7 **SEC. 801. RELAXATION OF SUBCONTRACTING LIMITATION DEFINITION.**

8 Subparagraphs (A) and (B) of section 15(o)(1) of the Small Business Act (15 U.S.C.
9 644(o)(1)), are amended to read as follows:

10 "(A) in the case of a contract for services (except construction), not less than 50 percent
11 of the cost of contract performance incurred for personnel will be expended for its employees or
12 for employees of other small business concerns; and

13 "(B) in the case of a contract for procurement of supplies (other than procurement from a
14 regular dealer in such supplies), the small business concern or other small business concerns
15 shall incur not less than 50 percent of the cost of manufacturing the supplies (not including the
16 cost of materials) in connection with the performance of the contract.".

17 **SEC. 802. JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.**

18 (a) SUBMITTAL OF THE JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.—Section
19 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110
20 Stat. 2469; 10 U.S.C. 2501 note), as amended by sections 242 and 1067 of the National Defense
21 Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 551, 774), is amended—

1 (1) by striking "(a) Annual" and inserting "Biennial"; and

2 (2) by striking "On March 1 of each year" and inserting "By March 1, 2006, and
3 biennially thereafter,".

4 (b) TECHNOLOGY AREA REVIEW AND ASSESSMENT SUMMARIES.—Section 270 of the
5 National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2469),
6 as amended by section 242 of the National Defense Authorization Act for Fiscal Year 2000
7 (Public Law 106-65; 113 Stat. 551), is further amended by striking subsection (b).

8 **SEC. 803. EXPANDED PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS FOR**
9 **RESEARCH AND DEVELOPMENT.**

10 (a) LABORATORY OR TECHNICAL ACTIVITY DEFINED.—As used in this section, the term
11 "laboratory or technical activity" means any facility or group of facilities that is owned, leased,
12 operated, or otherwise used by the Department of Defense to perform research, development,
13 engineering, testing, or evaluation. The term includes Department of Defense universities,
14 depots, logistics centers, test centers, shipyards, arsenals, or similar organizations that perform
15 these activities consistent with their missions, regardless of the portion of facility activities
16 devoted to research, development and engineering. This definition shall be used to meet the
17 substantiality standard for laboratories in 15 U.S.C. 3710a (d) (2), as applied to programs of the
18 Department of Defense.

19 (b) AUTHORITY.—The Secretary of Defense—

20 (1) may authorize the directors or commanders of laboratories or technical
21 activities to enter into agreements under section 3710a of title 15, United States Code;

22 (2) may grant nonexclusive, exclusive, or partially exclusive licenses, royalty-free

1 or for royalties or for rights to other intellectual property, for computer software
2 developed at a laboratory or technical activity, provided that—

3 (A) the computer software would be a trade secret if the information had
4 been obtained from a non-Federal party; and

5 (B) such licensing activities and licenses are consistent with requirements
6 under section 209 of title 35, United States Code; and

7 (3) shall provide appropriate precautions against the unlicensed dissemination of
8 any software licensed under paragraph (2), including exemption from Section 552 of title
9 5, United States Code, for a period of up to 5 years after the development of the software
10 by the laboratory or technical activity.

11 (c) ROYALTIES.—(1) Except as provided in paragraph (2), any royalties or other payments
12 received by the Department from licensing computer software under paragraph (b)(2) shall be
13 retained by the laboratory or technical activity which developed the computer software and shall
14 be disposed of as follows:

15 (A)(i) The Department shall pay each year the first \$2,000, and thereafter at least
16 15 percent, of the royalties or other payments to the employees who developed the
17 computer software;

18 (ii) The Department may provide appropriate lesser incentives, from royalties or
19 other payments, to laboratory or technical activity employees who are not developers of
20 such computer software but who substantially increased the technical value of the
21 software; and

22 (iii) The Department shall retain the royalties and other payments received until

1 the Department or laboratory or technical activity makes payments to employees of a
2 laboratory or technical activity under clause (i) or (ii).

3 (B) The balance of the royalties or other payments shall be transferred by the
4 agency to its laboratories or technical activities, with the majority share of the royalties or
5 other payments from any invention going to the laboratory or technical activity where the
6 invention occurred. The royalties or other payments so transferred to any laboratory or
7 technical activity may be used or obligated by that laboratory or technical activity during
8 the fiscal year in which they are received or during the 2 succeeding fiscal years—

9 (i) to reward scientific, engineering, and technical employees of the
10 laboratory or technical activity, including developers of sensitive or classified
11 technology, regardless of whether the technology has commercial applications;

12 (ii) to further scientific exchange among the laboratories or technical
13 activities of the agency;

14 (iii) for education and training of employees consistent with the research
15 and development missions and objectives of the Department or laboratory or
16 technical activity, and for other activities that increase the potential for transfer of
17 the technology of the laboratories or technical activities;

18 (iv) for payment of expenses incidental to the administration and licensing
19 of computer software or other intellectual property made at that laboratory or
20 technical activity, including the fees or other costs for the services of other
21 agencies, persons, or organizations for intellectual property management and
22 licensing services; or

1 (v) for scientific research and development consistent with the research
2 and development missions and objectives of the laboratory or technical activity.

3 (C) All royalties or other payments retained by the Department or laboratory or
4 technical activity after payments have been made pursuant to subparagraphs (A) and (B)
5 that are unobligated and unexpended at the end of the second fiscal year succeeding the
6 fiscal year in which the royalties and other payments were received shall be paid into the
7 Treasury.

8 (2) If, after payments to employee-developers under paragraph (1), the royalties or other
9 payments received by the Department in any fiscal year exceed 5 percent of the funds received
10 for use by the laboratory for research, development, engineering, testing and evaluation or other
11 related administrative, processing or value-added activities for that year, 75 percent of such
12 excess shall be paid to the Treasury of the United States and the remaining 25 percent may be
13 used or obligated under paragraph (1)(B). Any funds not so used or obligated shall be paid into
14 the Treasury of the United States.

15 (3) Any payment made to an employee under this section shall be in addition to the
16 regular pay of the employee and to any other awards made to the employee, and shall not affect
17 the entitlement of the employee to any regular pay, annuity, or award to which he is otherwise
18 entitled or for which he is otherwise eligible or limit the amount thereof except that the monetary
19 value of an award for the same project or effort shall be deducted from the amount otherwise
20 available under this paragraph. Payments, determined under the terms of this paragraph and
21 made to an employee-developer as such may continue after the developer leaves the laboratory or
22 technical activity or Department. Payments made under this section shall not exceed \$150,000

1 per year to any one person, unless the President approves a larger award (with the excess over
2 \$150,000 being treated as a Presidential award under section 4504 of title 5).

3 (d) REGULATIONS.—The Secretary of Defense shall promulgate regulations implementing
4 this subsection.

5 (e) INFORMATION IN REPORT.—The report required by section 2515(d) of title 10, United
6 States Code, shall include information regarding the implementation and effectiveness of this
7 subsection.

8 (f) EFFECTIVE DATE AND EXPIRATION.—The authority provided for in this section is for a
9 pilot program to test the effectiveness of this authority and shall expire on December 31, 2009.

10 **SEC. 804. MAKING THE STATUTORY EXECUTIVE COMPENSATION CAP**
11 **PROSPECTIVE FROM THE DATE OF THE LEGISLATION.**

12 Section 808(e)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public
13 Law 105-85; 111 Stat. 1838), is amended by striking "before, on," and inserting "on".

14 **SEC. 805. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND**
15 **TO COMBAT EMERGENCIES.**

16 Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003
17 (Public Law 107-314; 116 Stat. 2607; 10 U.S.C. 2302 note), as amended by section 811 of the
18 Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-
19 375; 118 Stat. 2012), is further amended—

20 (1) in subsection (c)—

21 (a) by inserting "or services" after "equipment" each place it appears;

22 (b) by striking "combat capability" each place it appears;

1 (c) by striking "fatalities" each place it appears and inserting "casualties";

2 (d) in paragraph (1), by inserting "below the Under Secretary of Defense
3 (Acquisition, Technology and Logistics)" after "delegation"; and.

4 (e) by striking paragraph (4) and inserting the following:

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

9 "(A) the equipment and services being acquired;

10 "(B) the amount being expended for each acquisition; and

11 "(C) the source of funds for each acquisition."; and

12 (2) in subsection (d)(1)—

13 (a) by inserting "or services" after "equipment" each place it appears;

14 (b) in subparagraph (B), by striking "or"

15 (c) in subparagraph (C), by striking the period at the end and inserting ";

16 or"; and

17 (d) by adding at the end the following new subparagraph:

18 "(D) domestic source and domestic content restrictions that would inhibit
19 or impede the rapid acquisition of protective materials."

20 **SEC. 806. CLARIFICATION OF BUY AMERICAN REQUIREMENTS.**

21 Section 2533a of title 10, United States Code, is amended—

22 (1) in subsection (a), by striking "(h)" and inserting "(i)";

1 (2) by redesignating subsections (f) through (j) as subsections (g) through (k),
2 respectively;

3 (3) by inserting after subsection (e) the following new subsection (f):

4 "(f) EXCEPTION FOR CIVIL-MILITARY INTEGRATION.—Subsection (a) does not preclude
5 the procurement of an item containing specialty metals produced outside the United States if:

6 "(1) the contractor that produced the item (or, alternatively, in the case of a
7 component that contains specialty metals, the producer of the component)—

8 "(A) used the same production processes for the production of the item or
9 component being delivered to the Department of Defense as it uses for similar
10 items to be delivered to other customers; and

11 "(B) purchased an amount of domestically-melted specialty metals
12 equivalent in quality and amount to what would have been used to produce the
13 item or component for delivery to the Department of Defense if this exception
14 were not being relied upon;

15 "(2) the contractor purchased the domestically-melted specialty metals before
16 delivery of the item to the Department of Defense and after the date of the award of the
17 contract; and

18 "(3) the contractor notifies the contracting officer before delivery of the item that
19 it intends to rely upon this exception and that it has complied with, or will comply with,
20 paragraphs (1) and (2) above."; and

21 (4) in subsection (i) (as so redesignated), by adding at the end the following new
22 sentence: "Subsection (a) does not apply to the procurement of covered items with textile

1 components or materials that are not produced or manufactured in the United States if the
2 total cost of all such textile components and materials is not greater than (i) the simplified
3 acquisition threshold referred to in section 2304(g) of this title, or (ii) 10 percent of the
4 total price of the covered items, whichever is less."

5 **SEC. 807. INCREASE LIMITATION ON ADVANCE BILLING OF WORKING**
6 **CAPITAL FUND CUSTOMERS.**

7 Section 2208(l)(3) of title 10, United States Code, is amended by striking
8 "\$1,000,000,000" and inserting "\$4,000,000,000".

9 **SEC. 808. PROCUREMENT OF SUPPLIES AND SERVICES FROM EXCHANGE**
10 **STORES; RAISING DOLLAR LIMITATION.**

11 Subsection 2424(b) of title 10, United States Code, is amended by striking "\$50,000" and
12 inserting "\$100,000".

13 **SEC. 809. AUTHORIZATION TO ENTER INTO ACQUISITION AND CROSS-**
14 **SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF**
15 **WHICH THE UNITED STATES IS NOT A MEMBER.**

16 (1) Section 2341(1) of title 10, United States Code, is amended by striking "of which the
17 United States is a member".

18 (2) Section 2342(a)(1)(C) of such title is amended by striking "of which the United States
19 is a member".

20 (3) Section 2344(b)(4) of such title is amended by striking "of which the United States is
21 a member".

22 (4) Section 2347 of such title is repealed.

1 (a) AMENDMENTS TO OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 37 of
2 the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended—

3 (1) in subsection (a), by adding "except where expressly provided" at the end of
4 the sentence;

5 (2) in subparagraph (B) of paragraph (3) of subsection (h), by striking "(other than
6 the Department of Defense)" from the first sentence; and

7 (3) in paragraph (3) of subsection (h)—

8 (A) by redesignating subparagraphs (D), (E), (F) and (G) as subparagraphs
9 (E), (F), (G) and (H), respectively; and

10 (B) by inserting after subparagraph (C) the following new subparagraph

11 (D):

12 "(D) The Administrator of General Services shall provide to the Defense
13 Acquisition University fees collected in accordance with subparagraph (B) from
14 contracts for the Department of Defense. These funds shall be used to create new
15 and expanded learning solutions which can also be leveraged by Office of Federal
16 Procurement Policy to provide responsive and comprehensive learning assets for
17 the federal acquisition workforce."

18 (b) AMENDMENT TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
19 2004.—Section 1412 of the National Defense Authorization Act for Fiscal Year 2004 (Public
20 Law 108-136; 117 Stat. 1664) is amended by striking subsection (c).

21 **SEC. 815. PROCUREMENT OF PERISHABLE FOOD FOR ESTABLISHMENTS**
22 **OUTSIDE OF THE UNITED STATES.**

1 Paragraph 2533a(d)(3) of title 10, United States Code, is amended—

2 (1) by inserting "by," after "emergency procurements"; and

3 (2) by inserting ", or for," after "perishable foods by".

4 **Subtitle C—United States Defense Industrial Base Provisions**

5 **SEC. 821. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN**
6 **NATIONAL DEFENSE STOCKPILE.**

7 (a) Section 3303(a) of the Strom Thurmond National Defense Authorization Act for
8 Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 98d note), as amended by section 3302 of the
9 Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108-375; 50
10 U.S.C. 98d note), is amended by striking paragraph (5) and inserting the following new
11 paragraph:

12 "(5) \$970,000,000 by the end of fiscal year 2013."

13 (b) Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000
14 (Public Law 106-65; 113 Stat. 972; 50 U.S.C. 98d note), as amended by section 3302 of the
15 National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 50 U.S.C. 98d
16 note), is amended by striking paragraph (4) and inserting the following new paragraph:

17 "(4) \$550,000,000 by the end of fiscal year 2013."

18 **Subtitle D—Extension of Temporary Program Authorities**

19 **SEC. 831. MODIFICATION OF EQUIPMENT WITHIN FIVE YEARS OF ITS**
20 **RETIREMENT OR DISPOSAL.**

21 (a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at
22 the end the following new section:

1 **"§ 2333. Modification of equipment within five years of its retirement or disposal**

2 "(a) PROHIBITION.—A military department shall not modify an aircraft, weapon, ship or
3 other item of equipment that the military department concerned plans to retire or otherwise
4 dispose of within 5 years after completion of the modification.

5 "(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply—

6 "(1) to safety modifications; or

7 "(2) when the total cost of such modification, including procurement, installation,
8 and removal costs, does not exceed \$100,000.

9 "(c) WAIVER.—The Secretary of a military department may waive the prohibition in
10 subsection (a) if the Secretary determines it is in the best national security interest of the United
11 States to provide such waiver and so notifies the congressional defense committees in writing."

12 (b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 8053 of the Department of
13 Defense Appropriations Act, 1998 (Public Law 105-56; 111 Stat. 1232), is repealed.

14 (2) The table of sections at the beginning of chapter 137 of title 10, United States Code, is
15 amended by adding at the end the following new item:

16 "2333. Modification of equipment within five years of its retirement or disposal."

17 **SEC. 832. AMENDMENT OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT**
18 **AND SERVICES.**

19 Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year
20 2003 (Public Law 107-314; 116 Stat. 2520) is amended by striking "2007" and inserting "2010".

21 **Subtitle E—Other Acquisition Matters**

22 **SEC. 841. PROCUREMENT OF BALL AND ROLLER BEARINGS.**

1 (a) LIMITATION.—Paragraph (a)(5) of section 2534 of title 10, United States Code, is
2 amended to read as follows:

3 "(5) BALL BEARINGS AND ROLLER BEARINGS.—Ball bearings and roller bearings or
4 bearing components, except ball bearings and roller bearings being procured for use in an end
5 product manufactured by a manufacturer that does not satisfy the requirements of subsection (b)
6 or in a component part manufactured by such a manufacturer. 'Bearing components' means the
7 bearing element, retainer, inner race, or outer race."

