To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2004

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

A BILL

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2005”.

SEC. 2. TABLE OF CONTENTS.

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

1

2

3

4

5

6

7

8
(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Multiyear Procurement Authorization

Sec. 111. Multiyear procurement authority for the light weight 155 millimeter howitzer program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Ballistic Missile Defense

Sec. 211. Funding for Missile Defense Agency.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

Sec. 311. Payment of private cleanup costs.
Sec. 312. Reimbursement to the Environmental Protection Agency for certain costs in connection with the Moses Lake, Washington Superfund site.

Subtitle C—Workplace and Depot Issues
Sec. 321. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. New title for the Vice Chief of the National Guard Bureau.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2005 limitation on number of non-dual status technicians.
Sec. 415. Special rule for computing the high-36 month average for Reserve component members.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Transition of active-duty list officer force to all regular status.
Sec. 502. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
Sec. 503. Joint duty credit required for promotion to flag or general officer.
Sec. 504. Revised promotion policy objectives for joint officers.
Sec. 505. Modify length of joint duty assignments.
Sec. 506. Management of joint specialty officers.
Sec. 507. Eliminate distribution quotas for general and flag officers serving in the grades of O–7 and O–8.
Sec. 508. Eliminate mandatory retirement of active duty general and flag officers after 30 years of service.
Sec. 509. Length of terms for the Assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters.
Sec. 510. Length of service for the senior leaders of the military departments.
Sec. 511. Extending age limits for active duty general and flag officers.
Sec. 512. Lateral reassignment of certain generals and admirals.
Sec. 513. Length of service for the Chairman and Vice Chairman of the Joint Chiefs of Staff.
Sec. 514. Promotion policy objectives for joint officers.

Subtitle B—Reserve Component Management

Sec. 521. Revised concept of inactive duty and repeal of funeral honors duty.
Sec. 522. Authorized strengths of Navy and Marine Corps reserve flag and general officers.
Sec. 523. Mandatory retention on active duty to qualify for retirement pay.
Sec. 524. Amendment to the purpose of the reserve components.
Sec. 525. Accounting and management of National Guard and reserve personnel performing active or full-time duty.
Sec. 526. Waive requirement that reserve chiefs and National Guard directors must have significant joint duty experience.
Sec. 527. Extending age limits for reserve and National Guard general and flag officers.
Sec. 528. Expanded use of reserve component members to perform developmental testing and new equipment training.

Subtitle C—ROTC and Military Service Academies

Sec. 531. Institutions of higher education that prevent ROTC access or military recruiting on campus; equal treatment with other employers.
Sec. 532. Board of Visitors; United States Air Force Academy; United States Military Academy; United States Naval Academy.
Sec. 533. Dean of the Faculty; Dean of Academic Board.
Sec. 534. Repeal of requirement that military academy superintendents retire after assignment.

Subtitle D—Other Military Education and Training Matters

Sec. 541. Education loan repayments for health professions officers of the reserve components.
Sec. 542. Conferral of degrees to graduates of the Community College of the Air Force.
Sec. 543. Three year educational leave of absence.
Sec. 544. Length of phase II joint professional military education.
Sec. 545. Changing the titles of the heads of the Naval Postgraduate School.
Sec. 546. New mission statement and expanded eligibility for enlisted personnel at the Naval Postgraduate School.

Subtitle E—Administrative Matters

Sec. 551. Annual report to Congress concerning joint officer management.
Sec. 552. Revised definitions applicable to joint duty.

Subtitle F—Military Justice Matters

Sec. 561. Waive time lost when a member is acquitted, released without trial, or has his conviction set-aside or reversed on appeal.
Sec. 562. Change in Uniform Code of Military Justice relating to blood alcohol concentration.

Subtitle G—Benefits

Sec. 571. Immediate lump sum reimbursement for unusual nonrecurring expenses outside the continental United States.
Sec. 572. Repeal of requirement to pay subsistence charges while hospitalized.

Subtitle H—Other Matters

Sec. 581. Alternate initial military service obligation for persons with specialized skills.
Sec. 582. Basic training requirement for certain members with specialized skills.
Sec. 583. Eliminate mandatory terms of office for certain general and flag staff officers.
Sec. 584. Prohibit court-ordered payments before retirement based on imputation of retired pay.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances
Sec. 601. Termination of assignment incentive pay for members on terminal leave.
Sec. 602. More flexible retirement rules for military officers.
Sec. 603. More flexible computation of retired pay for officers and senior enlisted members.
Sec. 604. Eliminate retired pay limit applicable to general and flag officers.
Sec. 605. Grant basic allowance for housing waivers for 12 months or less on permanent change of station assignments that are principally for education or training.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pays for reserve forces.
Sec. 612. Bonus for officers to serve in the Selected Reserve in a critical skill or manpower shortage.
Sec. 613. Critical skills retention bonus; eligibility of members serving on indefinite reenlistment.
Sec. 614. Foreign language proficiency pay.
Sec. 615. Repayment of unearned portions of bonuses, special pays, and educational benefits.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Lodging costs incurred in connection with student dependent travel.
Sec. 622. Expanded travel and transportation allowances for family members to attend burial ceremonies.

Subtitle D—Other Matters

Sec. 631. Accumulation of annual leave by intelligence senior level employees.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Exemption of nonappropriated fund health benefits program from non-federal laws, taxes, and mandates.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Defense acquisition workforce changes.
Sec. 802. Delegation to the Defense Contract Management Agency to make determinations concerning restructuring costs.
Sec. 803. Disposal of excess and obsolete materials contained in the national defense stockpile.
Sec. 804. Privatization of military utilities located on non-federal land.
Sec. 805. Repeal of redundant limitations on the procurement of totally enclosed lifeboats.
Sec. 806. Demonstration programs using design-build contracts.
Sec. 807. Two-year extension of laboratory revitalization demonstration program.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations
Sec. 821. Pilot authority for follow-on production agreements relating to certain prototype projects.
Sec. 822. Charging of fees for logistical data.
Sec. 823. Sale and exchange of missile propellants and electricity.
Sec. 824. Pilot program to contract with local governments for services.
Sec. 825. Procurement of ball and roller bearings.
Sec. 826. Increased threshold for awarding contracts under other than competitive procedures.
Sec. 827. Increased threshold for requiring contractors to provide specified employee information to cooperative agreement holders.
Sec. 828. Limitation on task and delivery order contracts.

Subtitle C—Acquisition-Related Reports and Other Matters

Sec. 841. Streamlining real property transactions.
Sec. 842. Repeal of annual reporting requirement concerning management of depot employees.
Sec. 843. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
Sec. 844. Provisions relating to real property.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers

Sec. 901. Transfer of responsibility for the assembled chemical weapons alternatives program.
Sec. 902. Expanded eligibility to serve as the Deputy Chief of Naval Operations and Assistant Chief of Naval Operations.
Sec. 903. Repeal of required periodic Inspector General audits of undefinitized contractual actions.
Sec. 904. Repeal of mandatory Inspector General review of advisory and assistance services contract waivers.
Sec. 905. Chain of succession for the Chief, National Guard Bureau.

Subtitle B—Reports

Sec. 911. Repeal of reporting requirement concerning the Cooperative Threat Reduction Program.
Sec. 912. Repeal of annual reporting requirement concerning threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.

Subtitle C—Other Matters

Sec. 921. Manpower and budget issues in the Defense Prisoner of War/Missing Personnel Office.
Sec. 922. Three-year extension of mentor-protege program.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Capture of all expired funds from the military personnel and operation and maintenance appropriations accounts for use in the foreign currency fluctuations account.
Sec. 1002. Reimbursement for use of personal cellular telephones when used for official government business.

Sec. 1003. Purchase of promotional items of nominal value for recruitment purposes.

Sec. 1004. Microclaim waiver authority.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Exchange and sale of obsolete Navy service craft and boats.

Sec. 1012. Award contracts for ship dismantling on net cost basis.

Subtitle C—Counterdrug Activities

Sec. 1021. Use of two-year extension of counterdrug funds for counterterrorism in Colombia.

Subtitle D—Other Department of Defense Provisions

Sec. 1031. Control and supervision of transportation within the Department of Defense.

Subtitle E—Other Matters

Sec. 1041. Repeal of prohibition on contracts for performance of security-guard functions.

Sec. 1042. Establishment of auxiliaries within the military departments.


Sec. 1044. Conforming amendments to general definitions.

Sec. 1045. Use of Department of Defense fitness facilities by contract workers.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Priority placement of displaced civilian employees.

Sec. 1102. Employment preference for spouses of civilian employees.

Sec. 1103. Pay parity for civilian intelligence personnel.

Sec. 1104. Pay parity for senior executives in DoD nonappropriated fund instrumentalities.

Sec. 1105. Prohibit unauthorized wearing, manufacture, or sale of civilian medals or decorations.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Related to Arms Control and Monitoring

Sec. 1201. Humanitarian assistance with respect to the detection and clearance of landmines and explosive remnants of war.

Subtitle B—Matters Related to Allies and Friendly Foreign Nations

Sec. 1211. Improving airspace control and management in the Caucasus and Central Asia.


Subtitle C—Other Matters

Sec. 1221. Repeal of the annual reporting requirement concerning the activities of Chinese military companies operating in the United States.

Sec. 1222. Repeal of reporting requirement concerning special operations forces training with friendly foreign forces.
Sec. 1223. Foreign military AIDS advocacy, awareness, and prevention activities.
Sec. 1224. Repeal of the authorization for the establishment of the Center for the Study of Chinese Military Affairs.
Sec. 1225. Use of donated property for humanitarian assistance purposes.
Sec. 1226. Assignment of foreign Navy personnel to submarine safety research and development programs.

TITLE XIII—HOMELAND SECURITY

Sec. 1301. Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS


TITLE XXI—ARMY

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

TITLE XXII—NAVY

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

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Energy conservation projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE

Sec. 2601. Authorized Chemical Demilitarization construction and land acquisition projects.
Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction.
TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

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

TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2801. Expiration of authorizations and amounts required to be specified by law.
Sec. 2802. Extension of authorizations of certain fiscal year 2002 projects.
Sec. 2803. Extension of authorizations of certain fiscal year 2001 projects.

TITLE XXIX—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2901. Alternative authority for acquisition and improvement of military housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2911. Establishment of Museum Center of the National Museum of the United States Army.
Sec. 2912. Exchange or sale of reserve component facilities in return for replacement facilities.

Subtitle C—Other Matters

Sec. 2921. Minor military construction to improve force protection.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Army as follows:

(1) For aircraft, $2,658,241,000.
(2) For missiles, $1,398,321,000.
(3) For weapons and tracked combat vehicles, $1,639,695,000.
(4) For ammunition, $1,556,902,000.

(5) For other procurement, $4,240,896,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Navy as follows:

(1) For aircraft, $8,767,867,000.

(2) For weapons, including missiles and torpedoes, $2,101,529,000.

(3) For shipbuilding and conversion, $9,962,027,000.

(4) For other procurement, $4,834,278,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Marine Corps in the amount of $1,190,103,000.

(e) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement of ammunition for the Navy and Marine Corps in the amount of $858,640,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Air Force as follows:

(1) For aircraft, $13,163,174,000.

(2) For missiles, $4,718,313,000.
(3) For procurement of ammunition, $1,396,457,000.

(4) For other procurement, $13,283,557,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2005 for Defense-wide procurement in the amount of $2,883,302,000.

Subtitle B—Multiyear Procurement Authorization

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR THE LIGHT WEIGHT 155 MILLIMETER HOWITZER PROGRAM.

The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2005 program year, for procurement of the light weight 155 millimeter howitzer.
TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.
Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

1. For the Army, $9,266,258,000.
2. For the Navy, $16,346,391,000.
3. For the Air Force, $21,114,667,000.
4. For Defense-wide activities, $21,044,972,000, of which $305,135,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Ballistic Missile Defense

SEC. 211. FUNDING FOR MISSILE DEFENSE AGENCY.
(a) Funds appropriated under the heading “Research, Development, Test and Evaluation, Defense-Wide” for the Missile Defense Agency may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.
(b) This section shall be effective for fiscal years after Fiscal Year 2004.

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

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $26,133,411,000.

(2) For the Navy, $29,789,190,000.