8 (b) INAPPLICABILITY TO CERTAIN CONTRACTS.—Paragraph (2) of subsection (j) of such
9 section is amended to read as follows:

10 "(2) This section does not apply with respect to a contract or subcontract to purchase
11 items described in subsection (a)(5) if such contract or subcontract is for the acquisition of
12 commercial items, unless commercial ball and roller bearings are being acquired as end items."

13 **SEC. 842. REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES.**

14 (a) LABORATORY REVITALIZATION.—Section 2805 of title 10, United States Code, is
15 amended—

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

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

18 "(d) LABORATORY REVITALIZATION.—(1) For the revitalization of laboratories owned by
19 the United States and under the jurisdiction of the Secretary concerned, the Secretary may spend
20 from appropriations available—

21 "(A) for operation and maintenance amounts necessary to carry out an unspecified
22 minor military construction project costing not more than \$1,500,000; or

1 "(B) for military construction not otherwise authorized by law amounts necessary
2 to carry out an unspecified minor military construction project costing not more than
3 \$3,000,000.

4 "(2) For projects conducted pursuant to this subsection, \$1,500,000 shall be the amount
5 applied for purposes of subsection (b)(1).

6 "(3) For purposes of this subsection, a laboratory includes—

7 "(A) a research, engineering, and development center;

8 "(B) a test and evaluation activity; and

9 "(C) any buildings, structures, or facilities located at and supporting such centers
10 or activities."

11 (b) **STYLISTIC AND CLERICAL AMENDMENTS.**—Such section is further amended—

12 (1) in subsection (a), by inserting "MILITARY CONSTRUCTION FUNDING.—" after
13 "(a)";

14 (2) in subsection (b), by inserting "NOTIFICATIONS.—" after "(b)";

15 (3) in subsection (c), by inserting "OPERATION AND MAINTENANCE FUNDING.—"
16 after "(c)"; and

17 (4) in subsection (e), as redesignated by subsection (a) of this section, by inserting
18 "LIMITATIONS.—" after "(e)".

19 **SEC. 843. ADMINISTRATION OF SMALL BUSINESS INNOVATION RESEARCH**
20 **(SBIR) PROGRAMS AND SMALL BUSINESS TECHNOLOGY**
21 **TRANSFER RESEARCH (STTR) PROGRAMS.**

22 Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

1 (1) in subsection (g)(3)(B), by striking "the Secretary of Defense, in the 1992
2 report issued in accordance with section 2522 of title 10, United States Code, and in
3 subsequent reports issued under that authority" and inserting "the Secretary of Defense, in
4 the Defense Technology Area Plans as referenced by the Joint Warfighting Science and
5 Technology Plan (JWSTP) and the Basic Research Plan (BRP), issued in accordance with
6 section 270 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law
7 104-201; 110 Stat. 2469; 10 U.S.C. 2501 note), as amended by section 242 of the
8 National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat.
9 551)";

10 (b) in subsection (j)(2)(E)(ii), by striking "by the Secretary of Defense, in
11 accordance with section 2522 of title 10, United States Code" and inserting "by the
12 Secretary of Defense, in the Defense Technology Area Plans as referenced by the Joint
13 Warfighting Science and Technology Plan (JWSTP) and the Basic Research Plan (BRP),
14 issued in accordance with section 270 of the National Defense Authorization Act for
15 Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2469; 10 U.S.C. 2501 note), as
16 amended by section 242 of the National Defense Authorization Act for Fiscal Year 2000
17 (Public Law 106-65; 113 Stat. 551)"; and

18 (c) in subsection (o)(3)(B), by striking "by the Secretary of Defense in accordance
19 with section 2522 of title 10, United States Code" and inserting "by the Secretary of
20 Defense, in the Defense Technology Area Plans as referenced by the Joint Warfighting
21 Science and Technology Plan (JWSTP) and the Basic Research Plan (BRP), issued in
22 accordance with section 270 of the National Defense Authorization Act for Fiscal Year

1 1997 (Public Law 104-201; 110 Stat. 2469; 10 U.S.C. 2501 note), as amended by section
2 242 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65;
3 113 Stat. 551)".

4 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
5 **MANAGEMENT**

6 **Subtitle A—Intelligence-Related Matters**

7 **SEC. 901. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.**

8 (a) PROTECTION OF OPERATIONAL FILES OF DEFENSE INTELLIGENCE AGENCY. Title I of
9 the National Security Act of 1947 (50 U.S.C. 401 et. seq.) is amended by inserting after section
10 705 the following new section:

11 **"§ 706. Operational files of the Defense Intelligence Agency**

12 "(a) EXEMPTION OF OPERATIONAL FILES.—The Director of the Defense Intelligence
13 Agency, in coordination with the Director of National Intelligence, may exempt operational files
14 of the Defense Intelligence Agency from the provisions of section 552 of title 5, United States
15 Code, which require publication, disclosure, search, or review in connection therewith.

16 "(b) OPERATIONAL FILES DEFINED.—(1) In this section, the term 'operational files' means:

17 "(A) files of the Directorate of Human Intelligence of the Defense
18 Intelligence Agency (and any successor organization of that directorate) that
19 document the conduct of foreign intelligence or counterintelligence operations or
20 intelligence or security liaison arrangements or information exchanges with
21 foreign governments or their intelligence or security services; and

1 "(B) files of the Directorate of Technology of the Defense Intelligence
2 Agency (and any successor organization of that directorate) that document the
3 means by which foreign intelligence or counterintelligence is collected through
4 technical systems.

5 "(2) Files that are the sole repository of disseminated intelligence are not
6 operational files.

7 "(c) SEARCH AND REVIEW FOR INFORMATION.—Notwithstanding subsection (a) of this
8 section, exempted operational files shall continue to be subject to search and review for
9 information concerning:

10 "(1) United States citizens or aliens lawfully admitted for permanent residence
11 who have requested information on themselves pursuant to the provisions of section 552
12 or 552a of title 5, United States Code.

13 "(2) Any special activity the existence of which is not exempt from disclosure
14 under the provisions of section 552 of title 5, United States Code.

15 "(3) The specific subject matter of an investigation by any of the following for any
16 impropriety, or violation of law, Executive Order, or Presidential directive, in the conduct
17 of an intelligence activity:

18 "(A) The Committee on Armed Services and the Permanent Select
19 Committee on Intelligence of the House of Representatives.

20 "(B) The Committee on Armed Services and the Select Committee on
21 Intelligence of the Senate;

22 "(C) The Intelligence Oversight Board.

1 "(D) The Department of Justice.

2 "(E) The Office of General Counsel of the Department of Defense or of the
3 Defense Intelligence Agency.

4 "(F) The Office of Inspector General of the Department of Defense or of
5 the Defense Intelligence Agency.

6 "(G) The Office of the Director of the Defense Intelligence Agency.

7 "(D) INFORMATION DERIVED OR DISSEMINATED FROM EXEMPTED OPERATIONAL
8 FILES.—(1) Files that are not exempted under subsection (a) of this section which contain
9 information derived or disseminated from exempted operational files shall be subject to search
10 and review.

11 "(2) The inclusion of information from exempted operational files in files that are not
12 exempted under subsection (a) of this section shall not affect the exemption under subsection (a)
13 of this section of the originating operational files from search, review, publication, or disclosure.

14 "(3) Records from exempted operational files that have been disseminated to and
15 referenced in files that are not exempted under subsection (a) of this section and that have been
16 returned to exempted operational files for sole retention shall be subject to search and review.

17 "(e) ALLEGATION; IMPROPER WITHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except
18 as provided in paragraph (2), whenever any person who has requested agency records under
19 section 552 of title 5, alleges that the Defense Intelligence Agency has withheld records
20 improperly because of failure to comply with any provision of this section, judicial review shall
21 be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

22 "(2) Judicial review shall not be available in the manner provided under paragraph (1) as

1 follows:

2 "(A) In any case in which information specifically authorized under criteria
3 established by an Executive order to be kept secret in the interest of national defense or
4 foreign relations which is filed with, or produced for, the court by the Defense
5 Intelligence Agency, such information shall be examined ex parte, in camera by the court.

6 "(B) The court shall determine, to the fullest extent practicable, determine issues
7 of fact based on sworn written submissions of the parties.

8 "(C) When a complaint alleges that requested records were improperly withheld
9 because of improper placement solely in exempted operational files, the complainant
10 shall support such allegation with a sworn written submission based upon personal
11 knowledge or otherwise admissible evidence.

12 "(D)(i) When a complainant alleges that requested records were improperly
13 withheld because of improper exemption of operational files, the Defense Intelligence
14 Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by
15 demonstrating to the court by sworn written submission that exempted operational files
16 likely to contain responsible records currently perform the functions set forth in
17 subsection (b).

18 "(ii) The court may not order the Defense Intelligence Agency to review the
19 content of any exempted operational file or files in order to make the demonstration
20 required under clause (i) of this paragraph, unless the complainant disputes the Defense
21 Intelligence Agency's showing with a sworn written submission based on personal
22 knowledge or otherwise admissible evidence.

1 "(E) In proceedings under subparagraphs (C) and (D), the parties shall not obtain
2 discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except
3 that requests for admission may be made pursuant to rules 26 and 36.

4 "(F) If the court finds under this subsection that the Defense Intelligence Agency
5 has improperly withheld requested records because of failure to comply with any
6 provision of this subsection, the court shall order the Defense Intelligence Agency to
7 search and review the appropriate exempted operational file or files for the requested
8 records and make such records, or portions thereof, available in accordance with the
9 provisions of section 552 of title 5, United States Code, and such order shall be the
10 exclusive remedy for failure to comply with this section (other than subsection(g)).

11 "(G) If at any time following the filing of a complaint pursuant to this subsection
12 the Defense Intelligence Agency agrees to search the appropriate exempted operational
13 file or files for the requested records, the court shall dismiss the claim based upon such
14 complaint; and"(H) Any information filed with, or produced for the court pursuant to
15 subparagraphs (A) and (D) shall be coordinated with the Director of National Intelligence
16 before submission to the court.

17 "(f) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once
18 every ten years, the Director of the Defense Intelligence Agency and the Director of National
19 Intelligence shall review the exemptions in force under subsection (a) to determine whether such
20 exemptions may be removed from a category of exempted files or any portion thereof. The
21 Director of National Intelligence must approve any determinations to remove such exemptions.

22 "(2) The review required by paragraph (1) shall include consideration of the historical

1 value or other public interest in the subject matter of the particular category of files or portions
2 thereof and the potential for declassifying a significant part of the information contained therein.

3 "(3) A complainant that alleges that the Defense Intelligence Agency has improperly
4 withheld records because of failure to comply with this section may seek judicial review in the
5 district court of the United States of the district in which any of the parties reside, or in the
6 District of Columbia. In such a proceeding, the court's review shall be limited to determining the
7 following:

8 "(A) Whether the Defense Intelligence Agency has conducted the review required
9 by paragraph (1) before the expiration of the 10-year period beginning on the date of the
10 enactment of this section or before the expiration of the 10-year period beginning on the
11 date of the most recent review.

12 "(B) Whether the Defense Intelligence Agency, in fact, considered the criteria set
13 forth in paragraph (2) in conducting the required review."

14 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such title is
15 amended by inserting after the item relating to section 705 the following new item:

16 "706. Operational files of the Defense Intelligence Agency."

17 (c) OTHER AMENDMENTS.—The National Security Act of 1947 is further amended—

18 (1) by inserting at the end of section 702(a)(3)(C) the following new clause:

19 "(vii) The Office of the Inspector General of the National Geospatial-Intelligence
20 Agency.";

21 (2) by inserting at the end of section 703(a)(3)(C) the following new clause:

22 "(vii) The Office of the Inspector General of the NRO."; and

1 (3) by inserting at the end of section 704(c)(3) the following subparagraph:

2 "(H) The Office of the Inspector General of the National Security Agency."

3 **SEC. 902. DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.**

4 Section 1564a of title 10, United States Code, is amended—

5 (1) in subsection (a), by inserting "or successor directive" before the period at the end;

6 and

7 (2) in subsection (b), by inserting after "(or a successor Executive order)" the following:

8 ", or who have access to other information whose unauthorized disclosure or manipulation would
9 have significant potential impact upon national security, as determined under standards
10 established by the Secretary of Defense, "

11 **Subtitle B—Other Matters**

12 **SEC. 911. OPERATIONAL TEST AND EVALUATION; EXPANDING THE**

13 **ELIGIBILITY CRITERIA FOR THE LEADERSHIP OF DEPARTMENT**

14 **OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.**

15 Section 196(b) of title 10, United States Code, is amended—

16 (1) by amending paragraph (1) to read as follows:

17 "(1) At the head of the Center shall be a Director, selected by the Secretary from
18 among individuals who have substantial experience in the field of test and evaluation.";

19 and

20 (2) in paragraph (2), by striking "senior civilian officers and employees of the
21 Department of Defense" and inserting "individuals".

22 **TITLE X—GENERAL PROVISIONS**

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR**
3 **PROCUREMENT OF RESERVE EQUIPMENT.**

4 Section 114(e) of title 10, United States Code, is repealed.

5 **SEC. 1002. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR**
6 **THE DEPARTMENT OF DEFENSE.**

7 Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105
8 note) is repealed.

9 **SEC. 1003. CAPTURE OF ALL EXPIRED FUNDS FROM THE MILITARY**
10 **PERSONNEL AND OPERATION AND MAINTENANCE**
11 **APPROPRIATION ACCOUNTS FOR USE IN THE FOREIGN**
12 **CURRENCY FLUCTUATIONS ACCOUNT.**

13 (a) IN GENERAL.—Section 2779 of title 10, United States Code, is amended—

14 (1) in subsection (a)(2), by striking "second fiscal year" and inserting "fifth fiscal
15 year"; and

16 (2) in subsection (d)(2), by striking "second fiscal year" and inserting "fifth fiscal
17 year".

18 (b) LIMITATION ON FUNDS TRANSFERRED.—Funds transferred in fiscal year 2006
19 pursuant to the additional transfer authority authorized in subsection (a) may not exceed
20 \$10,000,000.

21 **SEC. 1004. AUTHORITY TO USE FUNDS APPROPRIATED FOR ACTIVE FORCES**
22 **TO SUPPORT RESERVE COMPONENT FORCES NOTIFIED OF**

1 **MOBILIZATION.**

2 (a) IN GENERAL.—Chapter 1805 of title 10, United States Code, is amended by adding at
3 the end the following new section:

4 **"§ 18506. Reserve components: premobilization support with funds appropriated for**
5 **active forces**

6 "Whenever the Secretary concerned determines that it is in the interest of national
7 security, the Secretary may authorize the use of funds appropriated for active component forces
8 to support reserve component forces that have been notified they are to be ordered to active duty
9 in support of a contingency operation."

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

12 "18506. Reserve components: premobilization support with funds appropriated for active forces."

13 **SEC. 1005. PURCHASE AND DISPOSAL OF WEAPONS OVERSEAS.**

14 (a) AUTHORITY.—Funds available to the Department of Defense for operations and
15 maintenance may be used to purchase weapons from any person, foreign government,
16 international organization or other entity for the purpose of protecting United States forces
17 engaged in military operations overseas.

18 (b) DISPOSITION OF WEAPONS PURCHASED.—Weapons purchased under the authority of
19 this section may be disposed of by transfer to the military or security forces of another country,
20 with the concurrence of the Secretary of State, or by destruction.

21 (c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall promptly notify the
22 congressional defense committees when weapons are purchased or transferred to another country

1 pursuant to this section.

2 **SEC. 1006. FUNDING OF ARMY MULTIPLE-COMPONENT UNITS.**

3 (a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at
4 the end the following new section:

5 **"§ 3085. Funding of Army multiple-component units**

6 "(a) AUTHORITY.—Funds authorized to be appropriated for 'Operation and Maintenance,
7 Army' may be obligated and expended to support elements of the reserve components that are
8 part of a multiple-component unit of the Army, or may be transferred to Operation and
9 Maintenance, Army Reserve, or Operation and Maintenance, Army National Guard, for such
10 purposes.

11 "(b) DEFINITION.—For the purposes of this section, a 'multiple-component unit' is a unit
12 comprised of personnel or equipment, or both, from active and reserve components, as
13 determined by the Secretary of Defense."

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

16 "3085. Funding of Army multiple-component units."

17 **Subtitle B—Counter-Drug Activities**

18 **SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG**
19 **ACTIVITIES.**

20 Section 1021 of the National Defense Authorization Act for Fiscal Year 2002 (Public
21 Law 107-107; 115 Stat. 1212), is amended—

22 (1) in subsection (a), by striking "2002 through 2006"and inserting "2006 through

1 2011"; and

2 (2) in paragraph (b)(4), by inserting at the end the following new sentence: "Bases
3 of operations and training facilities may be for any aspect of counter-drug activities,
4 including detection, interdiction, and prosecution."

5 **Subtitle C—Reports**

6 **SEC. 1021. RELIEF OF REQUIREMENT TO SUBMIT ANNUAL REPORTS TO** 7 **CONGRESS REGARDING GLOBAL STRIKE.**

8 Section 1032 of the National Defense Authorization Act for Fiscal Year 2004 (Public
9 Law 108-136; 117 Stat. 1605), is amended—

10 (1) in subsection (a), by striking "(a) INTEGRATED PLAN FOR PROMPT GLOBAL
11 STRIKE CAPABILITY.—"; and

12 (2) by striking subsection (b).

13 **SEC. 1022. REPEAL OF REQUIRED REPORTS ON TRANSFERS FROM** 14 **HIGH-PRIORITY READINESS APPROPRIATIONS.**

15 (a) IN GENERAL.—Section 483 of title 10, United States Code, is repealed.

16 (b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of
17 such title is amended by striking the item relating to section 483.

18 **Subtitle D—Defense Against Terrorism and Other Domestic Security Matters**

19 **SEC. 1031. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING** 20 **NUCLEAR, RADIOLOGICAL, CHEMICAL, BIOLOGICAL, AND HIGH-** 21 **YIELD EXPLOSIVES WEAPONS.**

22 Section 1415 of the National Defense Authorization Act for Fiscal Year 1997 (Public

1 Law 104-201; 110 Stat. 2720), is amended—

2 (1) in subsection (a)—

3 (A) by inserting "NUCLEAR, RADIOLOGICAL," after "INVOLVING" in the
4 heading;

5 (B) in paragraph (1)—

6 (i) by striking "Secretary of Defense" and inserting "Secretary of
7 Homeland Security"; and

8 (ii) by striking "biological weapons and related materials and
9 emergencies involving chemical weapons and related materials" and
10 inserting "nuclear, radiological, biological, and chemical weapons and
11 related materials";

12 (C) in paragraph (2), by striking "during each of five successive fiscal
13 years beginning with fiscal year 1997" and inserting "in accordance with
14 subsection (c) of section 102 and subsection (c)(1) of section 430 of the
15 Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135)"; and

16 (D) in paragraph (3), by striking "the Director of the Federal Bureau of
17 Investigation, the Director of the Federal Emergency Management Agency," and
18 inserting "the Secretary of Defense, the Director of the Federal Bureau of
19 Investigation,";

20 (2) by striking subsections (b) and (d);

21 (3) by redesignating subsections (c) and (e) as subsections (b) and (c),

22 respectively; and

1 (4) in subsection (b), as redesignated by paragraph (3), by striking "or (b)".

2 **Subtitle E—Personnel Security Matters**

3 **SEC. 1041. UPDATE OF INTERNAL SECURITY ACT OF 1950.**

4 Section 21 of Title I of the Internal Security Act of 1950 (Public Law 81-831; 64 Stat.
5 1005), is amended by striking "commander" and inserting "commander or military or civilian
6 director".

7 **Subtitle F—Transportation-Related Matters**

8 **SEC. 1051. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO THE**
9 **REPATRIATION OF SERVICEMEMBERS OR CIVILIANS HELD**
10 **CAPTIVE.**

11 (a) **MILITARY CAPTIVES.**—Chapter 7 of title 37, United States Code, is amended by
12 inserting after section 411i the following new section:

13 **"§ 411j. Travel and transportation allowances: transportation of family members incident**
14 **to the repatriation of members held captive**

15 "(a) **ALLOWANCE FOR FAMILY MEMBERS.**—(1) Under uniform regulations prescribed by
16 the Secretary concerned, travel and transportation described in subsection (c) may be provided
17 for not more than three family members of a member described in paragraph (3). In
18 circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive
19 the limitation on the number of family members provided travel and transportation under this
20 section.

21 "(2) In addition to the persons authorized to be provided travel and transportation under
22 paragraph (1), the Secretary may provide such travel and transportation to an attendant to

1 accompany a family member described in paragraph (3) if the Secretary concerned determines—

2 "(A) the family member to be accompanied is unable to travel unattended because
3 of age, physical condition, or other reason determined by the Secretary; and

4 "(B) no other family member who is eligible for travel and transportation under
5 subsection (a) is able to serve as an attendant for the family member.

6 "(3) A member referred to in paragraph (a)(1) is a member of the uniformed services
7 who—

8 "(A) is serving on active duty;

9 "(B) was held captive, as determined by the Secretary, and

10 "(C) is repatriated to a site in or outside the United States.

11 "(b) ELIGIBLE FAMILY MEMBERS.—(1) In this section, the term 'family member' has the
12 meaning given the term in section 411h(b) of this title.

13 "(2) If no family member is able to travel to the repatriation site, such travel and
14 transportation allowances may be provided to not more than two persons related to and selected
15 by the member.

16 "(c) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by
17 subsection (a) is round-trip transportation between the home of the family member
18 (or home of the attendant or person provided transportation under subsection (a)(2) or (b)(2), as
19 the case may be) and the location of the repatriation site at which the member is located.

20 "(2) In addition to the transportation authorized by subsection (a), the Secretary concerned
21 may provide a per diem allowance or reimbursement for the actual and necessary expenses of the
22 travel, or a combination thereof, but not to exceed the rates established under section 404(d) of

1 this title.

2 "(3) The transportation authorized by subsection (a) may be provided by any of the means
3 described in section 411h(d)(1) of this title.

4 "(4) An allowance under this subsection may be paid in advance.

5 "(5) Reimbursement payable under this subsection may not exceed the cost of
6 government-procured round-trip air travel."

7 (b) CIVILIAN CAPTIVES.—Chapter 57 of title 5, United States Code, is amended by adding
8 at the end the following new section:

9 **"§ 5760. Travel and transportation allowances: transportation of family members incident**
10 **to the repatriation of employees held captive**

11 "(a) ALLOWANCE FOR FAMILY MEMBERS.—(1) Under uniform regulations prescribed by
12 the head of an agency, travel and transportation described in subsection (c) may be provided for
13 not more than three family members of an employee described in paragraph (3). In
14 circumstances determined to be appropriate by the head of an agency, the head of an agency may
15 waive the limitation on the number of family members provided travel and transportation under
16 this section.

17 "(2) In addition to the persons authorized to be provided travel and transportation under
18 paragraph (1), the head of an agency may provide such travel and transportation to an attendant
19 to accompany a family member described in paragraph (3) if the head of an agency concerned
20 determines—

21 "(A) the family member to be accompanied is unable to travel unattended because
22 of age, physical condition, or other reason determined by the Secretary; and

1 "(B) no other family member who is eligible for travel and transportation under
2 subsection (a) is able to serve as an attendant for the family member.

3 "(3) An employee referred to in paragraph (a)(1) is an employee as defined in section
4 2105 of this title who—

5 "(A) was held captive, as determined by the head of an agency, and

6 "(B) is repatriated to a site in or outside the United States.

7 "(b) ELIGIBLE FAMILY MEMBERS.—(1) In this section, the term 'family member' has the
8 meaning given the term in section 411h(b) of title 37.

9 "(2) If no family member is able to travel to the repatriation site, such travel and
10 transportation allowances may be provided to not more than two persons related to and selected
11 by the member.

12 "(c) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by
13 subsection (a) is round-trip transportation between the home of the family member
14 (or home of the attendant or person provided transportation under subsection (a)(2) or (b)(2), as
15 the case may be) and the location of the repatriation site at which the employee is located.

16 "(2) In addition to the transportation authorized by subsection (a), the head of an agency
17 may provide a per diem allowance or reimbursement for the actual and necessary expenses of the
18 travel, or a combination thereof, but not to exceed the rates established under section 404(d) of
19 title 37.

20 "(3) The transportation authorized by subsection (a) may be provided by any of the means
21 described in section 411h(d)(1) of title 37.

22 "(4) An allowance under this subsection may be paid in advance.

1 "(5) Reimbursement payable under this subsection may not exceed the cost of
2 government-procured round-trip air travel."

3 (c) CLERICAL AMENDMENT.—(1) The table of sections at the beginning of chapter 7 of
4 title 37 is amended by adding at the end the following new item:

5 "411j. Travel and transportation allowances: transportation of family members incident to the repatriation of
6 members held captive."

7 (2) The table of sections at the beginning of chapter 57 of title 5 is amended by adding at
8 the end the following new item:

9 "5760. Travel and transportation allowances: transportation of family members incident to the repatriation of
10 employees held captive."

11 **SEC. 1052. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR**
12 **TRANSPORTATION RELATED PROGRAMS.**

13 (a) IN GENERAL.—Chapter 6 title 10, United States Code, is amended by inserting after
14 section 164 the following new section:

15 **"§164a. Combatant command research and development**

16 "(a) The Secretary of Defense may authorize the Commander, United States
17 Transportation Command, to—

18 "(1) develop and acquire transportation and distribution-peculiar equipment;

19 "(2) acquire transportation and distribution-peculiar material, supplies, and
20 services; and

21 "(3) coordinate efforts with the Services and industry for developing, testing, and
22 fielding advance technologies relative to transportation and the distribution process.

23 "(b) In addition to the activities of a combatant command for which funding may be

1 requested under section 166(b) of this title, a budget proposal for the Transportation Command
2 shall include requests for funding for—

3 "(1) development and acquisition of transportation and distribution-peculiar
4 equipment; and

5 "(2) acquisition of other material, supplies, or services that are peculiar to
6 transportation and distribution activities.

7 "(c) The Secretary of Defense may prescribe regulations for the activities of the
8 Transportation Command. Such regulations may include safeguards to preclude duplication of
9 efforts. Basic aircraft, ship, truck and railcar research, development and acquisition shall remain
10 the responsibility of the Service Secretaries."

11 "(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
12 amended by inserting after the item relating to section 164 the following new item:

13 "164a. Combatant command research and development."

14 **SEC. 1053. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.**

15 Section 40125 of title 49, United States Code, is amended—

16 (1) in subsection (a)(1), by striking "for reimbursement when that reimbursement
17 is required by any Federal statute, regulation, or directive, in effect on November 1, 1999,
18 or" and inserting ". It also does not include operation of an aircraft"; and

19 (2) in subsection (c)(1)(B), by striking "and the aircraft is not used for commercial
20 purposes".

21 **Subtitle G—Other Matters**

22 **SEC. 1061. PILOT PROGRAM FOR THE EMPLOYMENT, USE, AND STATUS OF**

1 **RESERVE CIVILIAN MARINERS.**

2 (a) **AUTHORITY.**—Chapter 1007 of title 10, United States Code, is amended by adding at
3 the end the following new section:

4 **"§ 10219. Reserve civilian mariners pilot program**

5 "(a) **AUTHORITY.**—Notwithstanding any other provision of law, the Secretary of the Navy
6 may conduct a pilot program to condition the employment of certain civil service mariners of the
7 Military Sealift Command on their enrollment and continued membership in a new, specialized
8 and limited category of the Naval Reserve that is subject to activation in order to serve on certain
9 designated warships. Subject to the limitations in section (e), the Secretary is authorized to
10 designate vessels to participate in the pilot program and may prescribe regulations to implement
11 this section.

12 "(b) **APPLICATION.**—The provisions of subsection (a) shall apply only to:

13 "(1) civil service mariners of the Military Sealift Command employed on the date
14 of enactment of this section who elect to serve on designated warships; and

15 "(2) any civil service mariner appointed to a position and assigned to serve on
16 designated warships after the date of enactment of this section.

17 "(c) **ACTIVATION.**—(1) The Secretary of the Navy may activate Reserve civilian mariners
18 only when the warships on which they serve are conducting operations in which members of the
19 armed forces are or may become involved in military actions, operations, or hostilities against an
20 enemy of the United States or against an opposing military force.

21 "(2) Reserve civilian mariners shall be subject to the Uniform Code of Military Justice
22 only when activated pursuant to paragraph (1).

1 "(3) When activated, Reserve Civilian Mariners will perform navigation, vessel
2 engineering, steward and housekeeping functions, deck department duties, shipboard security,
3 firefighting, and similar vessel support functions.

4 "(4) The rights and benefits contained in subpart F of part III of title 5 shall not apply to
5 Reserve civilian mariners on active duty.

6 "(d) BENEFITS.—(1) When activated pursuant to this section, a Reserve civilian mariner
7 shall retain his status as an employee of the Department of the Navy within the meaning of
8 section 2105 of title 5 for purposes of retaining and continuing to be entitled to:

9 "(A) leave without loss of, or reduction in, pay (including overtime) as a civil
10 service employee pursuant to subparts D and E of part III of title 5;

11 "(B) leave to which such mariner otherwise would have been entitled as a civil
12 service employee pursuant to subpart E of part III of title 5;

13 "(C) credit for time or service, or performance or efficiency rating for each day of
14 activation as applicable to a civil service employee pursuant to subparts C and G of part
15 III of title 5;

16 "(D) allowances, entitlements, emoluments and benefits pursuant to subpart G of
17 part III of title 5; and

18 "(E) such additional compensation, if any, the Secretary of the Navy deems
19 appropriate.

20 "(2) Notwithstanding section 8906(e)(3)(B)(iv) of title 5, with respect to any period of
21 activation of more than 30 days under this section, in lieu of providing any military health care
22 benefits under chapter 55 of this title, the Department of the Navy shall pay both the employee

1 and Government contributions, and any additional administrative expenses otherwise chargeable
2 to the employee, with respect to health care coverage for an activated Reserve civilian mariner
3 and his family in accordance with section 8906(e)(3) of title 5.

4 "(3) Reserve civilian mariners shall not be entitled to or be paid any rights or benefits
5 under section 12741 of this title as a result of activation under this section.

6 "(4) Activation shall not exceed the maximum number of days of military leave
7 authorized for Federal civil service employees under 6323 of title 5 unless the Secretary waives
8 this limit due to military exigency.

9 "(e) DEFINITION.—For purposes of this section, the term 'designated warship' is limited to
10 a vessel under the command of a commissioned Navy officer or a commissioned officer of the
11 United States Armed Services, that is designated 'USS' and is also:

12 "(1) a vessel designed for or employed primarily as a command and control vessel,
13 designated Amphibious Command Ship (LCC), Miscellaneous Command Ship (AGF), or
14 Joint Command Ship (JCC);

15 "(2) a vessel designed for or primarily employed as an afloat forward staging base
16 in support of aircraft engaged in combat, small boats engaged in combat, or special
17 warfare operations;

18 "(3) a submarine tender; or

19 "(4) a Seabasing vessel or Seabasing support vessel.

20 "(f) EXPIRATION AND REPORTING REQUIREMENT.—(1) Not later than October 1, 2008,
21 the Secretary of the Navy will provide a report on the pilot program to the Secretary of Defense.

22 "(2) The authority for this program shall expire on September 30, 2010."

1 (b) MILITARY LEAVE.—Section 6323(d)(1) of title 5, United States Code, is amended by
2 inserting ", or a civil service mariner of the Military Sealift Command who is a member of the
3 Naval Reserve pursuant to section 10219 of title 10 and serving aboard a designated warship,"
4 after "section 8401(30)".