(3) For the Marine Corps, $3,632,115,000.

(4) For the Air Force, $28,471,260,000.

(5) For the Defense-wide activities, $17,494,076,000.

(6) For the Army Reserve, $2,008,128,000.

(7) For the Naval Reserve, $1,240,038,000.

(8) For the Marine Corps Reserve, $188,696,000.

(9) For the Air Force Reserve, $2,239,790,000.

(10) For the Army National Guard, $4,440,686,000.
(11) For the Air National Guard, $4,422,838,000.

(12) For the United States Court of Appeals for the Armed Forces, $10,825,000.

(13) For Environmental Restoration, Army, $400,948,000.

(14) For Environmental Restoration, Navy, $266,820,000.

(15) For Environmental Restoration, Air Force, $397,368,000.


(17) For Environmental Restoration, Formerly Used Defense Sites, $216,516,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.

(19) For Cooperative Threat Reduction programs, $409,200,000.

(20) For Overseas Contingency Operations Transfer Fund, $30,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces and other activities and agencies of the Department of Defense for
providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,685,886,000.

(2) For the National Defense Sealift Fund, $1,269,252,000.

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

There is hereby authorized to be appropriated for fiscal year 2005 from the Armed Forces Retirement Home Trust Fund the sum of $61,195,000 for the operation of the Armed Forces Retirement Home.

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

(a) **Defense Health Program.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Defense Health Program, $17,640,411,000, of which—

(1) $17,203,369,000 is for Operation and Maintenance;

(2) $72,407,000 is for Research, Development, Test, and Evaluation; and

(3) $364,635,000 is for Procurement.

(b) **Chemical Agents and Munitions Destruction.**—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005
for expenses, not otherwise provided for, for Chemical
Agents and Munitions Destruction, $1,371,990,000, of
which—

(A) $1,138,801,000 is for Operation and Main-
tenance;

(B) $154,209,000 is for Research, Develop-
ment, Test, and Evaluation; and

(C) $78,980,000 is for Procurement.

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

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

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

(c) DRUG INTERDICTION AND COUNTER-DRUG AC-
TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
to be appropriated for the Department of Defense for fis-
cal year 2005 for expenses, not otherwise provided for, for
Drug Interdiction and Counter-Drug Activities, Defense-
wide, $852,697,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are
hereby authorized to be appropriated for the Department
of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $244,562,000, of which—

(1) $242,362,000 is for Operation and Maintenance;

(2) $100,000 is for Research, Development, Test, and Evaluation; and

(3) $2,100,000 is for Procurement.

Subtitle B—Environmental Provisions

SEC. 311. PAYMENT OF PRIVATE CLEANUP COSTS.

(a) Authority To Pay for Services.—Section 2701(d) of title 10, United States Code, is amended—

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

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

“(C) The term ‘owner of covenant property’ means an owner of property subject to a covenant provided by the United States in accordance with the requirements of section 120(h)(3)(A)(ii)(II) of CERCLA: Provided, however, That the covenant property also is the site of the services to be performed.”.
(b) Source of Funds for Covenant Property.—Section 2703 of such title is amended—

1. in subsection (g)(1), by striking “The” and inserting “Except as provided in subsection (h), the”;
2. by adding at the end the following new subsection:

“(h) Sole Source of Funds for Environmental Remediation Services at Base Realignment and Closure Sites.—In the case of property disposed of in accordance with a base closure law, the sole source of funds for services obtained under section 2701(d)(1) of this title shall be the applicable base closure account established under such base closure law.”.

SEC. 312. Reimbursement to the Environmental Protection Agency for certain costs in connection with the Moses Lake, Washington Superfund site.

(a) Authority.—Using funds described in subsection (b), the Secretary of Defense may transfer not more than $524,926.54 to the Moses Lake Wellfield Superfund Site 10–6J Special Account. This payment is to reimburse the United States Environmental Protection Agency for its costs including interest incurred in overseeing a remedial investigation/feasibility study performed
by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington. Such reimbursement is provided for in the Interagency Agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Site, in March, 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by paragraph 18 of section 301 of this act for Environmental Restoration, Formerly Used Defense Sites. EPA shall retain and use the transferred amount to pay for costs the Agency has incurred or will incur at the Moses Lake Wellfield Superfund site.

Subtitle C—Workplace and Depot Issues

SEC. 321. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORK-LOADS.

Section 2474(f)(1) of title 10, United States Code, is amended by striking “under any contract entered into during fiscal years 2003 through 2006”.
 TITLE IV—MILITARY
PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
The Armed Forces are authorized strengths for active
duty personnel as of September 30, 2005, as follows:
(1) The Army, 482,400.
(2) The Navy, 365,900.
(3) The Marine Corps, 175,000.

SEC. 402. NEW TITLE FOR THE VICE CHIEF OF THE NA-
TIONAL GUARD BUREAU.
(a) IN GENERAL.—Section 10505 of title 10, United
States Code, is amended by striking “Vice Chief of the
National Guard Bureau” each place it appears and insert-
ing “Director of the Joint Staff of the National Guard
Bureau”.
(b) CLERICAL AMENDMENTS.—(1) The heading of
such section is amended by striking “Vice Chief of the
National Guard Bureau” and inserting “Director
of the Joint Staff of the National Guard Bu-
reaud”.
(2) The item relating to such section in the table of
sections at the beginning of chapter 1011 of such title is
amended by striking “Vice Chief of the National Guard
Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2005, as follows:

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

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 83,400.

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

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

(6) The Air Force Reserve, 76,100.

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

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2005, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,476.

(2) The Army Reserve, 14,970.

(3) The Naval Reserve, 14,152.

(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 12,225.

(6) The Air Force Reserve, 1,900.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2005 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,299.

(2) For the Army National Guard of the United States, 25,076.

(3) For the Air Force Reserve, 9,954.

(4) For the Air National Guard of the United States, 22,956.

SEC. 414. FISCAL YEAR 2005 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(e)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2005, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.
(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2005, may not exceed 795.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2005, may not exceed 90.

(b) Non 09 Dual Status Technicians Defined.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. SPECIAL RULE FOR COMPUTING THE HIGH 0936 MONTH AVERAGE FOR RESERVE COMPONENT MEMBERS.

(a) Computation of High 36 09 Month Average.—Subsection (c) of section 1407 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Special rule for reserve component members—

“(A) High 0936 Month Average for Disability Retired Pay.—The high-three average of a Reserve component member entitled to retired pay under section 1201 or 1202 of this title, or a spouse
of a Reserve component member entitled to a sur-

vivor benefit plan annuity under section

1448(d)(1)(B) of this title, is the amount equal to—

“(i) the total amount of monthly basic pay

to which the member was entitled during the

member’s high-36 months (or to which the

member would have been entitled if the member

had served on active duty during the entire pe-

riod of the member’s high-36 months), divided

by

“(ii) 36.

“(B) Short 09 term disability retired

pay.—Notwithstanding subparagraph (A), the high-

three average of a Reserve component member with

less than 36 months who is entitled to retired pay

under section 1201 or 1202 of this title, or a spouse

of a Reserve component member entitled to a sur-

vivor benefit plan annuity under section

1448(d)(1)(B) of this title, is the amount equal to—

“(i) the total amount of monthly basic pay

to which the member was entitled during the

entire period the member was a member of a

uniformed service before being so retired (or to

which the member would have been entitled if

the member had served on active duty during
the entire period the member was a member of
a uniformed service before being so retired), di-
vided by
“(ii) the number of months (including any
fraction thereof) during which the member was
a member before so retiring.”

(b) EFFECTIVE DATE.—For purposes of determining
the annuity for the spouse of a member who died while
on active duty, the amendments made by this section shall
take effect as of September 10, 2001.

TITLE V—MILITARY PERSONNEL
POLICY
Subtitle A—Officer Personnel
Policy
SEC. 501. TRANSITION OF ACTIVE DUTY LIST OFFICER
FORCE TO ALL REGULAR STATUS.
(a) ELIMINATE REQUIREMENT THAT ALL ACTIVE
DUTY OFFICERS SERVE IN A RESERVE STATUS FOR AT
LEAST ONE YEAR.—Section 532 of title 10, United States
Code, is amended by striking subsection (e).

(b) AMEND THE QUALIFICATIONS FOR ORIGINAL AP-
POINTMENT AS A COMMISSIONED OFFICER.—Section 532
is further amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and
(B) by redesignating paragraphs (3), (4),
and (5) as paragraphs (2), (3), and (4), respec-
tively; and
(2) by adding at the end the following new sub-
section:
“(f) The Secretary of Defense may waive the require-
ment of subsection (a)(1) with respect to an alien lawfully
admitted to permanent residence when the Secretary de-
determines that the national security so requires.”.

(c) ELIMINATE LIMITATIONS PLACED ON TOTAL
STRENGTH OF REGULAR COMMISSIONED OFFICERS
SERVING ON THE ACTIVE-DUTY LIST.—Section 522 of
such title is repealed.

(d) ELIMINATE SENATE CONFIRMATION FOR ORIGI-
NAL APPOINTMENTS OF COMMISSIONED OFFICERS.—Sec-
tion 531(a) of such title is amended to read as follows:
“(a) Original appointments in the grades of second
lieutenant through captain in the Regular Army, Regular
Air Force, and Regular Marine Corps and in the grades
of ensign through lieutenant in the Regular Navy shall
be made by the President. The President may delegate
this authority to the Secretary of Defense. Original ap-
pointments in the grades of major, lieutenant colonel and
colonel in the Regular Army, Regular Air Force, and Reg-
ular Marine Corps and in the grades of lieutenant com-
mander, commander and captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.”.

(e) Force Shaping Authority.—(1) Chapter 36 of such title is amended by adding after section 646 the following new section:

§ 647. Force shaping authority

“(a) In General.—Under regulations prescribed by the Secretary concerned, for force shaping purposes only, the Secretary may discharge or transfer an officer on the active-duty list to the reserve active-status list, who:

“(1) has 7 years or less of commissioned service; or

“(2) has more than 7 years commissioned service, but has not completed his minimum service obligation.

“(b) Definition.—In this section, the term ‘minimum service obligation’ means—

“(1) the initial period of required active duty service; and

“(2) any additional period of required active duty service incurred during the initial period of required active duty service.”.

(f) Eligibility for Separation Pay Upon Involuntary Discharge.—Section 1174(e)(2)(B) of such title
is amended by inserting after “service” the following: “,
except under conditions as described in section 647 of this
title”.

(g) Eliminate Requirement for Oath Upon
Transition From Active Component to Reserve
Component.—Section 12201(a) of such title is amended
by inserting after the first sentence the following new sen-
tence: “An officer who transfers from the active-duty list
to the reserve active-status list is not required to subscribe
to the oath prescribed by section 3331 of title 5.”.

(h) Authority To Appoint Reserve Officers
Transferred From the Active-Duty List to the
Reserve Active-Status List.—Section 12203 of such
title is amended—

(1) by redesignating subsection (b) as sub-
section (e); and

(2) by inserting after subsection (a) the fol-
lowing new subsection (b):

“(b) Notwithstanding the requirements of subsection
(a), appointments of officers transferred from the active-
duty list to the reserve active-status list shall be made by
the Secretary concerned.”.

(i) Transfer of Officers From the Reserve
Active-Status List to the Active-Duty List.—Sec-
tion 531 of such title is amended by adding at the end the following new subsection:

“(c) Appointments in the Regular Army, Regular Air Force, Regular Navy and Regular Marine Corps of officers holding Reserve commissions may be made by the Secretary concerned.”.

(j) EXEMPT READY RESERVE OFFICERS FROM THE ACTIVE-DUTY LIST.—Section 641(1)(F) of such title is amended to read as follows:

“(F) ordered to active duty under sections 12302 and 12304 of this title;”.