5 (c) CLERICAL AMENDMENTS.—(1)(A) The heading of section 6323 of such title is
6 amended to read as follows:

7 **"§ Military leave; reserves, national guardsmen, and reserve civilian mariners".**

8 (B) The item for such section in the table of sections at the beginning of chapter 63 of
9 such title is amended to read as follows:

10 "6323. Military leave; reserves, national guardsmen, and reserve civilian mariners."

11 (2) The table of sections at the beginning of chapter 1007 of title 10, United States Code,
12 is amended by adding at the end the following new item:

13 "10219. Reserve civilian mariners pilot program."

14 **SEC. 1062. DELETION OF OBSOLETE DEFINITIONS IN TITLES 10 AND 32,**
15 **UNITED STATES CODE.**

16 (a) DELETING OBSOLETE DEFINITION OF "TERRITORY" IN TITLE 10.—Title 10, United
17 States Code, is amended—

18 (1) by striking paragraph (2) of section 101(a);

19 (2) by striking the terms "Territory or", "or Territory", "a Territorial Department",
20 "or a Territory", "Territory and", "its Territories,", and "and Territories" each place they
21 appear in the following sections: 101(a)(3), 332, 822, 1072, 1103, 2671, 3037, 5148,
22 8037, 8074, 12204, and 12642;

1 (3) by striking the terms "Territory," and "Territories," each place they appear in
2 the following sections: 849, 858, 888, 2668, 2669, 7545, and 9773;

3 (4) in section 808, by striking "Territory, Commonwealth, or possession," and
4 inserting "Commonwealth, possession,";

5 (5) by striking "Territories, Commonwealths, or possessions" each place it appears
6 and inserting "Commonwealths or possessions" in the following sections: 846, 847,
7 2734, 3062, 3074, 4747, 4778, 5986, 7652, 7653, 8062, 9778, and 12406;

8 (6) by Striking "Territories, Commonwealths, and possessions" each place it
9 appears and inserting "Commonwealths and possessions" in the following sections:
10 3062, 3074, 4747, 4778, 8062, and 9778;

11 (7) in section 312, by striking "States and Territories, and Puerto Rico" and
12 inserting "States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands";

13 (8) in section 335, by striking "the unincorporated territories of";

14 (9) in sections 4301 and 9301, by striking "State or Territory, Puerto Rico, or the
15 District of Columbia" each place it appears and inserting "State, the Commonwealth of
16 Puerto Rico, the District of Columbia, Guam, or the Virgin Islands";

17 (10) in sections 4685 and 9685, by striking "State or Territory concerned" each
18 place it appears and inserting "State concerned or Guam or the Virgin Islands" and by
19 striking "State and Territorial" each place it appears and inserting "State, Guam, and the
20 Virgin Islands";

21 (11) in section 7851, by striking "States, the Territories, and the District of
22 Columbia" and inserting "States, the District of Columbia, Guam, and the Virgin

1 Islands"; and

2 (12) In section 7854, by striking "any State, any Territory, or the District of
3 Columbia" and inserting "any State, the District of Columbia, Guam, or the Virgin
4 Islands".

5 (b) DELETING OBSOLETE DEFINITION OF "TERRITORY" IN TITLE 32.—Title 32, United
6 States Code, is amended—

7 (1) by striking paragraph (1) of section 101 and inserting "(1) For purposes of
8 other laws relating to the militia, the National Guard, the Army National Guard of the
9 United States, and the Air National Guard of the United States, "Territory" includes
10 Guam and the Virgin Islands.";

11 (2) in sections 103, 104(c), 314, 315, 708(d), and 711, by striking "State and
12 Territory, Puerto Rico and the District of Columbia" and "State or Territory, Puerto Rico,
13 and the District of Columbia" each place they appear and inserting "State, the
14 Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands";

15 (3) in sections 104(d), 107, 109, 503, 703, 704, 710, and 712, by striking "State or
16 Territory, Puerto Rico or the District of Columbia" and "State or Territory, Puerto Rico,
17 the Virgin Islands or the District of Columbia" each place they appear and inserting
18 "State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin
19 Islands";

20 (4) in sections 104(a), 505, 702(a), and 708(a), by striking "State or Territory and
21 Puerto Rico" and "State or Territory, Puerto Rico" each place they appear and inserting
22 "State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands";

1 (5) in section 324, by striking "State or Territory of whose National Guard he is a
2 member, or by the laws of Puerto Rico, or the District of Columbia, if he is a member of
3 its National Guard" and inserting "State of whose National Guard he is a member, or by
4 the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the
5 Virgin Islands, whose National Guard he is a member";

6 (6) in section 325, by striking "State or Territory, or of Puerto Rico" and "State or
7 Territory or Puerto Rico" each place they appear and inserting "State, or of the
8 Commonwealth of Puerto Rico, Guam, or the Virgin Islands"; and

9 (7) in sections 326, 327, and 501, by striking "States and Territories, Puerto Rico,
10 and the District of Columbia" each place it appears and inserting "States, the
11 Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands".

12 **SEC. 1063. REORGANIZATION OF AND TECHNICAL CORRECTIONS TO REAL**
13 **PROPERTY PROVISIONS IN TITLE 10 WITHOUT SUBSTANTIVE**
14 **CHANGE AND CLARIFICATION OF AUTHORITY RELATING TO THE**
15 **PENTAGON RESERVATION.**

16 (a) ACQUISITION AUTHORITY.—Section 2663 of title 10, United States Code, is amended
17 to read as follows:

18 **"§ 2663. Acquisition: authority**

19 "(a) IN GENERAL.—(1) The Secretary of a military department may have proceedings
20 brought in the name of the United States, in a court of proper jurisdiction, to acquire by
21 condemnation any interest in land, including temporary use, needed for—

22 "(A) the site, construction, or operation of fortifications, coast defenses, or

1 military training camps;

2 "(B) the construction and operation of plants for the production of nitrate and
3 other compounds, and the manufacture of explosives or other munitions of war; or

4 "(C) the development and transmission of power for the operation of plants under
5 subparagraph (B).

6 "(2) In time of war or when war is imminent, the United States may, immediately upon
7 the filing of a petition for condemnation under subsection (a)(1), take and use the land to the
8 extent of the interest sought to be acquired.

9 "(3) The Secretary of the military department concerned may contract for or buy any
10 interest in land, including temporary use, needed for any purpose named in subsection (a)(1), as
11 soon as the owner fixes a price for it and the Secretary considers that price to be reasonable.

12 "(4) The Secretary of the military department concerned may accept for the United States
13 a gift of any interest in land, including temporary use, for any purpose named in subsection
14 (a)(1).

15 "(b) LOW-COST INTERESTS IN LAND.—(1) ACQUISITION AUTHORITY.—The Secretary of a
16 military department may acquire any interest in land that—

17 "(A)(i) the Secretary determines is needed in the interest of national defense; and

18 "(ii) does not cost more than \$750,000, exclusive of administrative costs and the
19 amounts of any deficiency judgments; or

20 "(B)(i) the Secretary determines is needed solely to correct a deficiency that is
21 life-threatening, health-threatening, or safety-threatening; and

22 "(ii) does not cost more than \$1,500,000, exclusive of administrative costs and the

1 amounts of any deficiency judgments.

2 "(2) ACQUISITION OF MULTIPLE PARCELS.—This subsection does not apply to the
3 acquisition, as a part of the same project, of more than one parcel of land unless the parcels are
4 noncontiguous or, if contiguous, unless the total cost is not more than \$750,000, in the case of an
5 acquisition under paragraph (1)(A), or \$1,500,000, in the case of an acquisition under paragraph
6 (1)(B).

7 "(3) FUND SOURCE.—Appropriations available to the Department of Defense for
8 operation and maintenance or for military construction may be used for the acquisition of land or
9 interests in land under this subsection.

10 "(c) INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary of a military
11 department may acquire any interest in land that—

12 "(A) the Secretary determines is needed in the interest of national defense;

13 "(B) is required to maintain the operational integrity of a military installation; and

14 "(C) considerations of urgency do not permit the delay necessary to include the
15 required acquisition in an annual Military Construction Authorization Act.

16 "(2) Not later than 10 days after the date on which the Secretary of a military department
17 determines to acquire an interest in land under the authority of this subsection, the Secretary shall
18 submit to the Committee on Armed Services of the Senate and the Committee on Armed
19 Services of the House of Representatives written notice containing a description of the property
20 and interest to be acquired and the reasons for the acquisition.

21 "(3) Appropriations available for military construction may be used for the purposes of
22 this subsection.

1 "(d) EXTENT OF AUTHORITY.—The authority to acquire interests in real property
2 (including a temporary interest) under this section includes authority to—

3 "(1) make surveys; and

4 "(2) acquire interests in real property by gift, purchase, exchange of real property
5 owned by the United States, or otherwise."

6 (b) ACQUISITION LIMITATIONS.—Chapter 159 of such title is amended by inserting after
7 section 2663 the following new section:

8 "**§ 2664. Acquisition: limitations**

9 "(a) AUTHORIZATION REQUIRED.—No military department may acquire real property not
10 owned by the United States unless the acquisition is expressly authorized by law. The foregoing
11 limitation shall not apply to the acceptance by a military department of real property acquired
12 under the authority of the Administrator of General Services to acquire property by the exchange
13 of Government property pursuant to subtitle I of title 40 (40 U.S.C. § 101 et seq.) and title III of
14 the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. § 251 et
15 seq.)

16 "(b) COST LIMITATIONS.—(1) Except as provided in paragraph (2), the cost authorized for
17 a land acquisition project may be increased by not more than 25 percent of the amount
18 appropriated for the project by Congress or 200 percent of the amount specified by law as the
19 maximum amount for a minor military construction project, whichever is lesser, if the Secretary
20 concerned determines (i) that such an increase is required for the sole purpose of meeting unusual
21 variations in cost, and (ii) that such variations in cost could not have been reasonably anticipated
22 at the time the project was originally approved by Congress.

1 "(2) A land acquisition project may not be placed under contract if, based upon the agreed
2 price for the land or, in the case of land to be acquired by condemnation, the amount to be
3 deposited with the court as just compensation for the land—

4 "(A) the scope of the acquisition, as approved by Congress, is proposed to be
5 reduced by more than 25 percent; or

6 "(B) the agreed price for the land or, in the case of land to be acquired by
7 condemnation, the amount to be deposited with the court as just compensation for the
8 land, exceeds the amount appropriated for the project by more than (i) 25 percent, or (ii)
9 200 percent of the amount specified by law as the maximum amount for a minor military
10 construction project, whichever is lesser, until paragraph (3) is complied with.

11 "(3) The limitations on reduction in scope or increase in cost of a land acquisition in
12 paragraph (2) do not apply if the reduction in scope or the increase in cost, as the case may be, is
13 approved by the Secretary concerned and a written notification of the facts relating to the
14 proposed reduced scope or increased cost (including a statement of the reasons therefor) is
15 submitted by the Secretary concerned to the Congressional defense committees. A contract for
16 the acquisition may then be awarded only after a period of 21 days elapses from the date the
17 notification is received by the committees or, if over sooner, a period of 14 days elapses from the
18 date on which a copy of that notification is provided in an electronic medium pursuant to section
19 480 of this title.

20 "(4) The Secretary concerned shall promptly pay any deficiency judgment against the
21 United States awarded by a court in an action for condemnation of any interest in land or
22 resulting from a final settlement of an action for condemnation of any interest in land. Payments

1 under this paragraph may be made from funds available to the Secretary concerned for military
2 construction projects and without regard to the limitations of paragraphs (2) and (3).

3 "(c) COMMISSIONS ON LAND PURCHASE CONTRACTS.—The maximum amount payable as
4 a commission on a contract for the purchase of land from funds appropriated for the Department
5 of Defense is two percent of the purchase price."

6 (c) REPEAL OF RELOCATED SECTIONS.—Subsection (c) of section 2661 and sections
7 2672, 2672a, and 2676 of such title are repealed.

8 (d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 159 of
9 such title is amended—

10 (1) by amending the item relating to section 2663 to read as follows:

11 "2663. Acquisition: authority.";

12 (2) by inserting after the item relating to section 2663 the following new item:

13 "2664. Acquisition: limitations."; and

14 (3) by striking the items relating to sections 2672, 2672a, and 2676.

15 (e) TRANSFER OF FORD ISLAND PROVISION IN TITLE 10.—(1) Section 2814 of such title is
16 transferred to chapter 645 of subtitle C of such title, and is redesignated as section 7525.

17 (2) TECHNICAL AMENDMENTS.—Section 7525(I), as transferred and redesignated by
18 paragraph (1), is amended in paragraphs (2) and (3)(B) by striking "this chapter" and inserting
19 "chapter 169 of this title".

20 (3) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 169
21 of such title is amended by striking the item relating to section 2814.

22 (B) The table of sections at the beginning of chapter 645 of such title is amended by

1 adding at the end the following new item:

2 "7525. Special authority for development of Ford Island, Hawaii."

3 (f) TECHNICAL CORRECTION.—Section 2665 of such title is amended—

4 (1) by striking subsection (a);

5 (2) in subsection (c), by striking "subsection (a) or (b)" and inserting "subsection
6 (b)"; and

7 (3) in subsection (f)(2), by striking "subsections (a) and (b)" and inserting
8 "subsection (b)".

9 (g) APPLICATION OF CHAPTER 159 AUTHORITIES TO PENTAGON RESERVATION.—Section
10 2661 of such title, as amended by subsection (c) of this section, is further amended by adding at
11 the end the following new subsection:

12 "(c) APPLICATION OF CHAPTER TO PENTAGON RESERVATION.—In this chapter, the terms
13 'Secretary concerned' and 'Secretary of a Military Department' include the Secretary of Defense
14 with respect to the Pentagon Reservation."

15 **SEC. 1064. TECHNICAL, CLERICAL, AND CONFORMING AMENDMENTS.**

16 (a) CONFORMING AMENDMENTS TO DEFINITION OF "CONGRESSIONAL DEFENSE
17 COMMITTEES".—Title 10, United States Code, is amended as follows:

18 (1) Sections 2694a(e), 2803(b), 2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c),
19 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A), 2813(c), 2814(a)(2)(A), 2814(g)(1),
20 2825(b)(1), 2827(b), 2828(f), 2835(g), 2836(f), 2837(c)(2), 2853(c)(2), 2854(b),
21 2854a(c)(1), 2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e), 2883(f), and
22 2884(a), are amended by striking "appropriate committees of Congress" in each place it

1 appears and inserting "congressional defense committees".

2 (2)(A) Subsection (c) of section 2801 is amended by striking paragraph (4) and
3 inserting the following new paragraph (4):

4 "(4) The term 'congressional defense committees' includes, with respect to any
5 project to be carried out by, or for the use of, an intelligence component of the
6 Department of Defense, the Permanent Select Committee on Intelligence of the House of
7 Representatives and the Select Committee on Intelligence of the Senate."

8 (B) Section 2694a is amended by striking subsection (i) and inserting the
9 following new subsection (i):

10 "(i)(A) DEFINITION OF SECRETARY CONCERNED.—The term 'Secretary concerned' means
11 the Secretary of a military department.

12 "(B) DEFINITION OF STATE.—The term 'State' includes the District of Columbia, the
13 Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the
14 Commonwealth of the Northern Mariana Islands."

15 (b) CLERICAL AND CONFORMING AMENDMENTS FOR THE DEFINITION OF "BASE CLOSURE
16 LAWS".—(1) Section 2871 of title 10, United States Code, is amended by redesignating
17 paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

18 (2) Title 5, United States Code, is amended by striking paragraph (1) of section 3341(c)
19 and inserting the following new paragraph (1):

20 "(1) the term 'base closure law' has the meaning given such term in section 101(a)(17) of
21 title 10."

22 (3) Title 40, United States Code, is amended—

1 (A) by striking paragraph (1) of section 554(a) and inserting the following new
2 paragraph (1):

3 "(1) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given
4 such term in section 101(a)(17) of title 10."; and

5 (B) by striking subparagraph (B) of paragraph (1) of section 572(b) and inserting
6 the following new subparagraph (B):

7 "(B) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given
8 such term in section 101(a)(17) of title 10."