(k) DELETION OF REQUIREMENT TO SERVE 6 YEARS IN THE RESERVE COMPONENT TO MEET RETIREMENT ELIGIBILITY.—Section 12731(a) of such title is amended—

(1) by inserting “and” at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(l) ALL REGULAR OFFICER APPOINTMENTS FOR STUDENTS ATTENDING THE UNIVERSITY OF HEALTH SCIENCES.—Section 2114(b) of such title is amended by striking “Notwithstanding any other provision of law, they shall serve on active duty in pay grade O–1 with full pay
and allowances of that grade. Upon graduation they shall be appointed in a regular component, if qualified, unless they are covered by section 2115 of this title.” and inserting “Notwithstanding any other provision of law, they shall be appointed in the regular component and shall serve on active duty as an O–1 with full pay and allowances of that grade. Upon graduation they shall be required to serve on active duty unless covered by section 2115 of this title.”.

(m) **Effective Date.**—The amendments made by this section shall take effect six months after the date of enactment of this Act.

**SEC. 502. STRENGTH IN GRADE: COMMISSIONED OFFICERS IN GRADES BELOW BRIGADIER GENERAL OR REAR ADMIRAL (LOWER HALF) IN AN ACTIVE STATUS.**

Section 12005(c)(1), of title 10, United States Code, is amended by amending the table to read as follows:

```
"Colonel— ................................................................. 2 percent
Lieutenant colonel— ..................................................... 8 percent
Major— ................................................................. 16 percent
Captain— .............................................................. 39 percent
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)— .................................................. 35 percent."
```

**SEC. 503. JOINT DUTY CREDIT REQUIRED FOR PROMOTION TO FLAG OR GENERAL OFFICER.**

Section 619a(b) of title 10, United States Code, is amended—
(1) in paragraph (2), by striking “scientific and technical” and inserting “a career field specialty”; and

(2) in paragraph (4), by striking “if—” and all that follows and inserting “if the officer’s total consecutive service in joint duty assignments within that immediate organization meets the requirements of section 664 of this title for full joint duty credit.”.

SEC. 504. REVISED PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

(a) IN GENERAL.—Section 662(a) of title 10, United States Code, is amended to read as follows:

“(a) QUALIFICATIONS.—(1) The military departments shall establish internal procedures and processes necessary to validate the qualifications of active duty list officers assigned to joint duty activities, as defined in section 668 of this title. These internal measures will ensure an adequate number of senior colonels, or in the case of the Navy, captains, are eligible for promotion to brigadier general and rear admiral (lower half) to meet the requirements of section 619a of this title. 

“(2) The Secretary of Defense shall ensure that the qualifications of officers assigned to joint duty assignments are such that—
“(A) officers who are serving on or have served on the Joint Staff are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for officers of the same armed force in the same grade and competitive category who are serving on the headquarters staff of their armed force; and

“(B) officers (other than officers in subparagraph (A)) who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.

“(3) The Secretary of Defense will develop policies to ensure Secretaries of the military departments provide appropriate consideration to joint service officers eligible for promotion selection boards.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking “(1), (2), and (3)” and inserting “(1)(A) and (1)(B)”.

SEC. 505. MODIFY LENGTH OF JOINT DUTY ASSIGNMENTS.

Section 664 of title 10, United States Code, is amended to read as follows:
§ 664. Length of joint duty assignments

(a) LENGTH OF JOINT DUTY ASSIGNMENTS.—In the case of officers serving in a grade not less than Major, or, in the case of the Navy, Lieutenant Commander, the length of a joint duty assignment will mirror the standard tour length the Secretary of Defense establishes for each installation or location authorized for joint duty assignments as specified in section 668 of this title. Joint duty credit is awarded as provided by subsection (c). Duty at a qualified joint task force headquarters requires one year of total service credited in the manner specified in subsection (c).

(b) EXCLUSIONS FROM TOUR LENGTH.—The Secretary of a military department may request that the joint activity to which an officer is assigned curtail the officer’s joint assignment. The officer will receive full credit for service when an assignment was curtailed from the standards prescribed in subsection (a), provided the officer has served at least 24 months in a joint position with a tour length of greater than 24 months, or the full term of a Secretary of Defense-established tour length, and the joint activity agreed to the curtailment.

(c) FULL CREDIT FOR JOINT DUTY.—An officer shall be considered to have completed a full tour of joint duty in a joint duty assignment for the purposes of awarding full credit upon the completion of any of the following:
“(1) A joint duty assignment that meets the standards prescribed in subsection (a) or (b).

“(2) Accumulation of partial credit totaling one year of service earned by service in one or more joint task force headquarters as specified in subsection (a).

“(3) A joint duty assignment with respect to which the Secretary of Defense has granted a waiver under subsection (d).

“(4) A second joint duty assignment that is less than 24 months, without regard to the nature of credit awarded to the officer for his or her first assignment in a Joint Duty Assignment List position.

“(d) Waiver Authority.—The Secretary of Defense may waive this section when it is considered essential for military personnel management. The Secretary may grant such a waiver only on a case-by-case basis for a specific officer.”.

SEC. 506. MANAGEMENT OF JOINT SPECIALTY OFFICERS.

Section 661 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by amending paragraph (1) to read as follows:
“(1) An officer will be designated with a joint specialty officer identifier after the officer—

“(A) successfully completes a Chairman of the Joint Chiefs of Staff accredited program from a joint professional military education institution and successfully completes a full tour of duty in a joint duty assignment (not necessarily in this order); or

“(B) successfully completes two full tours of duty in joint duty assignments.”;

(B) by striking paragraphs (2) and (3);

and

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

(2) by striking subsection (d);

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

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

“(d) JOINT SPECIALTY OFFICER DESIGNATION FOR GENERAL AND FLAG POSITIONS.—The Secretary shall ensure that general and flag officer joint duty assignments that require officers with the joint specialty will be designated as requiring a joint specialty officer. Once a position is designated as requiring a joint specialty officer, a non-joint specialty officer can be assigned to the position
only if the Secretary deems the assignment of a non-joint specialty officer necessary and waives the requirement to assign a joint specialty officer.”.

SEC. 507. ELIMINATE DISTRIBUTION QUOTAS FOR GENERAL AND FLAG OFFICERS SERVING IN THE GRADERS OF O-7 AND O-8.

Section 525 of title 10, United States Code, is amended—

(1) by repealing subsection (a); and

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

SEC. 508. ELIMINATE MANDATORY RETIREMENT OF ACTIVE DUTY GENERAL AND FLAG OFFICERS AFTER 30 YEARS OF SERVICE.

(a) IN GENERAL.—Sections 635 and 636 of title 10, United States Code, are repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 637(b) of such title is amended—

(A) by striking paragraph (2); and

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

(2) The table of sections at the beginning of subchapter III of chapter 36 of such title is amended by striking the items relating to sections 635 and 636.
SEC. 509. LENGTH OF TERMS FOR THE ASSISTANTS TO THE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
FOR NATIONAL GUARD AND RESERVE MAT-
TERS.

Subsection (c) of section 901 of the National Defense
Authorization Act for Fiscal Year 1998 (Public Law 105–
85; 111 Stat. 1853), is amended by striking “for a term
of two years and may be continued in that assignment in
the same manner for one additional term. However, in
time of war there is no limit on the number of terms.”.

SEC. 510. LENGTH OF SERVICE FOR THE SENIOR LEADERS
OF THE MILITARY –DEPARTMENTS.

(a) CHIEF OF STAFF OF THE ARMY.—Paragraph (1)
of section 3033(a) of title 10, United States Code, is
amended to read as follows:

“(a)(1) There is a Chief of Staff of the Army, ap-
pointed for a period of four years by the President, by
and with the advice and consent of the Senate, from the
general officers of the Army. He serves at the pleasure
of the President, and the President may extend the length
of service as he determines necessary.”.

(b) CHIEF OF NAVAL OPERATIONS.—Paragraph (1)
of section 5033(a) of such title is amended to read as fol-
lows:

“(a)(1) There is a Chief of Naval Operations, ap-
pointed by the President, by and with the advice and con-
sent of the Senate. The Chief of Naval Operations shall be appointed for a term of four years, from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above. He serves at the pleasure of the President, and the President may extend the length of service as he determines necessary.”.

(c) COMMANDANT OF THE MARINE CORPS.—Paragraph (1) of section 5043(a) of such title is amended to read as follows:

“(a)(1) There is a Commandant of the Marine Corps, appointed by the President, by and with the advice and consent of the Senate. The Commandant shall be appointed for a term of four years from officers on the active-duty list of the Marine Corps not below the grade of colonel. He serves at the pleasure of the President, and the President may extend the length of service as he determines necessary.”.

(d) CHIEF OF STAFF OF THE AIR FORCE.—Paragraph (1) of section 8033(a) of such title is amended to read as follows:

“(a)(1) There is a Chief of Staff of the Air Force, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves at the pleasure
of the President, and the President may extend the length
of service as he determines necessary.’’.

SEC. 511. EXTENDING AGE LIMITS FOR ACTIVE DUTY GEN-
ERAL AND FLAG OFFICERS.

Section 1251 of title 10, United States Code, is
amended to read as follows:

‘‘§ 1251. Regular commissioned officers; exceptions

(a)(1) Unless retired or separated earlier, each reg-
ular commissioned officer of the Army, Air Force, or Ma-
ine Corps serving in a grade at or above brigadier general
or rear admiral (lower half) in the Navy shall be retired
on the first day of the month following the month in which
the officer becomes 68 years of age.

(2) Notwithstanding paragraph (1), the Secretary of
Defense may defer the retirement of a general or flag offi-
cer, but such a deferment may not extend beyond the first
day of the month following the month in which the officer
becomes 72 years of age.

(b)(1) Unless retired or separated earlier, each reg-
ular commissioned officer of the Army, Air Force, or Ma-
ine Corps (other than an officer who is a permanent pro-
fessor, director of admissions, or registrar of the United
States Military Academy or United States Air Force Acad-
emy or a commissioned warrant officer) serving in a grade
below brigadier general or rear admiral (lower half) in the
Navy shall be retired on the first day of the month following the month in which he becomes 62 years of age. An officer who is a permanent professor at the United States Military Academy or United States Air Force Academy, the director of admissions at the United States Military Academy, or the registrar of the United States Air Force Academy shall be retired on the first day of the month following the month in which he becomes 64 years of age.

“(2) The Secretary concerned may defer the retirement under paragraph (1) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

“(3) The Secretary concerned may defer the retirement under paragraph (1) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

“(4)(A) Except as provided in subparagraph (B), a deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

“(B) The Secretary concerned may extend a deferment under this subsection beyond the day referred
to in subparagraph (A) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.

“(5) For purposes of this subsection, a health professions officer is—

“(A) a medical officer;

“(B) a dental officer; or

“(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.”.

SEC. 512. LATERAL REASSIGNMENT OF CERTAIN GENERALS AND ADMIRALS.

Subsection (a) of section 601 of title 10, United States Code, is amended to read as follows:

“(a)(1) The President may designate positions of importance and responsibility to carry the grade of general or admiral or lieutenant general or vice admiral. The President may assign to any such position an officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty in any grade above colonel or, in the case of an officer of the Navy, any grade above captain. An officer assigned to any such position has the grade
specified by the President for such position, as provided in paragraph (2).

“(2) An officer may be appointed initially to the grade of general or admiral or lieutenant general or vice admiral if he is appointed to that grade by the President, by and with the advice and consent of the Senate. If the President or Secretary of Defense reassigns such an officer to another position of importance and responsibility at the same grade, no further appointment to that grade is required unless the position to which the officer is reassigned is established by law.

“(3) Except as provided in subsection (b), the appointment of an officer to a grade under this section for service in a position of importance and responsibility ends on the date of the termination of the assignment of the officer to that position.”.

SEC. 513. LENGTH OF SERVICE FOR THE CHAIRMAN AND VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

Subsection (a) of section 152 of title 10, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:
“(1) There is a Chairman of the Joint Chiefs of Staff, appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chairman serves at the pleasure of the President for a term of two years, and the President may appoint the Chairman for additional two-year terms as he determines necessary.”; and

(2) by striking paragraph (3).

(b) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—Paragraph (3) of section 154(a) of such title is amended to read as follows:

“(3) The Vice Chairman serves at the pleasure of the President for a term of two years, and the President may appoint the Vice Chairman for additional two-year terms as he determines necessary.”.

SEC. 514. PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a)(3) of title 10, United States Code, is amended by striking “(other than officers covered in paragraphs (1) and (2))”.

•HR 4200 IH
Subtitle B—Reserve Component Management

SEC. 521. REVISED CONCEPT OF INACTIVE DUTY AND REPEAL OF FUNERAL HONORS DUTY.

(a) Definition of Inactive Duty.—(1) Section 101(d)(7) of title 10, United States Code, is amended by striking “training”.

(2) Section 101(22) of title 37, United States Code, is amended by striking “training”.

(b) Compensation for Inactive Duty.—Section 206 of title 37, United States Code, is amended—

(1) by striking “training” in the section title;

(2) in subsection (a)(3)—

(A) in subparagraph (A)(ii), by striking “training”; and

(B) in subparagraph (C), by striking “training” each place it appears; and

(3) in paragraph (1) of subsection (b)—

(A) by inserting “(to include telecommuting)” after “appropriate duties”; and

(B) by inserting “or duty” after “kind of training”.

(b) Repeal of Funeral Honors Duty.—(1)(A) Section 12503 of title 10, United States Code, is repealed.
(B) The table of sections at the beginning of chapter 1213 of such title is amended by striking the item relating to section 12503.

(2)(A) Section 115 of title 32, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 1 of such title 32 is amended by striking the item relating to section 115.

(e) CONFORMING AMENDMENTS.—

(1) Section 802 of title 10, United States Code, is amended—

(A) in paragraph (3) of subsection (a), by striking “inactive-duty training” and inserting “inactive duty”; and

(B) in subsection (d)—

(i) in paragraph (2)(B), by striking “inactive-duty training” and inserting “inactive duty”; and

(ii) in paragraph (5)(B), by striking “inactive-duty training” and inserting “inactive duty”.

(2) Section 803(d) of such title is amended by striking “inactive-duty training” and inserting “inactive duty” each place it appears.

(3) Section 936 of such title is amended—
(A) in subsection (a), by striking “inactive-duty training” and inserting “inactive duty”; and

(B) in subsection (b), by striking “inactive-duty training” and inserting “inactive duty”.

(4) Section 976(a)(1)(C) of such title is amended by striking “inactive-duty training” and inserting “inactive duty”.

(5) Section 1061(b) of such title is amended by striking “inactive-duty training” each place it appears and inserting “inactive duty”.

(6) Section 1074a(a) of such title is amended—

(A) in paragraph (1)—

(i) by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(ii) by striking subparagraph (C).

(B) in paragraph (2)—

(i) by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(ii) by striking subparagraph (C).

(C) in paragraph (3), by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and
(D) by striking paragraph (4).

(7) Section 1076(a)(2) of such title is amended—

(A) by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(B) by striking subparagraph (E).

(8) Section 1086(c)(2)(B) of such title is amended by striking “inactive-duty training” each place it appears and inserting “inactive duty”.

(9) Section 1175(e)(2) of such title is amended by striking “training”.

(10) Section 1204 of such title is amended—

(A) by striking “inactive-duty training” in the section heading and inserting “inactive duty”; and

(B) in paragraph (2)—

(i) by striking “inactive-duty training” each place it appears and inserting “inactive duty”;

(ii) by inserting “or” at the end of clause (ii);

(iii) by striking “or” at the end of clause (iii); and

(iv) by striking subparagraph (C).
(11) Section 1206 of such title is amended—

   (A) by striking “inactive-duty training” in the section heading and inserting “in- 
   active duty”; and

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

   “(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of 
   duty while—

   “(A) performing active duty or inactive 
   duty;

   “(B) traveling directly to or from the place 
   at which such duty is performed; or

   “(C) remaining overnight immediately be- 
   fore the commencement of inactive duty, or 
   while remaining overnight between successive 
   periods of inactive-duty training, at or in the vi- 
   cinity of the site of the inactive duty, if the site 
   is outside reasonable commuting distance of the 
   member’s residence.”.

(12)(A) Section 12552 is repealed.

   (B) The table of sections at the beginning of 
   chapter 1215 of such title is amended by striking 
   the item relating to 12552.
(13) Section 1471(b)(3)(A) of such title is amended by striking “training” each place it appears.

(14) Section 1475 of such title is amended—

(A) by striking “training” in the heading; and

(B) in subsection (a)—

(i) in paragraph (2), by striking “training”; and

(ii) in paragraph (3), by striking “training” the second and fourth place it appears.

(15) Section 1476 of such title is amended—

(A) by striking “training” in the heading; and

(B) in subsection (a), by striking “inactive-duty training” each place it appears and inserting “inactive duty”.

(16) Section 1478(a) of such title is amended—

(A) in paragraph (3), by striking “training” each place it appears;

(B) in paragraph (7)—

(i) by striking “training” the first place it appears; and

(ii) by striking “or training”; and
(C) in paragraph (8), by striking “training” each place it appears.

(17) Section 1481(a)(2) of such title is amended—

(A) by striking “inactive-duty training” each place it appears and inserting “inactive duty”;

(B) by striking “; or” at the end of subparagraph (E) and inserting a period; and

(C) by striking subparagraph (F).

(18) Section 2031(d)(2) of such title is amended by striking “training”.

(19) Section 9446(a)(3) of such title is amended by striking “inactive-duty training” and inserting “inactive duty”.

(20) Section 10204(b) of such title is amended by striking “inactive duty training” and inserting “inactive duty”.

(21) Section 12317 of such title is amended by striking “training”.

(22) Section 12319(c) of such title is amended—

(A) by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and
(B) by striking “that training” and inserting “such duty”.

(23) Section 12602 of such title is amended—

(A) in subsection (a)(3), by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(B) in subsection (b)(3), by striking “inactive-duty training” each place it appears and inserting “inactive duty”.

(24) Section 12603 of such title is amended—

(A) by striking “inactive-duty training” in the section heading and inserting “inactive duty”; and

(B) in subsection (a)—

(i) by striking “training” the first place it appears; and

(ii) by striking “the training” and inserting “such duty”.

(25) Section 12604 of such title is amended—

(A) by striking “inactive-duty training” in the section heading and inserting “inactive duty”; and

(B) in subsection (a), by striking “inactive-duty training” and inserting “inactive duty”.
(26) Section 12732(a) of such title is amended in paragraph (2)—

(A) by striking subparagraph (E); and

(B) by striking “clauses (A), (B), (C), (D), and (E)” and inserting “clauses (A), (B), (C), and (D)”.

(27) Section 18505 of such title is amended—

(A) by striking “inactive-duty training” in the section heading and inserting “inactive duty”; and

(B) in subsection (a), by striking “inactive-duty training” each place it appears and inserting “inactive duty”.

(28) Section 114 of title 32, United States Code, is amended by striking the second sentence.

(29) Section 101(22) of title 37, United States Code, is amended by striking “inactive-duty training” and inserting “inactive duty”.

(30) Section 204 of such title is amended—

(A) in subsection (g)(1)—

(i) in subparagraph (B), by striking “inactive-duty training” and inserting “inactive duty”; 

(ii) in subparagraph (C), by striking “or training”;
(iii) in subparagraph (D)—

(I) by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(II) by striking “; or” at the end and inserting a period; and

(iv) by striking subparagraph (E);

and

(B) in subsection (h)(1)—

(i) in subparagraph (B), by striking “inactive-duty training” and inserting “inactive duty”;

(ii) in subparagraph (C), by striking “or training”;

(iii) in subparagraph (D)—

(I) by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(II) by striking “; or” at the end and inserting a period; and

(iv) by striking subparagraph (E).

(31) Section 205(e)(2)(A) of such title is amended by striking “inactive-duty training” and inserting “inactive duty”.

(32) Section 206 of such title is amended—
(A) by striking “inactive-duty training” in the section heading and inserting “inactive duty”; and

(B) in subsection (a)(3)—

(i) in subparagraph (A)(ii), by striking “inactive-duty training” and inserting “inactive duty”;

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

(iii) in subparagraph (C), by striking “inactive-duty training” each place it appears and inserting “inactive duty”.

(33) Section 308d(a) of such title is amended by striking “for training”.

(34) Section 320(e) of such title is amended by striking “TRAINING” in the heading.

(35) Section 415 of such title is amended—

(A) in subsection (a)(3), by striking “inactive-duty training” and inserting “inactive duty”; and

(B) in subsection (c)(1), by striking “training status”.

(36) Section 433(d) of such title is amended by striking “inactive-duty training” and inserting “inactive duty”.

(37) Section 552 of such title is amended—

(A) in subsection (a), by striking “inactive-duty training” each place it appears and inserting “inactive duty”; and

(B) in subsection (d), by striking “inactive-duty training” and inserting “inactive duty”.

(38) Section 106(d)(1) of title 38, United States Code, is amended by striking “inactive duty for training” each place it appears and inserting “inactive duty”.

(39) Section 1112(c)(3)(A)(ii) of such title is amended by striking “training” the second place it appears.

(40) Section 1302(b)(2) of such title is amended by striking “training” the second place it appears.

(41) Section 1312(a)(2)(A) of such title is amended by striking “training” the second place it appears.

(42) Section 1965 of such title is amended—

(A) in paragraph (3), by striking “training”;

(B) in paragraph (4), by striking “training” the second and third place it appears; and
(C) in paragraph (5), by striking “inactive duty for training” each place it appears and inserting “inactive duty”.

(43) Section 1967 of such title is amended—

(A) in subsection (a)(1)(B), by striking “inactive duty training” and inserting “inactive duty”; and

(B) in subsection (b), by striking “inactive duty training” each place it appears and inserting “inactive duty”.

(44) Section 1968 of such title is amended—

(A) in subsection (a)—

(i) by striking “inactive duty training” and inserting “inactive duty”;

(ii) in paragraph (3)—

(I) by striking “inactive duty training” and inserting “inactive duty”; and

(II) by striking “such scheduled training period” and inserting “such scheduled duty”;

(III) by striking “such period” and inserting “such duty”; and

(IV) by striking “such training” and inserting “such duty”; and
(B) in subsection(b)(2), by striking “inactive duty training” and inserting “inactive duty”.

(45) Section 1969(a)(3) of such title is amended by striking “inactive duty training” and inserting “inactive duty”.

(46) Section 1977(e) of such title is amended by striking “inactive duty training” and inserting “inactive duty”.

(47) Section 2402(2) of such title is amended by striking “inactive duty training” and inserting “inactive duty”.

(48) Section 4303 of such title is amended—

(A) in paragraph (13)—

(i) by striking “inactive duty training” and inserting “inactive duty”; and

(ii) by striking “, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32”; and

(B) in paragraph (16), by striking “inactive duty training” and inserting “inactive duty”.

(49) Section 704 of title 14, United States Code, is amended by striking “inactive-duty training” and inserting “inactive duty”.

(50) Section 705(a) of such title is amended by striking “inactive-duty training” and inserting “inactive duty”.

(51) Section 6323(a)(1) of title 5, United States Code, is amended—

(A) by striking “inactive-duty training” and inserting “inactive duty”; and

(B) by striking “funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32),”.

SEC. 522. AUTHORIZED STRENGTHS OF NAVY AND MARINE CORPS RESERVE FLAG AND GENERAL OFFICERS.

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

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

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

(2) by striking subsection (d); and
(3) by redesignating subsection (e) as subsection (d).

SEC. 523. MANDATORY RETENTION ON ACTIVE DUTY TO QUALIFY FOR RETIREMENT PAY.

Section 12686 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

“(b) NON-REGULAR RETIREMENT EXCLUSION.—This section does not apply to a member who, if continued on active duty, will only qualify for retirement under chapter 1223 of this title for non-regular service.”.

SEC. 524. AMENDMENT TO THE PURPOSE OF THE RESERVE COMPONENTS.

Subsection 10102 of title 10, United States Code, is amended by striking “, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization,”.

SEC. 525. ACCOUNTING AND MANAGEMENT OF NATIONAL GUARD AND RESERVE PERSONNEL PERFORMING ACTIVE OR FULL-TIME DUTY.