9 (4) Section 120(h) of the Comprehensive Environmental Response, Compensation, and
10 Liability Act of 1980 (Public Law 96-510, 42 U.S.C. § 9620(h)) is amended by striking clause
11 (ii) of subparagraph (E) of paragraph (4) and inserting the following new clause (ii):

12 "(ii) For purposes of this paragraph, the term 'base closure law' has the meaning given
13 such term in 10 U.S.C. § 101(a)(17)."

14 (5) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160;
15 107 Stat. 1800) is amended by striking paragraph (1) of section 1333(i) and inserting the
16 following new paragraph (1):

17 "(1) The term 'base closure law' has the meaning given such term in 10 U.S.C. §
18 101(a)(17)."

19 (6) The National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337,
20 108 Stat. 3056) is amended by striking section 2814(b) and inserting the following new
21 subsection (b):

22 "(b) BASE CLOSURE LAW DEFINED.—The term 'base closure law' has the meaning given

1 such term in 10 U.S.C. § 101(a)(17)."

2 (7) The Act of November 13, 2000, entitled "An Act to Amend the Organic Act of Guam,
3 and for other purposes" (Public Law 106-504; 114 Stat. 2309), is amended by striking paragraph
4 (2) of section 1(c) and inserting the following new paragraph (2):

5 "(2) The term 'base closure law' has the meaning given such term in 10 U.S.C. §
6 101(a)(17)."

7 (c) CONFORMING AMENDMENT TO DEFENSE ENVIRONMENTAL RESTORATION
8 PROGRAM.—Section 2703(b) of title 10, United States Codes, is amended by striking "The terms
9 'unexploded ordnance', 'discarded military munitions', and" and inserting "The terms 'discarded
10 military munitions' and".

11 (d) TECHNICAL CORRECTION TO DEFINITION OF "MILITARY MUNITIONS".—Section
12 101(e)(4)(B)(ii) of title 10, United States Code, is amended by striking "explosives, and" and
13 inserting "explosives and".

14 **SEC. 1065. PROHIBIT UNAUTHORIZED WEARING, MANUFACTURE, OR SALE OF**
15 **CIVILIAN MEDALS OR DECORATIONS.**

16 Chapter 57 of title 10, United States Code, is amended by adding at the end the following
17 new section:

18 **"§ 1135. Civilian medals or decorations of the Department of Defense**

19 "(a) PROHIBITION.—Except with the written permission of the Secretary of Defense, no
20 person may knowingly use, in connection with any merchandise, retail product, impersonation,
21 solicitation, or commercial activity in a manner reasonably calculated to convey the impression
22 that such use is approved, endorsed, or authorized by the Secretary, medals, decorations, or other

1 insignia intended for recognition of Department of Defense civilian employees and other civilian
2 individuals who render service to the Department of Defense.

3 "(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General
4 that any person is engaged or is about to engage in an act or practice which constitutes or will
5 constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil
6 proceeding in a district court of the United States to enjoin such act or practice. Such court shall
7 proceed as soon as practicable to the hearing and determination of such action and may, at any
8 time before final determination, enter such restraining orders or prohibitions, or take such other
9 actions as is warranted, including imposing a civil penalty not to exceed \$25,000 for each
10 violation, to prevent injury to the United States or to any person or class of persons for whose
11 protection the action is brought."

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

14 "1135. Civilian medals or decorations of the Department of Defense."

15 **SEC. 1066. CHANGE IN DEPARTMENT OF DEFENSE SCHOOLS ENROLLMENT**
16 **FOR CHILDREN OF LOCALLY-HIRED EMPLOYEES WORKING**
17 **OVERSEAS.**

18 Section 1404 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923), is
19 amended by adding at the end the following new subsection:

20 "(e) The Secretary of Defense may authorize the enrollment in schools of the defense
21 dependents' education system on a tuition-free basis the children of full-time, locally-hired
22 employees of the Department of Defense in an overseas area, when such employees are citizens

1 or nationals of the United States. The Secretary may program funds (including funds for
2 construction) for the education of such children."

3 **TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL**

4 **SEC. 1101. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION**
5 **(SMART) DEFENSE EDUCATION PROGRAM.**

6 Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal
7 Year 2005 (Public Law 108-375; 118 Stat. 1811), is amended to read as follows:

8 **"§ 1105. Science, Mathematics, and Research for Transformation (SMART) Defense**
9 **Education Program - National Defense Education Act (NDEA), Phase I**

10 "(a) REQUIREMENT FOR PROGRAM.—(1) Notwithstanding the provisions of Chapter 41 of
11 title 5 United States Code, the Secretary of Defense may carry out a program to provide financial
12 assistance for education in science, mathematics, engineering, technology, and foreign languages
13 critical to the national security functions of the Department of Defense and needed in the
14 Department of Defense workforce.

15 "(2) The goal of this program is to increase the development, recruitment, and retention of
16 individuals with knowledge, skills and abilities in science, mathematics, engineering, and foreign
17 languages critical to the mission of the Department of Defense.

18 "(b) SCHOLARSHIPS AND FELLOWSHIPS.—(1) The Secretary of Defense may award a
19 scholarship or fellowship in accordance with this section to a person who—

20 "(A) is a citizen of the United States;

21 "(B) is pursuing an associates, undergraduate, or advanced degree in a critical skill
22 or discipline described in subsection (a) at an accredited institution of higher education;

1 and

2 "(C) enters into a service agreement with the Secretary of Defense as described in
3 subsection (e).

4 "(2) The amount of the financial assistance provided under a scholarship or fellowship
5 awarded under this section:

6 "(A) may be paid directly to the recipient of such scholarship or fellowship or to
7 an administering entity that shall disburse such funds;

8 "(B) shall be the amount necessary, as determined by the Secretary of Defense, to
9 pay all or part of the expenses associated with education and program participation
10 including, but not limited to, tuition, fees, cost of books, laboratory expenses, equipment,
11 research support, tutors, travel, stipends, room and board, educational enhancement
12 activities such as internships, conferences, meetings, training, and other activities and
13 endeavors that reinforce the education of the participant and prepare him or her to excel
14 when they begin fulfilling the service agreement under section (e).

15 "(c) RELATIONSHIP TO OTHER LAW.—The Secretary of Defense may use the authorities
16 set forth in section 2192 of title 10, United States Code, in furtherance of the program described
17 in subsection (a) of this section.

18 "(d) EMPLOYMENT OPTION.—The Secretary of Defense may—

19 "(1) retain an employee, in an over-strength position—

20 "(A) during pursuit of his or her degree, and

21 "(B) for a period not to exceed two years after completion of the degree,

22 provided—

1 "(i) there is no readily available appropriate position for the
2 employee and

3 "(ii) there is an active and ongoing effort to identify and assign the
4 employee to an appropriate position as soon as practicable.

5 "(2) if there is no appropriate position available after two years, separate an
6 employee described under this subsection without regard to any other provisions of law.

7 "(3) require an employee appointed under this subsection to complete any
8 remaining period of obligated service under subsection (d) upon assignment to an
9 available appropriate position.

10 "(4) apply subsections (1) through (3) of this section to the initial appointment to
11 an appropriate position of any person who has—

12 "(A) received financial assistance under this program, or

13 "(B) completed his or her degree.

14 "(e) SERVICE AGREEMENT FOR RECIPIENTS OF ASSISTANCE.—(1) To receive financial
15 assistance under this section—

16 "(A) in the case of an employee of the Department of Defense, the employee shall
17 be required to enter into a written agreement to continue in the employment of the
18 department for the period of obligated service determined under paragraph (2) of this
19 subsection; and

20 "(B) in the case of a person not an employee of the Department of Defense, the
21 person shall be required to enter into a written agreement to accept employment in the
22 Department of Defense for the period of obligated service determined under paragraph (2)

1 of this subsection.

2 "(2) For the purposes of this section, the period of obligated service for a recipient of a
3 scholarship or fellowship shall be determined by the Secretary of Defense. Generally, the period
4 of obligated service may not be less than the total period for which the recipient was provided
5 financial assistance. The period of obligated service is in addition to any other period for which
6 the recipient is obligated to serve in the civil service of the United States.

7 "(3) An agreement entered into under this subsection shall include any terms and
8 conditions that the Secretary of Defense determines necessary to protect the interests of the
9 United States or otherwise appropriate for carrying out this section.

10 "(f) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who is not
11 an employee under this program, but who receives financial assistance under this section and
12 who voluntarily fails to complete the educational program for which financial assistance has been
13 provided, or fails to maintain satisfactory academic progress as determined in accordance with
14 regulations issued by the Secretary, shall refund to the United States an appropriate amount, as
15 determined by the Secretary;

16 "(2) A person who is an employee under this program who—

17 "(A) voluntarily fails to complete the educational program for which
18 financial assistance has been provided, or fails to maintain satisfactory academic
19 progress as determined in accordance with regulations issued by the Secretary; or

20 "(B) before completion of the period of obligated service required—

21 "(i) voluntarily terminates his or her employment, or

22 "(ii) is removed from his or her employment on the basis of

1 misconduct, shall refund to the United States an appropriate amount, as
2 determined by the Secretary of Defense.

3 "(3) An obligation to reimburse the United States imposed under paragraph (1) is for all
4 purposes a debt owed to the United States.

5 "(4) The Secretary of Defense may waive, in whole or in part, a refund required under
6 paragraph (1) of this subsection if the Secretary determines that recovery would be against equity
7 and good conscience or would be contrary to the best interests of the United States.

8 "(5) A discharge in bankruptcy under title 11, United States Code, that is entered less than
9 five years after the termination of an agreement under this section does not discharge the person
10 signing such agreement from a debt arising under such agreement or under this subsection.

11 "(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is
12 amended by striking subparagraph (B) and inserting the following new subparagraph:

13 "(B)(i) the Office of Personnel Management has determined that there
14 exists a severe shortage of candidates or there is a critical hiring need; or

15 "(ii) the candidate is a participant in the Science, Mathematics, and
16 Research for Transformation (SMART) Defense Scholarship Pilot Program under
17 section 1105 of the Ronald W. Reagan National Defense Authorization Act for
18 Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2074); or

19 "(iii) the candidate is a participant in the Science, Mathematics, and
20 Research for Transformation (SMART) Defense Education Program - National
21 Defense Education Act (NDEA), Phase 1 for Fiscal Year 2006.

22 "(h) RELATIONSHIP TO OTHER PROGRAMS.—The program under this section is in addition

1 to the authorities provided in chapter 111 of title 10, United States Code. The Secretary of
2 Defense shall coordinate the provision of financial assistance under the authority of this section
3 with the provision of financial assistance under the authorities provided in such chapter in order
4 to maximize the benefits derived by the Department of Defense from the exercise of all such
5 authorities.

6 "(i) AUTHORITY TO PROVIDE ADVANCE PAYMENTS.—Notwithstanding subsections (a)
7 and (b) of section 3324 of title 31, United States Code, and without fiscal year limitation, the
8 Secretary may provide advance payments for allowable and approved expenses incurred under
9 this section.

10 "(j) RECEIPT OR SALE OF PROPERTY FOR PROGRAM.—In order to conduct the program
11 under this section, the Secretary may—

12 "(1) receive money and other property donated, bequeathed, or devised, without
13 condition or restriction other than that it be used for the purpose of conducting the
14 program authorized under this section; and

15 "(2) may use, sell, or otherwise dispose of such property for that purpose.

16 "(k) REGULATIONS.—The Secretary of Defense may issue such regulations as may be
17 necessary to implement this section.

18 "(l) DEFINITIONS.—For the purposes of this section:

19 "(1) The term 'institution of higher education' has the meaning given such term in
20 section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

21 "(2) The term 'scholarship' means a financial award to a student pursuing an
22 Associates or Bachelors degree.

1 "(3) The term 'fellowship' means a financial award to a student pursuing a Masters
2 or Doctoral degree.

3 "(4) The term 'appropriate position' means a position in which a program
4 participant utilizes his or her education, knowledge, skills, and abilities in a discipline or
5 disciplines critical to the mission of DoD and for which the program participant is
6 receiving or has received financial assistance."

7 **SEC. 1102. INCREASED ENROLLMENT FOR CERTAIN DEFENSE INDUSTRY**

8 **CIVILIANS IN THE DEFENSE PRODUCT DEVELOPMENT PROGRAM.**

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

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

12 (2) by striking "10" and inserting "25".

13 **SEC. 1103. CIVIL SERVICE RETIREMENT SYSTEM COMPUTATION FOR**

14 **PART-TIME SERVICE.**

15 (a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at
16 the end the following new paragraph:

17 "(3) In the administration of paragraph (1)—

18 "(A) subparagraph (A) of such paragraph shall apply to any service performed
19 before, on, or after April 7, 1986;

20 "(B) subparagraph (B) of such paragraph shall apply to all service performed on a
21 part-time or full-time basis on or after April 7, 1986; and

22 "(C) any service performed on a part-time basis before April 7, 1986, shall be

1 credited as service performed on a full-time basis."

2 (b) EFFECTIVE DATE.—The amendments made by this section shall take effect upon
3 enactment of this Act, and shall apply only with respect to an annuity for which eligibility is
4 based on a separation occurring on or after that date.

5 **SEC. 1104. FLEXIBILITY IN PAYING ANNUITY TO FEDERAL RETIREES WHO**
6 **RETURN TO WORK.**

7 Section 9902(j) of title 5, United States Code, is amended to read as follows:

8 "(j) PROVISIONS RELATING TO REEMPLOYMENT.—(1) The Secretary of Defense may,
9 under procedures and criteria prescribed under paragraph (2), waive the application of the
10 provisions of section 8344 or 8468 of this title on a case-by-case or group basis for employment
11 of an annuitant in a position in the Department of Defense.

12 "(2) The Secretary shall prescribe procedures for the exercise of any authority under this
13 subsection, including criteria for any exercise of authority and procedures for a delegation of
14 authority.

15 "(3) An employee as to whom a waiver under this subsection is in effect shall not be
16 considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of this title."

17 **SEC. 1105. PRIORITY PLACEMENT OF DISPLACED CIVILIAN EMPLOYEES.**

18 (a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the
19 end the following new section:

20 **"§ 1599e. Defense priority placement program**

21 "(a) PRIORITY PLACEMENT.—The Secretary of Defense, at his sole and exclusive
22 discretion and notwithstanding the provisions of title 5, may establish one or more programs to

1 promote stability of employment for Department of Defense civilian employees affected by
2 changing mission requirements, streamlining efforts, overseas rotations (including rotations
3 undertaken pursuant to section 1586 of this title), preferences established by law, and other such
4 actions as the Secretary shall determine, by providing such employees priority consideration, as
5 defined by the Secretary, for placement in other positions within the Department of Defense.

6 "(b) CONSTRUCTION.—The content of any program developed under subsection (a), and
7 any personnel action undertaken pursuant to such program, shall not be reviewable outside the
8 Department of Defense except to the extent that may be required by the United States
9 Constitution."

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

12 "1599e. Defense priority placement program."

13 **SEC. 1106. EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY**
14 **REDUCTION IN FORCE AUTHORITY.**

15 Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30,
16 2005" and inserting "September 30, 2010".

17 **SEC. 1107. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE**
18 **HEALTH BENEFITS.**

19 Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

20 (1) in clause (i), by striking "October 1, 2006" and inserting "October 1, 2010";

21 and

22 (2) in clause (ii)—

1 (A) by striking "February 1, 2007" and inserting "February 1, 2011"; and

2 (B) by striking "October 1, 2006" and inserting "October 1, 2010".

3 **SEC. 1108. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE**
4 **PAYMENTS.**

5 Section 5595(i)(4) of title 5, United States Code, is amended by striking "October 1,
6 2006" and substituting "October 1, 2010".