(a) STRENGTH AUTHORIZATIONS.—Section 115 of title 10, United States Code, is amended—
(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “active-duty personnel who” and inserting “active-duty personnel (other than members of a Reserve component described in subsection (b)(2)) who”; and

(B) in subparagraph (B), by inserting before the period at the end the following: “in connection with organizing, administering, recruiting, instructing, or training the reserve components of the armed forces to perform duties as prescribed in section 12310 of this title”;

(2) by striking subsection (h);

(3) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

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

“(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE AUTHORIZED BY LAW.—Except as authorized under subsection (a)(1), Congress shall authorize the maximum average strength for members of a Reserve component on active duty (other than for training) or full time National
Guard duty (other than for training) who are to be paid
from funds appropriated for—

“(1) reserve personnel; or

“(2) active duty personnel, to include funds re-
imbursed to reserve appropriations for National
Guard or reserve personnel to perform active duty or
full-time National Guard duty provided—

“(A) the period of duty is for three years
or less; and

“(B) the cumulative periods of active duty
(other than for training) and full-time National
Guard duty (other than for training) performed
by the member in the previous 1460 days is less
than 1095 days.”;

(5) in subsection (e) (as redesignated by para-
graph (3))—

(A) in paragraph (1), by striking “sub-
section (a) or (e)” and inserting “subsection (a)
or (d); and

(B) in paragraph (2)—

(i) by striking “subsection (a) and
(e)”; and inserting “subsection (a) and
(d)”;

(ii) by striking “subsection (a) (as
such levels may be adjusted pursuant to
subsection (e)) and subsection (e)” and in-
serting “subsection (a) (as such levels may
be adjusted pursuant to subsection (f)) and
subsection (d)”; and

(iii) by striking “subsection (a) (as
adjusted pursuant to subsection (e)) and
subsection (e)” and inserting “subsection
(a) (as adjusted pursuant to subsection
(f)) and subsection (d)”;

(6) in subsection (f) (as redesignated by para-
graph (3))—

(A) by striking “END” in the heading;

(B) by striking “and” at the end of para-
graph (2);

(C) in paragraph (3), by striking the pe-
riod and inserting “; and”; and

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

“(4) increase the strength authorized pursuant
to subsection (b), notwithstanding the restrictions of
subparagraph (A) and (B) of paragraph (2), for a
fiscal year for any of the armed forces by a number
equal to the number of members—
“(A) of a reserve component of that armed force on active duty in support of a contingency operation;

“(B) of the National Guard called into Federal service under section 12406 of this title;

“(C) of the militia called into Federal service under chapter 15 of this title; and

“(D) of a reserve component called to or retained on active duty under section 12301(g), 12301(h) or 12322 of this title.”; and

(7) in paragraph (2) of subsection (g) (as redesignated by paragraph (3)), by striking “subsection (e)(1)” and inserting “subsection (f)(1)”.

(b) MILITARY TO MILITARY CONTACT STRENGTH ACCOUNTING.—Section 168 of such title is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(c) E–8 AND E–9 STRENGTH ACCOUNTING.—Subsection (a) of section 517 of such title is amended by striking “(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force” and inserting
“as authorized under section 115(a)(1)(B) or (b) of this title”.

(d) Field Grade Officer Strength Accounting.—Subparagraph (B) of section 523(b)(1) of such title is amended to read as follows:

“(B) on active duty or full-time National Guard duty as authorized under section 115(a)(1)(B) or (b) of this title;”.

(e) Active Guard and Reserve Field Grade Officer Strength Accounting.—Paragraph (2) of section 12011(e) of such title is amended by inserting before the period at the end the following: “in connection with organizing, administering, recruiting, instructing, or training members of the National Guard”.

(f) Warrant Officer Active-Duty List Exclusion.—Paragraph (1) of section 582 of such title is amended—

(1) by inserting “or” after the semicolon at the end of subparagraph (A);

(2) by amending subparagraph (B) to read as follows:

“(B) on active duty or full-time National Guard duty as authorized under section 115(a)(1)(B) or (b) of this title;”; and
(3) by striking subparagraphs (C), (D), and (E).

(g) Officer Active-Duty List, Applicability of Chapter.—Paragraph (1) of section 641 of such title 10, United States Code, is amended—

(1) by inserting “or” after the semicolon at the end of subparagraph (A);

(2) by amending subparagraph (B) to read as follows:

“(B) on active duty or full-time National Guard duty as authorized under section 115(a)(1)(B) or (b) of this title.”; and

(3) by striking subparagraphs (C), (D), (E), (F), (G), and (H).

(h) Strength Accounting for Members Performing Drug Interdiction and Counter-Drug Activities.—Section 112 of title 32, United States Code, is amended—

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

“(e) Strength Accounting.—Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering this section shall be accounted for under section 115(b) of title 10.”; and
(2) in subsection (f)(1), by striking “for a period of more than 180 days” each place it appears.

SEC. 526. WAIVE REQUIREMENT THAT RESERVE CHIEFS AND NATIONAL GUARD DIRECTORS MUST HAVE SIGNIFICANT JOINT DUTY EXPERIENCE.

(a) CHIEF OF ARMY RESERVE.—Section 3038(b)(4) of title 10, United States Code, is amended by striking “Until December 31, 2004, the” and inserting “The”.

(b) CHIEF OF NAVAL RESERVE.—Section 5143(b)(4) of such title is amended by striking “Until December 31, 2004, the” and inserting “The”.

(c) COMMANDER MARINE FORCES RESERVE.—Section 5144(b)(4) of such title is amended by striking “Until December 31, 2004, the” and inserting “The”.

(d) CHIEF OF AIR FORCE RESERVE.—Section 8038(b)(4) of such title is amended by striking “Until December 31, 2004, the” and inserting “The”.

(e) DIRECTOR, ARMY NATIONAL GUARD AND DIRECTOR, AIR NATIONAL GUARD.—Section 10506(a)(3)(D) of such title is amended by striking “Until December 31, 2004, the” and inserting “The”.
SEC. 527. EXTENDING AGE LIMITS FOR RESERVE AND NA-
TIONAL GUARD GENERAL AND FLAG OFFI-
CERS.

(a) MAXIMUM AGE FOR RESERVE COMPONENT GEN-
ERAL AND FLAG OFFICERS.—(1) Section 14511 of title
10, United States Code, is amended to read as follows:

§ 14511. Separation at age 68: reserve officers in
grades above colonel or Navy captain

“(a) MAXIMUM AGE.—Unless retired, transferred to
the Retired Reserve, or discharged at an earlier date, each
reserve officer of the Army, Air Force, or Marine Corps
in a grade above colonel and each reserve officer of the
Navy in a grade above captain shall be separated in ac-
cordance with section 14515 of this title on the last day
of the month in the month in which the officer becomes
68 years of age.

“(b) RETENTION BEYOND AGE 68.—Notwith-
standing subsection (a), the Secretary of Defense may
defer the retirement of a reserve officer serving in a grade
above colonel in the case of the Army, Air Force, or Ma-
rine Corps, or a reserve officer serving in a grade above
captain in the case of the Navy, but such a deferment may
not extend beyond the last day of the month following the
month in which the officer becomes 72 years of age.”.

(2) Sections 14510 and 14512 of such title are re-
pealed.
(b) **Repeal Years of Service Requirement for Reserve Component General and Flag Officer.**—

Section 14508 of such title is repealed.

(e) **Elimination of Term Limitation for Reserve Component General and Flag Officer Positions.**—(1) Section 10502 of such title is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(2) Subsection (a) of section 10505 of such title is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3).

(3) Subsection (c) of section 3038 of such title is amended to read as follows:

“(c) **Grade.**—The Chief of Army Reserve, while so serving, holds the grade of lieutenant general.”.

(4) Subsection (c) of section 5143 of such title is amended to read as follows:

“(c) **Grade.**—The Chief of Naval Reserve, while so serving, holds the grade of vice admiral.”.

(5) Subsection (c) of section 5144 of such title is amended to read as follows:
“(c) GRADE.—The Commander, Marine Forces Reserve, while so serving, holds the grade of lieutenant general.”.

(6) Subsection (e) of section 8038 of such title is amended to read as follows:

“(c) GRADE.—(1) The Chief of Air Force Reserve, while so serving, holds the grade of lieutenant general.”.

(7) Paragraph (3) of section 10506(a) of such title is amended by striking subparagraph (E).

(d) CONFORMING AMENDMENTS.—(1) Section 10214 of such title is amended by striking “sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512” and inserting “sections 12004(b)(1), 12215, 12642(c), and 14507(b)”.

(2) Section 14514 of such title is amended by striking “section 14507, 14508, 14704, or 14705” and inserting “section 14507, 14704, or 14705”.

(3) Section 14515 of such title is amended by striking “section 14509, 14510, 14511, or 14512” and inserting “section 14509 or 14511”.

(4) Section 14702 of such title is amended by striking “section 14506, 14507, or 14508” and inserting “section 14506 or 14507”.

(5) Section 14705 of such title is repealed.
(6) The table of sections at the beginning of chapter 1407 of such title is amended—

(A) by amending the item relating to section 14511 to read as follows:

“14511. Separation at age 68: reserve officers in grades above colonel or Navy captain”;

and

(B) by striking the items relating to sections 14508, 14510, and 14512.

(7) Subsection (a) of section 324 of title 32, United States Code, is amended by striking “An officer” and inserting “Except as provided in section 14511 of title 10, an officer”.

SEC. 528. EXPANDED USE OF RESERVE COMPONENT MEMBERS TO PERFORM DEVELOPMENTAL TESTING AND NEW EQUIPMENT TRAINING.

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

(b) DEMONSTRATION PROGRAM.—(1) A demonstration program under this section shall evaluate—
(A) cost savings and other benefits that may re-
sult from the use of members of the reserve compo-
ponents to perform test, evaluation, and related activi-
ties for an acquisition program, rather than the use
of contractor personnel for such purposes; and

(B) the use of appropriations available for
multi-year research, development, testing and eval-
uation and procurement to reimburse reserve compo-
ponents for the pay, allowances, and expenses incurred
when such members perform duties to conduct ac-
quision, logistics, and new equipment training ac-
tivities in connection with the demonstration pro-
gram.

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

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

(d) MERGER OF TRANSFERRED FUNDS.—Funds
transferred to an account under this section shall be
merged with other sums in the account and shall be avail-
able for the same period and purposes as the sums with
which merged.
(e) Relationship to Other Transfer Authority.—The transfer authority under this section is in addition to any other transfer authority.

(f) Termination.—The demonstration program under this section shall terminate on September 30, 2009.

Subtitle C—ROTC and Military Service Academies

SEC. 531. INSTITUTIONS OF HIGHER EDUCATION THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING ON CAMPUS; EQUAL TREATMENT WITH OTHER EMPLOYERS.

Section 983(b)(1) of title 10, United States Code, is amended by striking “; or” at the end and inserting “, that is at least equal in quality and scope to that provided to any other employer; or”.

SEC. 532. BOARD OF VISITORS; UNITED STATES AIR FORCE ACADEMY; UNITED STATES MILITARY ACADEMY; UNITED STATES NAVAL ACADEMY.

(a) United States Air Force Academy.—Section 9355 of title 10, United States Code, is amended to read as follows:

“§ 9355. Board of Visitors

“(a) A Board of Visitors to the Academy is constituted annually of—
“(1) two members of the Senate designated by the Vice President or the President pro tempore of the Senate;

“(2) one person, who is not a member of the Senate, as designated by the Vice President or the President pro tempore of the Senate;

“(3) three members of the House of Representatives designated by the Speaker of the House of Representatives;

“(4) one person, who is not a member of the House of Representatives, designated by the Speaker of the House of Representatives; and

“(5) eight persons designated by the President, or his designee.

“(b) All Board members will pledge full participation in executing their responsibilities to the Board. The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate replacement members each year to succeed the members appointed by the President whose terms expire that year. At least two persons designated by the President shall be graduates of the Air Force Academy.
“(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member. If a member fails to attend or fully participate in two successive Board meetings, Board membership will be automatically terminated, unless granted prior excusal from those meetings, for good cause, by the Board Chairman.

“(d) When possible, the Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board.

“(e) Board meetings should last at least one full day. The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider and receive candid and complete disclosure, consistent with applicable laws concerning disclosure of information, by the Secretary of the Air Force and Academy Superintendent of all institutional problems, and to recommend appropriate action. Board members shall have unfettered access to Academy grounds and cadets.

“(f) Within 30 days after any meeting, the Board shall submit a written report to the Secretary of Defense,
through the Secretary of the Air Force, with its views and recommendations pertaining to the Academy.

“(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

“(h) While performing duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.”.