7 **SEC. 1109. EQUAL COMPENSATORY TIME FOR CERTAIN NONAPPROPRIATED**
8 **FUND EMPLOYEES.**

9 Section 5543 of title 5, United States Code, is amended by adding at the end the
10 following new subsections:

11 "(d) The Secretary of Defense may, on request of a Department of Defense employee paid
12 from nonappropriated funds, grant such employee compensatory time off from duty instead of
13 overtime pay for overtime work.

14 "(e) The Secretary of the Department in which the Coast Guard is operating may, on
15 request of a Coast Guard employee paid from nonappropriated funds, grant such employee
16 compensatory time off from duty instead of overtime pay for overtime work."

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

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

20 **SEC. 1201. BUILDING THE PARTNERSHIP SECURITY CAPACITY OF FOREIGN**
21 **MILITARY AND SECURITY FORCES.**

1 (a) AUTHORITY.—The President may authorize building the capacity of partner nations'
2 military or security forces to disrupt or destroy terrorist networks, close safe havens, or
3 participate in or support United States, coalition, or international military or stability operations.

4 (b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security
5 capacity building authorized under subsection (a) may include the provision of equipment,
6 supplies, services, training, and funding.

7 (c) LIMITATIONS.—The Secretary of Defense, with the concurrence of the Secretary of
8 State, may implement partnership security capacity building as authorized under section (a). The
9 amount of such partnership security capacity building provided by the Department of Defense
10 under this section may not exceed \$750,000,000 in any fiscal year.

11 (d) CONGRESSIONAL NOTIFICATION.—Before building partnership security capacity under
12 this section, the Secretaries of State and Defense shall submit to their congressional oversight
13 committees a notification of the nations with which partnership security capacity will be built
14 under this section and the nature and amounts of security capacity building to occur. Any such
15 notification shall be submitted not less than 7 days before the provision of such partnership
16 security capacity building.

17 (e) MILITARY AND SECURITY FORCES DEFINED.—For purposes of this section, the term
18 'military and security forces' includes armies, guard, border security, civil defense, infrastructure
19 protection, and police forces.

20 (f) COMPLEMENTARY AUTHORITY.—The authority to build partnership security capacity
21 under this section is in addition to any other authority of the Department of Defense to provide
22 assistance to a foreign country.

1 **SEC. 1202. LOGISTICAL SUPPORT FOR FOREIGN MILITARY FORCES.**

2 (a) **AUTHORITY.**—The Secretary of Defense, with the concurrence of the Secretary of
3 State, may provide supplies, services, transportation, including airlift and sealift, and other
4 logistical support on a non-reimbursable basis to coalition or other forces participating in, or
5 otherwise supporting, military and stability operations if the Secretary of Defense determines that
6 the participation or support of such forces will eliminate the need to deploy U.S. forces, or reduce
7 the number of U.S. forces deployed, in connection with such an operation.

8 (b) **CONGRESSIONAL NOTIFICATION.**—The Secretary of Defense shall provide quarterly
9 reports to the congressional defense committees regarding support provided under this section.

10 **SEC. 1203. REIMBURSEMENT OF CERTAIN COALITION COUNTRIES FOR**
11 **SUPPORT PROVIDED TO U.S. MILITARY OPERATIONS.**

12 (a) **AUTHORITY.**—From funds available to the Department of Defense for Operation and
13 Maintenance, the Secretary of Defense may, with the concurrence of the Secretary of State,
14 reimburse key cooperating nations for logistical and military support provided, or to be provided,
15 to United States military operations in connection with military action in Iraq, Afghanistan, and
16 the global war on terrorism.

17 (b) **DETERMINATIONS.**—Payments authorized under subsection (a) may be made in such
18 amounts as the Secretary of Defense, in consultation with the Director of the Office of
19 Management and Budget, may determine, in his discretion, based on documentation determined
20 by the Secretary of Defense to adequately account for the support provided. Such determination
21 by the Secretary of Defense shall be final and conclusive upon the accounting officers of the
22 United States.

1 (c) LIMITATION ON USE OF AUTHORITY.—(1) Payments made under the authority of this
2 section may not exceed \$1,500,000,000 in any fiscal year.

3 (2) The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary
4 determines that the ability to make additional payments is vital to the national security, and
5 notifies the congressional defense committees of the reasons for that determination.

6 (d) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall notify the
7 congressional defense committees not less than 15 days before making a payment under the
8 authority of this section, and shall provide quarterly reports to such committees on the use of this
9 authority.

10 **SEC. 1204. SECURITY AND STABILIZATION ASSISTANCE.**

11 (a) IN GENERAL.—Notwithstanding any other provision of law, upon a request from the
12 Secretary of State and upon a determination by the Secretary of Defense that an unforeseen
13 emergency exists that requires immediate reconstruction, security, or stabilization assistance to a
14 foreign country for the purpose of restoring or maintaining peace and security in that country, and
15 that the provision of such assistance is in the national security interests of the United States, the
16 Secretary of Defense may authorize the use or transfer of defense articles, services, training or
17 other support, including support acquired by contract or otherwise, to provide such assistance.

18 (b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may
19 transfer funds available to the Department of Defense to the Department of State, or to any other
20 federal agency, to carry out the purposes of this section, and funds so transferred shall remain
21 available until expended.

22 (c) LIMITATION.—The aggregate value of assistance provided or funds transferred under

1 the authority of this section may not exceed \$200,000,000.

2 (d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this
3 section shall be in addition to any other authority to provide assistance to a foreign country.

4 (e) EXPIRATION.—The authority in this section shall expire on September 30, 2006.

5 **Subtitle B—Other Matters**

6 **SEC. 1211. WAR RESERVES STOCKPILE, ALLIES, KOREA: TRANSFER OF** 7 **OBSOLETE OR SURPLUS ITEMS AND FINAL TERMINATION OF** 8 **PROGRAM.**

9 (a) ITEMS IN THE WAR RESERVES STOCKPILE, ALLIES, KOREA.—

10 (1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea,
12 on such conditions as the President may determine, any or all of the items described in
13 paragraph (2).

14 (2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions,
15 equipment, and materiel such as tanks, trucks, artillery, mortars, general purpose bombs,
16 repair parts, barrier material, and ancillary equipment, if such items are:

17 (A) obsolete or surplus items;

18 (B) in the inventory of the Department of Defense;

19 (C) intended for use as reserve stocks for the Republic of Korea; and

20 (D) as of the date of the enactment of this Act, located in a stockpile in the
21 Republic of Korea or Japan.

22 (3) DISPOSAL OF REMAINING ITEMS.—At the conclusion of negotiations to transfer

1 War Reserves Stockpile, Allies, Korea items to the Republic of Korea, the War Reserves
2 Stockpile, Allies, Korea program will be terminated. Any items that the Republic of
3 Korea does not accept for transfer will be removed and/or disposed of by the Department
4 of Defense.

5 (b) VALUATION OF CONCESSIONS.—The value of concessions negotiated pursuant to
6 subsection (a) shall be at least equal to the fair market value of the items transferred, less the
7 savings to the Department of Defense from avoiding the cost of removal of the items from the
8 Republic of Korea and/or disposal of the items. The concessions may include cash
9 compensation; services; waiver of charges otherwise payable by the United States, such as
10 charges for demolition of U.S.-owned or U.S.-intended munitions; and other items of value.

11 (c) TERMINATION OF AUTHORITY.—No transfer may be made under the authority of this
12 section more than 3 years after the date of the enactment of this Act.

13 **SEC. 1212. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY**
14 **STUDIES; ACCEPTANCE OF GIFTS AND DONATIONS.**

15 (a) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as
16 follows:

17 **"§ 2611. Regional Centers for Security Studies: acceptance of gifts and donations**

18 "(a) ACCEPTANCE OF GIFTS AND DONATIONS.—Subject to paragraph (1) below, the
19 Secretary of Defense may accept, on behalf of one or more Regional Centers, from any source,
20 and may hold, administer, and use, gifts or donations of money or real or personal property or
21 services described in subsection (b) in order to defray the costs of, or enhance the operation of,
22 the Regional Center(s).

1 "(1) LIMITATION.—The Secretary may not accept a gift or donation under
2 subsection (a) if the acceptance of the gift or donation would compromise or appear to
3 compromise—

4 "(A) the ability of the Department of Defense, any employee of the
5 Department or members of the armed forces to carry out the responsibility or duty
6 of the Department in a fair and objective manner; or

7 "(B) the integrity of any program of the Department of Defense or any
8 person involved in such a program.

9 "(2) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance
10 setting forth the criteria to be used in determining whether the acceptance of a gift or
11 donation would have a result described in paragraph (1).

12 "(3) SOURCES OF GIFTS AND DONATIONS.—The sources from which gifts and
13 donations may be accepted under subsection (a)(1) include any source as limited by
14 (a)(1).

15 "(4) CREDITING OF FUNDS.—There is established in the Treasury of the United
16 States a special account to be known as the 'Regional Centers for Security Studies
17 Account.' Gifts and donations of money, and the proceeds from the sale of property,
18 received under this subsection (a) shall be credited to the 'Regional Centers for Security
19 Studies Account' and shall be available until expended, without further appropriation, to
20 defray the costs of, or enhance the operation of, the Regional Center(s).

21 "(b) DEFINITION OF GIFTS AND DONATIONS.—In this section the term 'gifts and donations'
22 means gifts and donations of funds, materials (including research materials), property, or services

1 (including lecture services and faculty services).".

2 (b) CONFORMING AMENDMENTS.—(1) Section 1306 of the National Defense
3 Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2892), is repealed.

4 (2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public
5 Law 104-201; 110 Stat. 2653), is amended—

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

7 (B) by striking "(c)".

8 (3) Section 1595 of title 10, United States Code, is amended—

9 (A) in subsection (c), by striking paragraphs (3) and (5);

10 (B) by redesignating paragraphs (c)(4) and (c)(6) as paragraphs (c)(3) and (c)(4),
11 respectively; and

12 (C) by striking subsection (e).

13 (c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of
14 title 10, United States Code, is amended by amending the item relating to section 2611 to read as
15 follows:

16 "2611 Regional Centers for Security Studies: acceptance of gifts and donations".

17 **SEC. 1213. AUTHORITY TO USE APPROPRIATED FUNDS FOR PAYMENT OF ALL**
18 **COSTS OF ATTENDANCE OF FOREIGN STUDENTS UNDER**
19 **REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP**
20 **PROGRAM.**

21 (a) IN GENERAL.—Section 2249c of title 10, United States Code, is amended to read as
22 follows:

1 **"§2249c. Authority to use appropriated funds for all costs of attendance of foreign**
2 **students under Regional Defense Combating Terrorism Fellowship Program**

3 "(a) AUTHORITY TO USE FUNDS.—Under regulations prescribed by the Secretary of
4 Defense, funds appropriated to the Department of Defense for the Combating Terrorism
5 Fellowship Program (CTFP) may be used to provide training for military and civilian personnel
6 of foreign armed forces, ministries of defense, or other foreign government agencies with
7 anti-terrorism or counter-terrorism responsibilities to assist in the development of effective
8 national and regional programs to combat terrorism. Education and training may be provided at
9 military or civilian educational institutions, regional centers, conferences, seminars, or similar
10 events. Funds made available for such purpose may be used to cover all costs associated with
11 such education and training, including the costs of transportation, travel and subsistence costs,
12 related orientation programs, and the cost of United States Government personnel participation
13 when it is necessary to facilitate the education and training.

14 "(b) LIMITATION.—The total amount of funds used under the authority in subsection (a)
15 in any fiscal year may not exceed \$20,000,000."

16 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of
17 such title is amended by amending the item relating to section 2249c to read as follows:

18 "2249c. Authority to use appropriated funds for all costs of attendance of foreign students under Regional Defense
19 Combating Terrorism Fellowship Program."

20 **SEC. 1214. HUMANITARIAN AND CIVIC ASSISTANCE WITH RESPECT TO THE**
21 **DETECTION AND CLEARANCE OF LANDMINES AND EXPLOSIVE**
22 **REMNANTS OF WAR.**

1 Chapter 20 of title 10, United States Code, is amended—

2 (1) in section 401—

3 (A) by striking paragraphs (a)(4), (c)(3), and (e)(5), and subparagraph

4 (c)(2)(B); and

5 (B) by redesignating paragraph (c)(4) as (c)(3);

6 (2) at the end of such chapter, by adding the following new section:

7 **"§ 406. Humanitarian assistance with respect to the detection and clearance of landmines**
8 **and explosive remnants of war**

9 "(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, United
10 States Armed Forces and Department of Defense civilian technicians may provide on-site
11 education, training, and technical assistance in support of the physical detection, clearance or
12 destruction of landmines or explosive remnants of war in a foreign country, if these activities will
13 promote—

14 "(A) the security interests of both the United States and the country in which the
15 activities are to be carried out; or

16 "(B) the specific operational readiness skills of the members of the armed forces
17 who participate in the activities.

18 "(2) The Secretary of Defense shall ensure that no U.S. military personnel, while
19 providing assistance under this section—

20 "(A) engages in the physical detection, clearance or destruction of landmines or
21 explosive remnants of war (unless the member does so for the concurrent purpose of
22 supporting a United States military operation); or

1 "(B) provides such assistance as part of a military operation that does not involve
2 the U.S. Armed Forces.

3 "(3) Humanitarian mine action assistance may not be provided under this section to any
4 foreign country unless the Secretary of State specifically approves the provision of such
5 assistance.

6 "(b) AUTHORIZATION AND LIMITATIONS.—(1) To the extent provided in law, funds
7 authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian
8 mine action assistance shall be used for the purpose of providing assistance under this section.

9 "(2) Expenses covered include the following expenses incurred:

10 "(A) Travel, transportation, and subsistence expenses of Department of Defense
11 personnel providing such assistance.

12 "(B) The cost of any equipment, services, transportation, or supplies acquired for
13 the purpose of carrying out or supporting activities under this section, including any
14 nonlethal, individual or small-team landmine or explosive remnant of war clearing
15 equipment or supplies that are to be transferred or otherwise furnished to a foreign
16 country in furtherance of the provision of assistance under this section.

17 "(C) The cost of equipment, services, transportation, and supplies provided in any
18 fiscal year under paragraph (2)(B) may not exceed amounts appropriated for this purpose
19 in any fiscal year.

20 "(3) Assistance may not be provided to any foreign country under this section unless the
21 Secretary of State specifically approves the provision of such assistance."; and

22 (3) by adding at the end of the table of sections at the beginning of such chapter

1 the following new item:

2 "406. Humanitarian assistance with respect to the detection and clearance of landmines and explosive remnants of
3 war".

4 **SEC. 1215. MODIFICATION OF THE GEOGRAPHIC RESTRICTION OF**
5 **BILATERAL OR REGIONAL COOPERATION PROGRAMS:**
6 **PAYMENT OF PERSONNEL EXPENSES.**

7 Paragraph 1051(b)(1) of title 10, United States Code, is amended to read as follows:

8 "(1) Except as provided in paragraphs (2) and (3), expenses authorized to be paid under
9 subsection (a) may be paid on behalf of personnel from a developing country only in connection
10 with travel to and within the area of responsibility of the unified combatant command (as such
11 term is defined in section 161(c) of this title) or in connection with travel to Canada or Mexico."

12 **SEC. 1216. TRAVEL EXPENSES SUPPORT OF COALITION LIAISON OFFICERS.**

13 Section 1051a of title 10, United States Code, is amended—

14 (1) in subsection (b), by adding at the end the following new paragraph:

15 "(3) The Secretary may pay the mission-related travel expenses of any foreign
16 military officer involved in coalition operations while temporarily assigned to the
17 headquarters of a combatant command, component command, or subordinate operational
18 command, when the commander directs round-trip travel from the assigned headquarters
19 to various locations and such travel is determined to be in support of United States
20 national interests."; and

21 (2) in subsection (e), by striking "2005" and inserting "2009".