(b) UNITED STATES MILITARY ACADEMY.—Section 4355 of such title is amended to read as follows:

§ 4355. Board of Visitors

“(a) A Board of Visitors to the Academy is constituted annually of—

“(1) two members of the Senate designated by the Vice President or the President pro tempore of the Senate;

“(2) one person, who is not a member of the Senate, as designated by the Vice President or the President pro tempore of the Senate;

“(3) three members of the House of Representatives designated by the Speaker of the House of Representatives;

“(4) one person, who is not a member of the House of Representatives, designated by the Speaker of the House of Representatives; and
“(5) eight persons designated by the President, or his designee.

“(b) All Board members will pledge full participation in executing their responsibilities to the Board. The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate replacement members each year to succeed the members appointed by the President whose terms expire that year. At least two persons designated by the President shall be graduates of the United States Military Academy.

“(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member. If a member fails to attend or fully participate in two successive Board meetings, Board membership will be automatically terminated, unless granted prior excusal from those meetings, for good cause, by the Board Chairman.

“(d) When possible, the Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board.
“(e) Board meetings should last at least one full day. The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider and receive candid and complete disclosure, consistent with applicable laws concerning disclosure of information, by the Secretary of the Army and Academy Superintendent of all institutional problems, and to recommend appropriate action. Board members shall have unfettered access to Academy grounds and cadets.

“(f) Within 30 days after any meeting, the Board shall submit a written report to the Secretary of Defense, through the Secretary of the Army, with its views and recommendations pertaining to the Academy.

“(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

“(h) While performing duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.”.

(c) UNITED STATES NAVAL ACADEMY.—Section 6968 of such title is amended to read as follows:

§ 6968. Board of Visitors

“(a) A Board of Visitors to the Naval Academy is constituted annually of—
“(1) two members of the Senate designated by the Vice President or the President pro tempore of the Senate;

“(2) one person, who is not a member of the Senate, as designated by the Vice President or the President pro tempore of the Senate;

“(3) three members of the House of Representatives designated by the Speaker of the House of Representatives;

“(4) one person, who is not a member of the House of Representatives, designated by the Speaker of the House of Representatives; and

“(5) eight persons designated by the President, or his designee.

“(b) All Board members will pledge full participation in executing their responsibilities to the Board. The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate replacement members each year to succeed the members appointed by the President whose terms expire that year. At least two persons designated by the President shall be graduates of the United States Naval Academy.
“(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member. If a member fails to attend or fully participate in two successive Board meetings, Board membership will be automatically terminated, unless granted prior excusal from those meetings, for good cause, by the Board Chairman.

“(d) When possible, the Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board.

“(e) Board meetings should last at least one full day. The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider and receive candid and complete disclosure, consistent with applicable laws concerning disclosure of information, by the Secretary of the Navy and Academy Superintendent of all institutional problems, and to recommend appropriate action. Board members shall have unfettered access to Academy grounds and cadets.

“(f) Within 30 days after any meeting, the Board shall submit a written report to the Secretary of Defense,
through the Secretary of the Navy, with its views and recommendations pertaining to the Academy.

“(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

“(h) While performing duties, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.”.

SEC. 533. DEAN OF THE FACULTY; DEAN OF ACADEMIC BOARD.

(a) United States Air Force Academy.—Section 9335 of title 10, United States Code, is amended to read as follows:

§ 9335. Dean of the Faculty

“(a) There shall be a Dean of the Faculty at the Academy responsible to the Superintendent for developing and sustaining the curriculum and overseeing the faculty. Notwithstanding any other provision in law, the qualifications, selection procedures, training, retention, and determinations of appropriate pay grade of the Dean of Faculty shall be prescribed by the Secretary of the Air Force. Candidates for Dean of Faculty shall be serving officers or retired or former officers with terminal degrees. The Dean may be either a military officer or a civilian.

“(b) While serving as Dean of the Faculty, an officer incumbent who holds a grade lower than brigadier general
shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty. A civilian incumbent will be designated as a member of the Senior Executive Service.”.

(b) United States Military Academy.—Section 4335 of such title is amended to read as follows:–

§ 4335. Dean of Academic Board

“(a) There shall be a Dean of the Academic Board at the Academy responsible to the Superintendent for developing and sustaining the curriculum and overseeing the faculty. Notwithstanding any other provision in law, the qualifications, selection procedures, training, retention, and determinations of appropriate pay grade of the Dean of the Academic Board shall be prescribed by the Secretary of the Army. Candidates for Dean of Faculty shall be serving officers or retired or former officers with terminal degrees. The Dean may be either a military officer or a civilian.

“(b) While serving as Dean of the Academic Board, an officer incumbent who holds a grade lower than briga-
dier general shall hold the grade of brigadier general, if
appointed to that grade by the President, by and with the
advice and consent of the Senate. The retirement age of
an officer so appointed is that of a permanent professor
of the Academy. An officer so appointed is counted for
purposes of the limitation in section 526(a) of this title
on general officers of the Army on active duty. A civilian
incumbent will be designated as a member of the Senior
Executive Service.”.

SEC. 534. REPEAL OF REQUIREMENT THAT MILITARY
ACADEMY SUPERINTENDENTS RETIRE AFTER
ASSIGNMENT.

(a) REPEAL.—Sections 3921, 4333a, 6371, 6951a,
8921 and 9333a of title 10, United States Code, are re-
pealed.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of
chapter 367 of such title is amended by striking the
item relating to section 3921.

(2) The table of sections at the beginning of
chapter 403 of such title is amended by striking the
item relating to section 4333a.

(3) The table of sections at the beginning of
chapter 573 of such title is amended by striking the
item relating to section 6371.
(4) The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6951a.

(5) The table of sections at the beginning of chapter 867 of such title is amended by striking the item relating to section 8921.

(6) The table of sections at the beginning of chapter 903 of such title is amended by striking the item relating to section 9333a.

Subtitle D—Other Military Education and Training Matters

SEC. 541. EDUCATION LOAN REPAYMENTS FOR HEALTH PROFESSIONS OFFICERS OF THE RESERVE COMPONENTS.

Section 16302(a)(5) of title 10, United States Code, is amended by inserting “a basic professional qualifying degree (as determined under regulations issued by the Secretary of Defense) or graduate education in” after “re-...

SEC. 542. CONFERRAL OF DEGREES TO GRADUATES OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) AUTHORITY TO CONFER DEGREES.—Section 9315(e) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “Air Education and Training Command of the Air Force” and inserting “Air University”; and

(2) in paragraph (2), by striking “Air Education and Training Command of the Air Force” and inserting “Air University”.

(b) Section 9317 of such title is amended—

(1) in the section heading, by striking “graduate-level degrees” and inserting “graduate and associate-level degrees”; and

(2) by striking “and” at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting “; and”; and

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

“(4) an associate level degree upon graduates of the Community College of the Air Force.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following:

“9317. Air University: graduate and associate-level degrees”.
SEC. 543. THREE YEAR EDUCATIONAL LEAVE OF ABSENCE.

Section 708(a) of title 10, United States Code, is amended by striking “two years” and inserting “three years”.

SEC. 544. LENGTH OF PHASE II JOINT PROFESSIONAL MILITARY EDUCATION.

Section 663 of title 10, United States Code, is amended by striking subsection (e).

SEC. 545. CHANGING THE TITLES OF THE HEADS OF THE NAVAL POSTGRADUATE SCHOOL.

(a) President of the Naval Postgraduate School.—(1) Section 7042 of title 10, United States Code, is amended—

(A) by striking “Superintendent” in the section heading and inserting “President”; and

(B) by striking “Superintendent” each place it appears and inserting “President”;

(2) Section 7044 of such title is amended by striking “Superintendent” and inserting “President”;

(3) Subsection 7048(a) of such title is amended by striking “Superintendent” and inserting “President”; and

(4) Subsection 7049(e) of such title is amended by striking “Superintendent” and inserting “President”.

(b) Provost and Academic Dean.—(1) Section 7043 of title 10, United States Code, is amended—
(A) by amending the section heading to read as follows:

§ 7043. Provost and Academic Dean;

(B) by amending subsection (a) to read as follows:

“(a) There is at the Naval Postgraduate School the single civilian position of Provost and Academic Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy after consultation with the Naval Postgraduate School Board of Advisors and consideration of the recommendation of the leadership and faculty of the Naval Postgraduate School.”; and

(C) in subsection (b), by striking “Academic Dean” and inserting “Provost and Academic Dean”.

(2) Section 5102(c)(10) of title 5, United States Code, is amended by striking “Academic Dean” and inserting “Provost and Academic Dean”.

(3) Section 7081(a) of title 10, United States Code, is amended by striking “Academic Dean” and inserting “Provost and Academic Dean”.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 605 of such title is amended by striking the items related to sections 7042 and 7043 and inserting the following new items:
SEC. 546. NEW MISSION STATEMENT AND EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL AT THE NAVAL POSTGRADUATE SCHOOL.

(a) Combat Related Focus of the Naval Postgraduate School.—(1) Section 7041 of title 10, United States Code, is amended to read as follows:

“§ 7041. Function

“There is a United States Naval Postgraduate School that provides advanced instruction, and technical and professional education to military members to enhance combat effectiveness and our national security.”.

(2) Section 7042(b)(1) of such title is amended by striking “advanced instruction and technical education” and inserting “advanced instruction, and technical and professional education”.

(b) Expanded Eligibility for Enlisted Personnel.—Section 7045 of such title is amended—

(1) by striking “Officers of the armed forces; enlisted members” in the section heading and inserting “Members of the other armed forces”;

(2) by striking “officers” each place it appears and inserting “members”; and

(3) in subsection (a)—
(A) by striking “(1)”; and

(B) by striking paragraph (2).

(c) Reimbursement of Costs.—Subsection (b) of such section is amended—

(1) by striking paragraph (2); and

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

(d) Reciprocal Agreements.—Section 7047 of such title is amended by striking “an officer” and inserting “a member”.

(e) Clerical Amendment.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7045 and inserting the following:

“7045. Members of other armed forces: admission.”

Subtitle E—Administrative Matters

SEC. 551. ANNUAL REPORT TO CONGRESS CONCERNING JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended to read as follows:

§ 667. Annual report to Congress

“The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Depart-
ment of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

“(1) The number of joint specialty officers, reported by grade and by branch or specialty.

“(2) An assessment of the extent to which the Secretary of each military department is assigning personnel to joint duty assignments in accordance with this chapter and the policies, procedures, and practices established by the Secretary of Defense under section 661(a) of this title.

“(3) The number of waivers granted under section 619a(b)(1) of this title for officers in the grade of colonel or, in the case of the Navy, captain, for each of the years preceding the year in which the report is submitted.

“(4) The officers whose service in joint duty assignments during the year covered by the report terminated before the officers completed the full tour of duty in those assignments, expressed as a percent of the total number of officers in joint duty assignments during that year.

“(5) The percentage of fill of student quotas for each course of the National Defense University for the year covered by the report.
“(6) A list of the joint task force headquarters in which service was approved for crediting as a joint duty assignment for the year covered by the report.

“(7) A comparison of the promotion rates for officers serving in or who have served in joint duty assignments and were considered for promotion within the promotion zone, with the promotion rates for other officers in the same grade and the same competitive category who are serving in the armed force concerned and were considered for promotion within the promotion zone.

“(8) If any of the comparisons in paragraph (7) indicate that the promotion rates for officers fail to meet the objective set forth in section 662(a) of this title, information on the failure and on what action the Secretary has taken or plans to take to prevent further failures.

“(9) Any other information relating to joint officer management that the Secretary of Defense considers significant.”.

SEC. 552. REVISED DEFINITIONS APPLICABLE TO JOINT DUTY.

Section 668 of title 10, United States Code, is amended—
(1) in subsection (b)(2), by striking “The Secretary shall publish a list showing” and inserting “The Secretary shall publish a Joint Duty Assignment List that will show”; and

(2) in subsection (c), by striking “a tour of duty in which an officer serves in more than one joint duty assignment within the same organization without a break between such assignments shall be considered to be a single tour of duty in a joint duty assignment” and inserting “a single tour of duty for the purpose of awarding joint duty credit can be defined as one in which the officer serves consecutive tours in joint duty assignment positions that award joint duty credit, or service as otherwise prescribed by the Secretary of Defense”.