22 **SEC. 1217. HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED TO HOST**

1 **NATIONS IN CONJUNCTION WITH MILITARY OPERATIONS.**

2 Section 401 of title 10, United States Code is amended—

3 (1) in subsection (c)(3), by striking "\$5,000,000" and inserting "\$10,000,000"; and

4 (2) in subsection (e)(1), by inserting ", including education, training, and technical
5 assistance related to the care provided" before the period at the end.

6 **SEC. 1218. EXPANSION OF HUMANITARIAN AND CIVIC ASSISTANCE TO**

7 **INCLUDE DEVELOPING COMMUNICATIONS AND INFORMATION**
8 **CAPACITY.**

9 Section 401 of title 10, United States Code, is amended—

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

11 "(5) Expenses covered by paragraph (1) include communications or information
12 systems equipment or supplies that are to be transferred or otherwise furnished to a
13 foreign country in furtherance of the provision of assistance under this section."; and

14 (2) in subsection (e), by adding at the end the following new paragraph:

15 "(6) Restoring or developing the capacity of the host nation's information and
16 communications technology, including activities relating to the furnishing of education,
17 training, and technical assistance with respect to information and communications
18 technology.".

19 **TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF**

20 **THE FORMER SOVIET UNION**

21 **SEC. 1301. PERMANENT WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR**

22 **THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION**

1 **AND ELSEWHERE.**

2 Section 1306 of the National Defense Authorization Act for Fiscal Year 2003 (Public
3 Law 106-136; 116 Stat. 2673) is amended—

4 (1) by striking subsections (c) and (d); and

5 (2) by redesignating subsection (e) as subsection (c).

6 **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

7 **SECTION 2001. SHORT TITLE.**

8 This division may be cited as the "Military Construction Authorization Act for Fiscal
9 Year 2006".

10 **TITLE XXI—ARMY**

11 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION**

12 **PROJECTS.**

13 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
14 authorization of appropriations in section 2104(1), the Secretary of the Army may acquire real
15 property and carry out military construction projects for the installations or locations inside the
16 United States, and in the amounts set forth in the following table:

Army: Inside the United States		
State	Installation or Location	Amount

Alaska	Fort Wainwright	33,560,000
California	Fort Irwin	17,000,000
	Concord	11,850,000
Colorado	Fort Carson	70,622,000
Georgia	Fort Benning	28,211,000
	Fort Gillem	3,900,000
Hawaii	Fort Stewart/Hunter Army Air Field	57,980,000
	Pohakuloa Training Area	43,300,000
	Schofield Barracks	53,900,000
Kansas	Fort Riley	23,000,000
Kentucky	Fort Campbell	104,575,000
Louisiana	Fort Polk	28,887,000
Missouri	Fort Leonard Wood	8,100,000
New York	Fort Drum	63,650,000
	United States Military Academy, West Point	4,000,000
North Carolina	Fort Bragg	289,850,000
Oklahoma	McAlester	5,400,000
	Fort Sill	2,700,000
Texas	Fort Hood	46,438,000
Utah	Dugway Proving Ground	25,000,000
Virginia	Fort A.P. Hill	2,700,000
	Fort Belvoir	18,000,000
	Fort Myer	15,200,000
Washington	Fort Lewis	99,949,000
	Total	1,057,772,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2104(2), the Secretary of the Army may acquire real
3 property and carry out military construction projects for the installations or locations outside the
4 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
	Total	204,947,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
3 authorization of appropriations in section 2104(5)(A), the Secretary of the Army may construct
4 or acquire family housing units (including land acquisition and supporting facilities) at the
5 installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	117 Units	49,000,000
	Fort Wainwright	180 Units	91,000,000
Arizona	Fort Huachuca	131 Units	31,000,000
	Yuma Proving Ground	35 Units	11,200,000
Oklahoma	Fort Sill	129 Units	24,000,000
Virginia	Fort Lee	96 Units	19,500,000
	Fort Monroe	21 Units	6,000,000
	Total		231,700,000

6 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
7 of appropriations in section 2104(5)(A), the Secretary of the Army may carry out architectural
8 and engineering services and construction design activities with respect to the construction or
9 improvement of family housing units in an amount not to exceed \$17,536,000.

10 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

11 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
12 pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army
13 may improve existing military family housing units in an amount not to exceed \$300,400,000.

14 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 Funds are hereby authorized to be appropriated for fiscal years beginning after September
16 30, 2005, for military construction, land acquisition, and military family housing functions of the

1 Department of the Army in the total amount of \$2,842,470,000 as follows:

2 (1) For military construction projects inside the United States authorized by
3 section 2101(a), \$1,079,901,000.

4 (2) For military construction projects outside the United States authorized by
5 section 2101(b), \$218,547,000.

6 (3) For unspecified minor military construction projects authorized by section
7 2805 of title 10, United States Code, \$20,000,000.

8 (4) For architectural and engineering services and construction design under
9 section 2807 of title 10, United States Code, \$161,393,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, planning and design, and
12 improvement of military family housing and facilities, \$549,636,000.

13 (B) For support of military family housing (including the functions
14 described in section 2833 of title 10, United States Code), \$812,993,000.

15 (6) For the construction of phase 2 of a barracks complex at Fort Campbell,
16 Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act
17 for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2100), \$24,650,000.

18 (7) For the construction of phase 3 of the Lewis & Clark instructional facility at
19 Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction
20 Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat.
21 1697), \$42,642,000.

22 (8) For the construction of phase 2 of trainee barracks basic training complex 1 at

1 Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction
2 Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat.
3 2100), \$21,000,000.

4 (9) For the construction of phase 2 of a barracks complex renewal at Fort Bragg,
5 North Carolina, authorized by section 2101(a) of the Military Construction Authorization
6 Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2100),
7 \$30,611,000.

8 (10) For the construction of phase 2 of a library and learning center at the United
9 States Military Academy, West Point, New York, authorized by section 2101(a) of the
10 Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law
11 108-375; 118 Stat. 2100), \$25,470,000.

12 (11) For the construction of phase 2 of a barracks complex at Vilseck, Germany,
13 authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal
14 Year 2004 (division B of Public Law 108-136; 117 Stat. 1697), \$13,600,000.

15 (12) For the construction of phase 2 of a vehicle maintenance facility at Schofield
16 Barracks, Hawaii, authorized by section 2101(a) of the Military Construction
17 Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat.
18 2100), \$24,656,000.

19 (13) For the construction of phase 2 of the Drum Road upgrade at Helemano
20 Military Reservation, Hawaii, authorized by section 2101(a) of the Military Construction
21 Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat.
22 2100), \$41,000,000.

1 **TITLE XXII—NAVY**

2 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION**
3 **PROJECTS.**

4 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real
6 property and carry out military construction projects for the installations or locations inside the
7 United States, and in the amounts set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
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Arizona	Marine Corps Air Station, Yuma	3,637,000
California	Marine Corps Air Station, Camp Pendleton	1,400,000
	Marine Corps Base, Camp Pendleton	90,437,000
Florida	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 Air Station, Jacksonville	88,603,000
	Naval Air Station, Pensacola	8,710,000
	Naval Station, Mayport	10,750,000
Georgia	Navy Diving and Salvage Training Center, Panama City	9,678,000
	Navy Submarine Base, Kings Bay	3,000,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	5,700,000
	Naval Base, Pearl Harbor	29,700,000
Illinois	Recruit Training Command, Great Lakes	167,750,000
Maryland	Naval Air Warfare Center, Patuxent River	5,800,000
	United States Naval Academy, Annapolis	51,720,000
New Jersey	Naval Weapons Station, Earle	16,652,000
North Carolina	Marine Corps Air Station, Cherry Point	27,147,000
	Marine Corps Base, Camp Lejeune	44,590,000
	Marine Corps Air Station, New River	2,530,000
Texas	Naval Air Station, Kingsville	6,010,000
	Marine Corps Air Field, Quantico	19,698,000
Virginia	Marine Corps Base, Quantico	14,791,000
	Naval Air Station, Oceana	11,680,000
	Naval Amphibious Base, Little Creek	36,034,000
	Naval Station, Norfolk	111,033,000
Washington	Naval Station, Everett	70,950,000
	Naval Submarine Base, Bangor	60,160,000
	Total	939,498,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real
3 property and carry out military construction projects for the installation or location outside the
4 United States, and in the amount set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Naval Station, Guam	55,473,000
	Total	55,473,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
 2 authorization of appropriations in section 2204(3), the Secretary of the Navy may acquire real
 3 property and carry out military construction projects for unspecified installations or locations in
 4 the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
	Unspecified Worldwide	83,010,000
	Total	83,010,000

5 **SEC. 2202. FAMILY HOUSING.**

6 Using amounts appropriated pursuant to the authorization of appropriations in section
 7 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including
 8 land acquisition and supporting facilities) at the installations or locations, for the purposes and in
 9 the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
Guam	Naval Station, Guam	126 Units	43,495,000
	Total		43,495,000

10 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

11 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
 12 pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy
 13 may improve existing military family housing units in an amount not to exceed \$178,644,000.

14 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

15 Funds are hereby authorized to be appropriated for fiscal years beginning after September
 16 30, 2005, for military construction, land acquisition, and military family housing functions of the

1 Department of the Navy in the total amount of \$1,841,851,000, as follows:

2 (1) For military construction projects inside the United States authorized by
3 section 2201(a), \$935,134,000.

4 (2) For military construction projects outside the United States authorized by
5 section 2201(b), \$25,584,000.

6 (3) For the military construction projects at unspecified worldwide locations
7 authorized by section 2201(c), \$39,019,000.

8 (4) For architectural and engineering services and construction design under
9 section 2807 of title 10, United States Code, \$29,512,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, planning and design, and
12 improvement of military family housing and facilities, \$218,942,000.

13 (B) For support of military family housing (including functions described
14 in section 2833 of title 10, United States Code), \$593,660,000.

15 (6) For the construction of increment 2 of the Presidential Helicopter program
16 support facility at Naval Air Station, Patuxent River, Maryland, authorized by section
17 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B
18 of Public Law 108-375; 118 Stat. 2100), \$40,700,000.

19 (7) For the construction of increment 2 of the hangar recapitalization and west
20 apron at Naval Air Field, El Centro, California, authorized by section 2201(a) of the
21 Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law
22 108-375; 118 Stat. 2100), \$18,666,000.

1 (8) For the construction of increment 3 of pier 11 replacement at Naval Station,
2 Norfolk, Virginia, authorized by section 2201(a) of the Military Construction
3 Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat.
4 1704), \$40,200,000.

5 (9) For the construction of increment 2 of the limited area production and storage
6 complex at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a)
7 of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public
8 Law 108-375; 118 Stat. 2100), \$47,095,000.

9 **TITLE XXIII—AIR FORCE**

10 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION**
11 **PROJECTS.**

12 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
13 authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire
14 real property and carry out military construction projects for the installations or locations inside
15 the United States, and in the amounts set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
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Alabama	Maxwell Air Force Base	14,900,000
Alaska	Clear Air Station	20,000,000
	Elmendorf Air Force Base	84,820,000
Arizona	Davis-Monthan Air Force Base	8,600,000
	Luke Air Force Base	13,000,000
Arkansas	Little Rock Air Force Base	2,500,000
California	Beale Air Force Base	14,200,000
	Edwards Air Force Base	103,000,000
	Travis Air Force Base	31,600,000
	Vandenberg Air Force Base	16,845,000
Colorado	Buckley Air Force Base	20,100,000
	Peterson Air Force Base	12,800,000
	United States Air Force Academy	13,000,000
	Dover Air Force Base	19,000,000
Delaware	Dover Air Force Base	19,000,000
District of Columbia	Bolling Air Force Base	14,900,000
Florida	Hurlburt Field	2,540,000
	MacDill Air Force Base	107,200,000
	Tyndall Air Force Base	11,500,000
	Robins Air Force Base	2,000,000
Georgia	Robins Air Force Base	2,000,000
Hawaii	Hickam Air Force Base	5,678,000
Idaho	Mountain Home Air Force Base	9,835,000
Massachusetts	Hanscom Air Force Base	10,000,000
Mississippi	Keesler Air Force Base	47,500,000
Nebraska	Offutt Air Force Base	50,280,000
Nevada	Indian Springs Air Force Auxiliary Field	60,724,000
	Nellis Air Force Base	19,570,000
New Jersey	McGuire Air Force Base	13,185,000
New Mexico	Kirtland Air Force Base	6,600,000
North Dakota	Minot Air Force Base	8,700,000
Ohio	Wright-Patterson Air Force Base	19,670,000
Oklahoma	Tinker Air Force Base	31,960,000
South Carolina	Charleston Air Force Base	2,583,000
	Shaw Air Force Base	9,730,000
Texas	Sheppard Air Force Base	36,000,000
Utah	Hill Air Force Base	24,100,000
Virginia	Langley Air Force Base	38,665,000
	Total	907,285,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire
3 real property and carry out military construction projects for the installations or locations outside

1 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 Force Base	18,500,000
Italy	Aviano Air Base	22,660,000
Korea	Kunsan Air Base	50,900,000
	Osan Air Base	40,719,000
Portugal	Lajes Field, Azores	12,000,000
Turkey	Incirlik Air Base	5,780,000
United Kingdom	Royal Air Force Lakenheath	5,125,000
	Royal Air Force Mildenhall	13,500,000
	Total	193,308,000

2 **SEC. 2302. FAMILY HOUSING.**

3 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
4 authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may
5 construct or acquire family housing units (including land acquisition and supporting facilities) at
6 the installations or locations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
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Alaska	Eielson Air Force Base	392 Units	55,794,000
California	Edwards Air Force Base	226 Units	59,699,000
District of Columbia	Bolling Air Force Base	159 Units	48,711,000
Florida	MacDill Air Force Base	109 Units	40,982,000
Idaho	Mountain Home Air Force Base	194 Units	56,467,000
Missouri	Whiteman Air Force Base	111 Units	26,917,000
Montana	Malmstrom Air Force Base	296 Units	68,971,000
North Carolina	Seymour Johnson Air Force Base	255 Units	48,868,000
North Dakota	Grand Forks Air Force Base	300 Units	86,706,000
	Minot Air Force Base	223 Units	44,548,000
South Carolina	Charleston Air Force Base	10 Units	15,935,000
South Dakota	Ellsworth Air Force Base	60 Units	14,383,000
Texas	Dyess Air Force Base	190 Units	43,016,000
Germany	Ramstein Air Base	101 Units	62,952,000
	Spangdahlem Air Base	79 Units	45,385,000
Turkey	Incirlik Air Base	100 Units	22,730,000
United Kingdom	Royal Air Force Lakenheath	107 Units	48,437,000
	Total		790,501,000

1 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
2 of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out
3 architectural and engineering services and construction design activities with respect to the
4 construction or improvement of military family housing units in an amount not to exceed
5 \$40,404,000.

6 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

7 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
8 pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air
9 Force may improve existing military family housing units in an amount not to exceed
10 \$420,203,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

12 Funds are hereby authorized to be appropriated for fiscal years beginning after September

1 30, 2005, for military construction, land acquisition, and military family housing functions of the
2 Department of the Air Force in the total amount of \$3,087,687,000, as follows:

3 (1) For military construction projects inside the United States authorized by
4 section 2301(a), \$782,285,000.

5 (2) For military construction projects outside the United States authorized by
6 section 2301(b), \$193,308,000.

7 (3) For unspecified minor military construction projects authorized by section
8 2805 of title 10, United States Code, \$15,000,000.

9 (4) For architectural and engineering services and construction design under
10 section 2807 of title 10, United States Code, \$79,047,000.

11 (5) For military family housing functions:

12 (A) For construction and acquisition, planning and design, and
13 improvement of military family housing and facilities, \$1,251,108,000.

14 (B) For support of military family housing (including functions described
15 in section 2833 of title 10, United States Code), \$766,939,000.

16 **TITLE XXIV—DEFENSE AGENCIES**

17 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND** 18 **ACQUISITION PROJECTS.**

19 (a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the
20 authorization of appropriations in section 2403(1), the Secretary of Defense may acquire real
21 property and carry out military construction projects for the installations or locations inside the
22 United States, and in the amounts set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	7,900,000
Defense Logistics Agency	Cannon Air Force Base, New Mexico	13,200,000
	Defense Distribution Depot, New Cumberland, Pennsylvania	6,500,000
	Defense Distribution Depot, Tracy, California	33,635,000
	Fort Belvoir, Virginia	4,500,000
	McConnell Air Force Base, Kansas	15,800,000
	Miramar, California	23,000,000
	Naval Station, Norfolk, Virginia	6,700,000
	Seymour Johnson Air Force Base, North Carolina	18,500,000
	Yuma Proving Ground, Arizona	7,300,000
	Fort Bragg, North Carolina	18,075,000
Defense Education Agency	Fort Stewart/Hunter Army Air Field, Georgia	16,629,000
	Augusta, Georgia	61,466,000
National Security Agency	Fort Meade, Maryland	28,049,000
	Kunua, Hawaii	61,466,000
	Eglin Air Force Base, Florida	12,800,000
Special Operations Command	Fort Bragg, North Carolina	14,769,000
	Fort Campbell, Kentucky	37,800,000
	Fort Lewis, Washington	53,300,000
	Fort Stewart/Hunter Army Air Field, Georgia	10,000,000
	Naval Surface Warfare Center, Corona, California	28,350,000
	Beale Air Force Base, California	18,000,000
	Charleston, South Carolina	35,000,000
Tri-Care Management Activity	Fort Detrick, Maryland	55,200,000
	Keesler Air Force Base, Mississippi	14,000,000
	Lackland Air Force Base, Texas	11,000,000
	Naval Hospital, San Diego, California	15,000,000
	Nellis Air Force Base, Nevada	1,700,000
	Uniformed Services University of the Health Sciences, Bethesda, Maryland	10,350,000
	Peterson Air Force Base, Colorado	1,820,000
	Total	641,809,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2403(2), the Secretary of Defense may acquire real

1 property and carry out military construction projects for the installations or locations outside the
2 United States, and in the amounts set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Landstuhl, Germany	6,543,000
	Vilseck, Germany	2,323,000
	Agana, Guam	40,578,000
	Taegu, Korea	8,231,000
	Naval Station, Rota, Spain	7,963,000
Defense Logistics Agency	Souda Bay, Greece	7,089,000
Missile Defense Agency	Kwajalien Atoll, Kwajalien	4,901,000
National Security Agency	Menwith Hall, United Kingdom	41,697,000
Tri-Care Management Activity	Bahrain, SWA	4,750,000
	Total	124,075,000

3 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the authorization of appropriations in section
5 2403(6), the Secretary of Defense may carry out energy conservation projects under section 2865
6 of title 10, United States Code, in the amount of \$60,000,000.

7 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

8 Funds are hereby authorized to be appropriated for fiscal years beginning after September
9 30, 2005, for military construction, land acquisition, and military family housing functions of the
10 Department of Defense (other than the military departments) in the total amount of
11 \$3,349,914,000, as follows:

12 (1) For military construction projects inside the United States authorized by
13 section 2401(a), \$698,809,000.

14 (2) For military construction projects outside the United States authorized by
15 section 2401(b), \$123,104,000.

1 (3) For unspecified minor military construction projects under section 2805 of
2 title 10, United States Code, \$15,736,000.

3 (4) For contingency construction projects of the Secretary of Defense under
4 section 2804 of title 10, United States Code, \$10,000,000.

5 (5) For architectural and engineering services and construction design under
6 section 2807 of title 10, United States Code, \$135,081,000.

7 (6) For Energy Conservation projects authorized by section 2402, \$60,000,000.

8 (7) For base closure and realignment activities funded through the account created
9 pursuant to section 2906 of, and authorized by, the Defense Base Closure and
10 Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended; 10
11 U.S.C. 2687 note), \$377,827,000.

12 (8) For base closure and realignment activities funded through the account created
13 pursuant to section 2906A of, and authorized by, the Defense Base Closure and
14 Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended; 10
15 U.S.C. 2687 note), \$1,880,466,000.

16 (9) For military family housing functions:

17 (A) For support of military family housing (including functions described
18 in section 2833 of title 10, United States Code), \$46,391,000.

19 (B) For credit to the Department of Defense Family Housing Improvement
20 Fund established by section 2883(a)(1) of title 10, United States Code,
21 \$2,500,000.

22 (10) For the construction of increment 2 of the hospital replacement at Fort

1 Belvoir, Virginia, authorized by section 2401(a) of the Military Construction
2 Authorization Act of Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat.
3 2100), \$57,000,000.

4 **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION**
5 **SECURITY INVESTMENT PROGRAM**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION**
7 **PROJECTS.**

8 The Secretary of Defense may make contributions for the North Atlantic Treaty
9 Organization Security Investment Program as provided in section 2806 of title 10, United States
10 Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this
11 purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as
12 a result of construction previously financed by the United States.

13 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

14 Funds are hereby authorized to be appropriated for fiscal years beginning after September
15 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United
16 States Code, for the share of the United States of the cost of projects for the North Atlantic
17 Treaty Organization Security Investment Program authorized by section 2501, in the amount of
18 \$206,858,000.

19 **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

20 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND**
21 **ACQUISITION PROJECTS.**

1 Funds are hereby authorized to be appropriated for fiscal years beginning after September
2 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of
3 facilities for the reserve components, and for contributions therefore, under chapter 1803 of title
4 10, United States Code (including the cost of acquisition of land for those facilities), the
5 following amounts:

6 (1) For the Department of the Army—

7 (A) for the Army National Guard of the United States, \$327,012,000; and

8 (B) for the Army Reserve, \$106,077,000.

9 (2) For the Department of the Navy, for the Naval and Marine Corps Reserve,

10 \$45,226,000.

11 (3) For the Department of the Air Force—

12 (A) for the Air National Guard of the United States, \$165,256,000; and

13 (B) for the Air Force Reserve, \$79,260,000.

14 **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

15 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO**
16 **BE SPECIFIED BY LAW.**

17 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in
18 subsection (b), all authorizations contained in titles XXI through XXVII for military construction
19 projects, land acquisition, family housing projects and facilities, and contributions to the North
20 Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations
21 therefore) shall expire on the later of—

22 (1) October 1, 2008; or

1 (2) the date of the enactment of an Act authorizing funds for military construction
2 for fiscal year 2009.

3 (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military
4 construction projects, land acquisition, family housing projects and facilities, and contributions to
5 the North Atlantic Treaty Organization Security Investment program (and authorizations of
6 appropriations therefore), for which appropriated funds have been obligated before the later of—

7 (1) October 1, 2008; or

8 (2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for
9 military construction projects, land acquisition, family housing projects and facilities, or
10 contributions to the North Atlantic Treaty Organization Security Investment program.

11 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003**
12 **PROJECTS.**

13 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction
14 Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2681),
15 authorizations set forth in the tables in subsection (b), as provided in sections 2301, 2302, and
16 2401 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an
17 Act authorizing funds for military construction for fiscal year 2007, whichever is later.

18 (b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

State	Installation or Location	Project	Amount
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Florida	Eglin Air Force Base	Replace Family Housing (134 units)	15,906,000
Florida	Eglin Air Force Base	Replace Family Housing Office	597,000
Mississippi	Keesler Air Force Base	Replace Family Housing (117 units)	16,505,000
Texas	Randolph Air Force Base	Replace Family Housing (112 units)	14,311,000
Texas	Randolph Air Force Base	Replace Housing Maintenance Facility	447,000
Italy	Aviano Air Base	Consolidate Area A-1 and A-2	5,000,000

Defense Wide: Extension of 2003 Project Authorizations

Agency	Installation or Location	Project	Amount
Special Operations Command	Stennis Space Center, Mississippi	SOF Training Range	5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002

PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1280), authorizations set forth in the tables in subsection (b), as provided in sections 2101 and 2302 of that Act, shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa Tng Area	Land Purchase	1,500,000

Air Force: Extension of 2002 Project Authorization

State	Installation or Location	Project	Amount
Louisiana	Barksdale Air Force Base	Replace Family Housing (56 units)	7,300,000

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction and Military Family Housing

SEC. 2801. STREAMLINING MILITARY CONSTRUCTION TO REDUCE FACILITY

1 **ACQUISITION AND CONSTRUCTION CYCLE TIME.**

2 (a) THRESHOLDS.—(1) Section 2803(c)(1) of title 10, United States Code, is amended by
3 striking "\$45,000,000" and inserting "\$60,000,000".

4 (2) Section 2805 of title 10, United States Code, is amended—

5 (A) in subsection (a)(1)—

6 (i) by striking "\$1,500,000" and inserting "\$3,000,000"; and

7 (ii) by striking the last sentence;

8 (B) in subsection (b)(1), by striking "\$750,000" and inserting "\$1,500,000"; and

9 (C) in subsection (c)(1), by striking everything following "more than" through the
10 period at the end of subparagraph (B) and inserting "\$3,000,000".

11 (b) CONGRESSIONAL NOTIFICATION.—(1) Subsection (b) of section 2803 of title 10,
12 United States Code, is amended by striking the last sentence.

13 (2) Subsection (b) of section 2804 of title 10, United States Code, is amended by striking
14 the last sentence.

15 (3) Section 2805(b)(1) of title 10, United States Code, is amended by inserting at the end
16 the following new sentence: "This paragraph shall not apply to unspecified minor military
17 construction projects using funds made available for operation and maintenance in accordance
18 with subsection (c).".

19 (4) Section 2807 of title 10, United States Code, is amended—

20 (A) by striking subsection (b);

21 (B) by redesignating subsections (c) and (d) as subsections (b) and (c),
22 respectively; and

1 (C) in subsection (b), as redesignated—

2 (i), by striking "(1)"; and

3 (ii) by striking ", and (2)" and everything that follows up to the end of the
4 sentence.

5 (5) Section 2813(c) of title 10, United States Code, is amended—

6 (A) by striking "30-day" and inserting "14-day"; and

7 (B) by striking "21-day" and inserting "7-day".

8 (6) Subsection (b) of section 2854 of title 10, United States Code, is amended by striking
9 the last sentence.

10 (c) COST VARIATIONS.—Section 2853(a) of title 10, United States Code, is amended by
11 striking "or 200 percent of the minor construction project ceiling specified in section 2805(a)(1),
12 whichever is less,".

13 (d) CODIFICATION OF COMMITTEE LANGUAGE.—Subsection (e) of section 2811 of title
14 10, United States Code, is amended by adding at the end the following new sentence: "A repair
15 project and a military construction project may be combined so long as, taken together, they
16 result in a complete and usable facility or a complete and usable improvement to an existing
17 facility."

18 **SEC. 2802. PURCHASE OF BUILD-TO-LEASE FAMILY HOUSING AT EIELSON AIR**
19 **FORCE BASE, ALASKA.**

20 (a) AUTHORITY TO PURCHASE.—The Secretary of the Air Force may purchase the entire
21 interest of the developer in the military family housing project at Eielson Air Force Base, Alaska,
22 described in subsection (b) if the Secretary determines that the purchase is in the best economic

1 interests of the Air Force.

2 (b) DESCRIPTION OF PROJECT.—The military family housing project referred to in this
3 section is the 300-unit military family housing project at Eielson Air Force Base that was
4 constructed by the developer and is leased by the Secretary under the authority of former
5 subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as
6 added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98-115;
7 97 Stat. 782).

8 (c) PURCHASE PRICE.—The purchase price to be paid by the Secretary under this section
9 for the interest of the developer in the military family housing project may not exceed an amount
10 equal to the fair market value of the military family housing project.

11 (d) TIME FOR PURCHASE.—(1) Subject to paragraph (2), the Secretary may elect to make
12 the purchase authorized by subsection (a) at any time after the term of the lease for the military
13 family housing project.

14 (2) The Secretary may not make the purchase until 30 days after the date on which the
15 Secretary notifies the congressional defense committees of the Secretary's election to make the
16 purchase under paragraph (1).

17 **SEC. 2803. REPEAL REQUIREMENT TO DETERMINE THE AVAILABILITY OF**
18 **SUITABLE ALTERNATIVE HOUSING FOR ACQUISITION IN LIEU OF**
19 **CONSTRUCTION OF NEW FAMILY HOUSING.**

20 (a) IN GENERAL.—Section 2823 of title 10, United States Code, is repealed.

21 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of
22 such title is amended by striking the item relating to section 2823.

1 **SEC. 2804. IMPROVEMENTS AT FORT BUCHANAN FOR RESERVE COMPONENT**
2 **FACILITIES.**

3 Paragraph 1507(b)(2) of the Floyd D. Spence National Defense Authorization Act for
4 Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-355) is amended to read as follows:

5 "(2) The construction, conversion, rehabilitation, extension, and improvement of reserve
6 component facilities and nonappropriated fund facilities."

7 **SEC. 2805. INCREASE IN NUMBER OF HIGH-COST LEASES FOR ARMY FAMILY**
8 **HOUSING IN KOREA.**

9 Section 2828(e)(4) of title 10, United States Code, is amended by striking "2,400" and
10 inserting "2,800".

11 **Subtitle B—Real Property and Facilities Administration**

12 **SEC. 2811. EXPAND AUTHORITY TO CONVEY PROPERTY AT MILITARY**
13 **INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.**

14 (a) EXPANSION OF AUTHORITY.—Section 2869(a) of title 10, United States Code, is
15 amended by striking "base closure law" and inserting "base closure law or otherwise determined
16 to be surplus to the needs of the federal government".

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

19 **"§ 2869. Conveyance of property at military installations to support military construction".**

20 (2) The table of sections at the beginning of chapter 169 of such title is amended by
21 striking the item relating to section 2869 and inserting the following new item:

22 "2869. Conveyance of property at military installations to support military construction."

1 **Subtitle C—Other Matters**

2 **SEC. 2821. STREAMLINING REAL PROPERTY ACTIONS TO REDUCE CYCLE**
3 **TIME.**

4 (a) AMENDMENT TO SECTION 2662.—Section 2662 of title 10, United States Code, is
5 amended—

6 (1) by amending subsection (a) to read as follows:

7 "(a) GENERAL NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned shall
8 provide a report of the facts concerning the proposed transaction to the Committee on Armed
9 Services of the Senate and the Committee on Armed Services of the House of Representatives if
10 the estimated price, annual rental, or value exceeds the unspecified minor military construction
11 ceiling in section 2805(a)(1) of this title. Such transactions are—

12 "(1) An acquisition of fee title to any real property;

13 "(2) A lease of any real property to the United States;

14 "(3) A lease or license of real property owned by the United States;

15 "(4) A transfer of real property owned by the United States to another Federal
16 agency or another military department or to a State;

17 "(5) A report of excess real property owned by the United States to a disposal
18 agency; or

19 "(6) Any termination or modification by either the grantor or grantee of an
20 existing license or permit to a military department of real property owned by the United
21 States, under which substantial investments have been or are proposed to be made in
22 connection with the use of the property by the military department.";

1 (2) in subsection (b), by striking "\$750,000" and inserting "the unspecified minor
2 military construction project ceiling in section 2805(a)(1) of this title"; and

3 (3) in subsection (e), by striking "\$750,000" and inserting "the unspecified minor
4 military construction project ceiling in section 2805(a)(1) of this title".

5 (b) AMENDMENT TO SECTION 2672.—Section 2672 of such title is amended—

6 (1) in subparagraph (a)(1)(B), by striking "\$750,000" and inserting "the
7 unspecified minor military construction project ceiling in section 2805(a)(1) of this title";

8 (2) in subsection (a)—

9 (A) by striking "(1)";

10 (B) by striking paragraph (2); and

11 (C) by redesignating the remaining subparagraphs (A) and (B) as
12 paragraphs (1) and (2), respectively; and

13 (3) in subsection (b), by striking "\$750,000" and everything that follows through
14 the period at the end of the sentence and inserting "the unspecified minor military
15 construction project ceiling in section 2805(a)(1) of this title".