Subtitle F—Military Justice Matters

SEC. 561. WAIVE TIME LOST WHEN A MEMBER IS ACQUITTED, RELEASED WITHOUT TRIAL, OR HAS HIS CONVICTION SET-ASIDE OR REVERSED ON APPEAL.

Section 972 of title 10, United States Code, is amended—
(1) in subsection (a)(3), by inserting “, unless the confinement is excused as unavoidable” after “the trial”; and

(2) in subsection (b)(3), by inserting “, unless the confinement is excused as unavoidable” after “the trial”.

SEC. 562. CHANGE IN UNIFORM CODE OF MILITARY JUSTICE RELATING TO BLOOD ALCOHOL CONCENTRATION.

Subtitle G—Benefits

SEC. 571. IMMEDIATE LUMP SUM REIMBURSEMENT FOR UNUSUAL NONRECURRING EXPENSES OUTSIDE THE CONTINENTAL UNITED STATES.

Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d) NONRECURRING EXPENSES.—In addition to the per diem paid under subsection (a), the Secretaries concerned may reimburse members for actual nonrecurring expenses incurred incident to being on duty outside of the United States or in Hawaii or Alaska. The nonrecurring expenses which may be reimbursed are expenses directly
related to the conditions or location of the assignment ei-
ther of a nature or a magnitude not normally incurred
by members assigned inside the continental United States
and not included in the per diem paid under subsection
(b).”.

SEC. 572. REPEAL OF REQUIREMENT TO PAY SUBSISTENCE
CHARGES WHILE HOSPITALIZED.

Section 1075 of title 10, United States Code, is re-
pealed.

Subtitle H—Other Matters

SEC. 581. ALTERNATE INITIAL MILITARY SERVICE OBLIGA-
TION FOR PERSONS WITH SPECIALIZED
SKILLS.

Subsection (a) of section 651 of title 10, United
States Code, is amended to read as follows:

“(a)(1) Each person who becomes a member of an
armed force, other than a person described in paragraph
(2), shall serve in the armed forces for a total initial period
of not less than six years nor more than eight years, as
provided in regulations prescribed by the Secretary of De-
fense for the armed forces under his jurisdiction and by
the Secretary of Homeland Security for the Coast Guard
when it is not operating as a service in the Navy, unless
such person is sooner discharged under such regulations
because of personal hardship. Any part of such service
that is not active duty or that is active duty for training shall be performed in a reserve component.

“(2) A person is not subject to paragraph (1) if that person—

“(A) is deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)); or

“(B) is accessed into the armed forces based on unique skills acquired in a civilian occupation, as determined by the Secretary concerned, and will serve in a specialty requiring those skills.”.

SEC. 582. BASIC TRAINING REQUIREMENT FOR CERTAIN MEMBERS WITH SPECIALIZED SKILLS.

Paragraph (1) of section 671(c) of title 10, United States Code, is amended to read as follows:

“(1) Under regulations prescribed under paragraph (2), a period of basic training (or equivalent training) shorter than 12 weeks may be established by the Secretary concerned for members of the armed forces who—

“(A) have been credentialed in a medical profession or occupation and are serving in a health-care occupational specialty; or

“(B) have unique skills acquired in a civilian occupation, as determined by the Secretary con-
cerned, and will serve in a military specialty or position requiring those skills.

Any such period shall be established under regulations prescribed under paragraph (2) and may be established notwithstanding section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)).

SEC. 583. ELIMINATE MANDATORY TERMS OF OFFICE FOR CERTAIN GENERAL AND FLAG STAFF OFFICERS.

(a) Army.—

(1) Chiefs of branches.—Section 3036 of title 10, United States Code, is amended—

(A) by repealing subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Judge advocate general and assistant judge advocate general.—Section 3037(a) of such title is amended by striking “An officer appointed as the Judge Advocate General or Assistant Judge Advocate General normally holds office for four years. However, the President may terminate or extend the appointment at any time.”.

(3) Deputy and assistant chiefs of branches.—Section 3039(a) of such title is amend-
ed by striking “for a tour of duty of not more than
four years,”.

(4) CHIEF OF ARMY NURSE CORPS.—Section
3069(b) of such title is amended by striking “, but
not for more than four years, and may not be re-
appointed to the same position”.

(5) CHIEF OF THE ARMY MEDICAL SPECIALIST
CORPS.—Section 3070(b) of such title is amended by
striking “, but not for more than four years, and
may not be reappointed”.

(b) NAVY/MARINE CORPS.—

(1) CHIEF OF THE BUREAU OF MEDICINE AND
SURGERY.—Section 5137(a) of such title is amended
by striking “for a term of four years,”.

(2) CHIEF OF THE BUREAU OF NAVAL PER-
SONNEL.—Section 5141(a) of such title is amended
by striking “for a term of four years,”.

(3) CHIEF OF CHAPLAINS.—Subsection (c) of
section 5142 of such title is repealed.

(4) JUDGE ADVOCATE GENERAL.—Section
5148(b) of such title is amended by striking “, for
a term of four years”.

(5) DIRECTOR OF THE NURSE CORPS OR DIREC-
TOR OF THE MEDICAL SERVICE CORPS.—Section
5150(c) of such title is amended by striking “for a
term of four years.”.

(c) Air Force Judge Advocate General and
Deputy Judge Advocate General.—Section 8037(a)
of such title is amended—

(1) in subsection (a), by striking “The term of
office is four years, but may be sooner terminated
or extended by the President.”; and

(2) in subsection (d)(1), by striking “The term
of office of the Deputy Judge Advocate General is
four years, but may be sooner terminated or ex-
tended by the President.”.

SEC. 584. PROHIBIT COURT ORDERED PAYMENTS BEFORE
RETIREMENT BASED ON IMPUTATION OF RE-
TIRED PAY.

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

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

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

“(B) Notwithstanding any other provision of law, a
court may not order a member to make payments based
upon an imputation of a property interest in future retired
pay of any kind to a spouse or former spouse before the
date of the member’s actual retirement.”.
(b) **Effective Date.**—The amendments made by subsection (a) shall apply to final court orders or court orders seeking enforcement of prior final decrees issued on or after the enactment of this Act.

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

Subtitle A—Pay and Allowances

**SEC. 601. TERMINATION OF ASSIGNMENT INCENTIVE PAY FOR MEMBERS ON TERMINAL LEAVE.**

Paragraph (e) of section 307a of title 37, United States Code, is amended by inserting before the period at the end the following: “, other than terminal leave when the member will not be returning to the assignment’’.

**SEC. 602. MORE FLEXIBLE RETIREMENT RULES FOR MILITARY OFFICERS.**

(a) **In General.**—Section 1370 of title 10, United States Code, is amended to read as follows:

“§ 1370. Commissioned officers: general rule; exceptions

“(a) **Rule for Retirement in Highest Grade Held Satisfactorily.**—(1) Unless entitled to a higher retired grade under some other provision of law, a commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps who retires under any provision of law other than chapter 61
or chapter 1223 of this title shall, subject to the criteria specified under paragraph (2) or (3), be retired in the highest grade in which he served on active duty satisfactorily, as determined by the Secretary concerned.

“(2) In order to be eligible for voluntary retirement in a grade at or below the grade of major or lieutenant commander, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than six months.

“(3)(A) In order to be eligible for voluntary retirement in a grade above major or lieutenant commander and below brigadier general or rear admiral (lower half), a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary concerned to reduce such period to a period not less than two years.

“(B) An officer at or above the grade of brigadier general or rear admiral (lower half) may be retired in the highest grade in which he served on active duty satisfactorily, upon approval by the Secretary concerned and concurrence by the Secretary of Defense or another civilian official in the Office of the Secretary of Defense appointed
by the President, by and with the advice and consent of
the Senate, to which the Secretary of Defense has dele-
gated such authority.

“(C) The President may waive subparagraph (A) in
individual cases involving extreme hardship or exceptional
or unusual circumstances. The authority of the President
under the preceding sentence may not be delegated.

“(4) A reserve or temporary officer who is notified
that he will be released from active duty without his con-
sent, and thereafter requests retirement under section
3911, 6323, or 8911 of this title and is retired pursuant
to that request, is considered for purposes of this section
to have been retired involuntarily. An officer retired pur-
suant to section 1186(b)(1) of this title is considered for
purposes of this section to have been retired voluntarily.

“(b) RETIREMENT IN NEXT LOWER GRADE.—An of-
cifer whose length of service in the highest grade he held
while on active duty does not meet the service in grade
requirements specified in subsection (a) or whose service
on active duty in that grade was not determined to be sat-
isfactory by the Secretary concerned shall be retired in the
next lower grade in which he served on active duty satis-
factorily, as determined by the Secretary concerned, for
not less than six months.
”(c) Reserve Officers.—(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1223 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

“(2) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

“(3)(A)(i) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below brigadier general or rear admiral (lower half), a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years, except that the Secretary of Defense
may authorize the Secretary concerned to reduce such pe-
period to a period not less than two years.

“(ii) An officer at or above the grade of lieutenant
general or vice admiral may be retired in the highest grade
in which he served satisfactorily, upon approval by the
Secretary concerned and concurrence by the Secretary of
Defense or another civilian official in the Office of the Sec-
retary of Defense appointed by the President, by and with
the advice and consent of the Senate, to which the Sec-
retary of Defense has delegated such authority.

“(B) A person covered by subparagraph (A)(i) who
has completed at least six months of satisfactory service
in grade and is transferred from an active status or dis-
charged as a reserve commissioned officer solely due to
the requirements of a nondiscretionary provision of law
requiring that transfer or discharge due to the person’s
age or years of service may be credited with satisfactory
service in the grade in which serving at the time of such
transfer or discharge, notwithstanding the failure of the
person to complete three years of service in that grade.

“(C) To the extent authorized by the Secretary con-
cerned, a person who, after having been recommended for
promotion in a report of a promotion board but before
being promoted to the recommended grade, served in a
position for which that grade is the minimum authorized
grade may be credited for purposes of subparagraph (A)(i) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

“(D) To the extent authorized by the Secretary concerned, a person who, after having been found qualified for Federal recognition in a higher grade by a board under section 307 of title 32, serves in a position for which that grade is the minimum authorized grade and is appointed as a reserve officer in that grade may be credited for the purposes of subparagraph (A)(i) as having served in that grade. The period of the service for which credit is afforded under the preceding sentence may only be the period for which the person served in the position after the Senate provides advice and consent for the appointment.

“(4) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary concerned) for not less than six months.”.
(b) **Effective Date.**—The amendments made by this section shall apply with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay on or after the date of enactment of this Act.

**Sec. 603. More Flexible Computation of Retired Pay for Officers and Senior Enlisted Members.**

(a) **Modification of Retired Pay Formulas.**—

(1) Chapter 71 of title 10, United States Code, is amended by inserting after section 1401a the following new section:

```
§ 1401b. Maximum multiplier in the computation of retired pay

```

“Notwithstanding any other provision of law that limits retired pay computed under this chapter or under chapter 1223 of this title to a maximum of 75 percent of the member’s base determined under section 1406 or 1407 of this title, the maximum amount of retired pay as a percentage of such base will be limited as follows:

“(1) For members retired before October 1, 2003, use limitations prescribed in other sections of law.

“(2) For members retired on or after October 1, 2003, use the limitations prescribed in other sections of law except in the case of—
“(A) members retired in the grade O-7 and above with more than 30 years of creditable service in the computation of the multiplier percentage under section 1409 of this title, such percentage is not limited to 75 percent for any time served in excess of 30 years otherwise creditable after October 1, 2003; and

“(B) members retired in the grades E–8 through O–6, inclusive, with more than 30 years of creditable service in the computation of the multiplier percentage under section 1409 of this title, such percentage is not limited to 75 percent for any time served under conditions authorized such additional credit during a period established by the Secretary of Defense.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1401a the following new item:

“1401b. Maximum multiplier in the computation of retired pay.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay on or after the date of enactment of this Act.
SEC. 604. ELIMINATE RETIRED PAY LIMIT APPLICABLE TO GENERAL AND FLAG OFFICERS.

(a) Retired Pay Base for Members Who First Became Members Before September 8, 1980.—Section 1406 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) Retired Pay Base.—In the case of a member at grade O–7 and above, the rates of basic pay used to compute the pay base prescribed in this section shall be the rates applicable to the grade or position without regard to any provision of law limiting such pay to the rate of pay for level III of the Executive Schedule.”.

(b) Retired Pay Base for Members Who First Became Members After September 7, 1980.—Section 1407 of such title is amended by adding at the end the following new subsection:

“(g) Retired Pay Base.—In the case of a member at grade O–7 and above, the rates of basic pay used to compute the pay base prescribed in this section shall be the rates applicable to the grade or position without regard to any provision of law limiting such pay to the rate of pay for level III of the Executive Schedule.”.

(c) Effective Date.—The amendments made by this section shall apply with respect to the computation of retired or retainer pay of any individual who becomes
entitled to that pay on or after the date of enactment of
this Act.

SEC. 605. GRANT BASIC ALLOWANCE FOR HOUSING WAIV-
ERS FOR 12 MONTHS OR LESS ON PERMA-
NENT CHANGE OF STATION ASSIGNMENTS
THAT ARE PRINCIPALLY FOR EDUCATION OR
TRAINING.

Paragraph (3) of section 403(d) of title 37, United
States Code, is amended by adding at the end the fol-
lowing new subparagraph:

“(C) Where a member receives a permanent
change of station or permanent change of assign-
ment, within the continental United States, of 12
months duration or less for purposes of participating
in professional military education or training classes,
the amount of the basic allowance for housing for
the member may be based on the area in which the
dependents reside or the member’s last duty station,
whichever the Secretary concerned determines to be
most equitable. The dependents must continue to
live at the member’s last duty station in order to
qualify for the rate based on that area.”.
Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAYS FOR RESERVE FORCES.

(a) Special Pay for Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of title 37, United States Code, is amended by striking “December 31, 2004” and inserting “December 31, 2005”.

(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of such title is amended by striking “December 31, 2004” and inserting “December 31, 2005”.

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of such title is amended by striking “December 31, 2004” and inserting “December 31, 2005”.

(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking “December 31, 2004” and inserting “December 31, 2005”.

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of such title is amended by striking “December 31, 2004” and inserting “December 31, 2005”.

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section of 308h(g) of such title is amend-
ed by striking “December 31, 2004” and inserting “December 31, 2005”.

(g) PRIOR SERVICE REENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking “December 31, 2004” and inserting “December 31, 2005”.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking “January 1, 2005” and inserting “January 1, 2006”.

SEC. 612. BONUS FOR OFFICERS TO SERVE IN THE SELECTED RESERVE IN A CRITICAL SKILL OR MANPOWER SHORTAGE.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 308j. Special pay: bonus for officers to serve in the Selected Reserve in a critical skill or manpower shortage

“(a) BONUS AUTHORIZATION.—The Secretary of Defense may pay—

“(1) an affiliation bonus to an officer of an armed force, including a warrant officer, (other than an officer who has previously served in the Selected Reserve or an officer who is entitled to retired pay)
who executes a written agreement to serve in the Selected Reserve of the Ready Reserve for a period of not less than three years in a designated critical officer skill or manpower shortage after being discharged or released from active duty under honorable conditions, once the officer affiliates with a unit or position in the Selected Reserve; and

“(2) an accession bonus to a person who executes a written agreement to accept a commission as an officer of the armed forces and serve in the Selected Reserve of the Ready Reserve in a designated critical officer skill for a period of not less than three years, upon acceptance of the agreement by the Secretary concerned.

“(b) DESIGNATION OF CRITICAL OFFICER SHORTAGE.—The Secretary concerned shall designate the critical officer skill shortages and critical manpower shortages for the purposes of this section.

“(1) A skill may be designated as a critical officer skill for an armed force under this subsection if—

“(A) to meet requirements of the armed force, it is critical for the armed force to have a sufficient number of officers who are qualified in that skill; or
“(B) to mitigate a current or projected significant shortage of personnel in the armed force who are qualified in that skill, it is critical to access into that armed force in sufficient numbers persons who are qualified in that skill or are to be trained in that skill.

“(2) A manpower shortage may be designated for a current or projected shortage in a unit or overall shortage in a pay grade.

“(c) Limitation on Amount of Bonus.—The amount of a bonus under subsection (a) may not exceed $12,000.

“(d) Payment Method.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary in a lump sum or installments.

“(e) Relation to Other Accession Bonus Authority.—An officer or individual may not receive a bonus under this section and financial assistance under chapter 1608, 1609 or 1611 of title 10, or under section 302g of this title, for the same period of service.

“(f) Repayment for Failure to Commence or Complete Obligated Service.—(1) An individual who,
after receiving all or part of the bonus under an agreement referred to in subsection (a), does not accept a commission as an officer or does not commence to or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement shall repay to the United States such compensation or benefit, except under conditions established by the Secretary concerned.

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

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

(b) C L E R I C A L A M E N D M E N T.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“308j. Special pay: bonus for officers to serve in the Selected Reserve in critical skill or manpower shortage.”.
SEC. 613. CRITICAL SKILLS RETENTION BONUS; ELIGIBILITY OF MEMBERS SERVING ON INDEFINITE REENLISTMENT IS INVOLVED.

Section 323(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

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

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

“(3) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain on active duty for at least 1 year.”.

SEC. 614. FOREIGN LANGUAGE PROFICIENCY PAY.

Section 1596a of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking “during a contingency operation supported by the armed forces”; and

(2) in subsection (c), by inserting before the period at the end the following: “and shall not be considered base pay for any purpose”.

•HR 4200 IH
SEC. 615. REPAYMENT OF UNEARNED PORTIONS OF BONUSES, SPECIAL PAYS, -AND EDUCATIONAL BENEFITS.

(a) Repayment of Unearned Portions of Bonuses.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

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

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

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

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

"(d) Effect of Bankruptcy.—A discharge in
bankruptcy under title 11 does not discharge a person
from a debt under this section if the final decree of dis-
charge is entered less than five years after the date of
the termination of the service or the date of the termi-
nation of the agreement on which the debt is based. This
subsection applies to any case commenced under title 11
after March 30, 2005."

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

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

(b) Aviation Career Officer Retention
Bonus.—Subsection (g) of section 301b of such title is
amended to read as follows:

"(g) Repayment of Bonus.—An officer who does
not complete the period of active duty specified in the
agreement entered into under subsection (a) shall be sub-
ject to the repayment provisions of section 327 of this title.”.

(c) Medical Officer Multiyear Retention Bonus.—Subsection (c) of section 301d of such title is amended to read as follows:

“(c) Repayment of Bonus.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 327 of this title.”.

(d) Dental Officer Multiyear Retention Bonus.—Subsection (d) of section 301e of such title is amended to read as follows:

“(d) Repayment of Bonus.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 327 of this title.”.

(e) Medical Officer Special Pay.—Section 302 of such title is amended—

(1) in subsection (c), by amending the last sentence in paragraph (2) to read as follows: “If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 327 of this title.”; and
(2) by amending subsection (f) to read as follows:

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

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

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

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

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

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

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

(4) by redesignating subsections (g) and (h) as

subsections (f) and (g), respectively.

(h) ACCESSION BONUS FOR REGISTERED NURSES.—

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

“(d) An officer who does not become and remain li-
censed as a registered nurse during the period for which
the payment is made, or who does not complete the period
of active duty specified in the agreement entered into
under subsection (a) shall be subject to the repayment
provisions of section 327 of this title.”.

(i) NURSE ANESTHETIST SPECIAL PAY.—Section

302e of such title is amended—

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

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

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

(j) RESERVE, RECALLED OR RETAINED HEALTH

CARE OFFICERS SPECIAL PAY.—Subsection (c) of section
1 302f of such title is amended by striking “refund” and
2 inserting “repay”.
3 (k) SELECTED RESERVE HEALTH CARE PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES
4 SPECIAL PAY.—Section 302g of such title is amended—
5 (1) by striking subsections (d) and (e);
6 (2) by inserting after subsection (c) the fol-
7 lowing new subsection (d):
8 “(d) REPAYMENT.—An officer who does not complete
9 the period of service in the Selected Reserve of an armed
10 force specified in the agreement entered into under sub-
11 section (a) shall be subject to the repayment provisions
12 of section 327 of this title.”; and
13 (3) by redesignating subsection (f) as sub-
14 section (e).
15 (l) ACCESSION BONUS FOR DENTAL OFFICERS.—
16 Subsection (d) of section 302h of such title is amended
17 to read as follows:
18 “(d) A person after signing a written agreement who
19 thereafter is not commissioned as an officer of the armed
20 forces, or does not become licensed as a dentist, or does
21 not complete the period of active duty specified in the
22 agreement entered into under subsection (a) shall be sub-
23 ject to the repayment provisions of section 327 of this
24 title.”.
(m) **ACCESSION BONUS FOR PHARMACY OFFICERS.**—Subsection (e) of section 302j of such title is amended to read as follows:

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

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

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

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

“(d) A member who does not complete the term of enlistment in the element of the Selected Reserve of the Ready Reserve for which the bonus was paid to the mem-
ber under this section, shall be subject to the repayment provisions of section 327 of this title.”.

(p) **Enlistment Bonus for Selected Reserve.**—Subsection (d) of section 308c of such title is amended to read as follows:

“(d) **Repayment.**—A member who does not participate satisfactorily in training with his unit during a term of enlistment for which a bonus has been paid to him under this section shall be subject to the repayment provisions of section 327 of this title.”.

(q) **Reserve Affiliation Bonus.**—Subsection (d) of section 308e of such title is amended to read as follows:

“(d) **Repayment.**—A member who does not participate satisfactorily in training with his unit during a term of enlistment for which a bonus has been paid to him under this section shall be subject to the repayment provisions of section 327 of this title.”.

(r) **Ready Reserve Enlistment Bonus.**—Section 308g of such title is amended—

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

“(d) **Repayment.**—A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the
bonus was paid under this section shall be subject to the
repayment provisions of section 327 of this title.”;

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

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

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

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

“(e) REPAYMENT.—A person who does not complete
the period of enlistment or extension of enlistment for
which the bonus was paid under this section shall be sub-
ject to the repayment provisions of section 327 of this
title.”;

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

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

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

“(d) A person who receives a bonus payment under
this section and who, during the period for which the
bonus was paid, does not serve satisfactorily in the ele-
ment of the Selected Reserve of the Ready Reserve with
respect to which the bonus was paid shall be subject to the repayment provisions of section 327 of this title.”.

(u) Enlistment Bonus.—Subsection (b) of section 309 of such title is amended to read as follows:

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

(v) Special Pay for Nuclear-Qualified Officers Extending Active Duty.—Subsection (b) of section 312 of such title is amended to read as follows:

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

(w) Nuclear Career Accession Bonus.—Paragraph (2) of section 312b(a) of such title is amended to read as follows:

“(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the
agreement under paragraph (1) shall be subject to the re-

payment provisions of section 327 of this title.”.

(x) Enlisted Members Extending Duty at Design-

ated Locations Overseas.—Subsection (d) of sec-

tion 314 of such title is amended to read as follows:

“(d) A member who, having entered into a written

agreement to extend a tour of duty for a period under

subsection (a), receives a bonus payment under subsection

(b)(2) for a 12-month period covered by the agreement

and ceases during that 12-month period to perform the

agreed tour of duty shall be subject to the repayment pro-

visions of section 327 of this title.”.

(y) Special Warfare Officers Extending Period of Active Duty.—Subsection (h) of section 318

of such title is amended to read as follows:

“(h) An officer who, having entered into a written

agreement under subsection (b) and has received all or

part of a bonus under this section, does not complete the

period of active duty in special warfare service as specified

in the agreement, shall be subject to the repayment provi-

sions of section 327 of this title.”.

(z) Surface Warfare Officers Extending Period of Active Duty.—Subsection (f) of section 319 of

such title is amended to read as follows:
“(f) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as a department head on a surface vessel specified in the agreement, shall be subject to the repayment provisions of section 327 of this title.”.

(aa) **Judge Advocate Continuation Pay.**—Subsection (f) of section 321 of such title is amended to read as follows:

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

(bb) **15-Year Career Status Bonus for Members Entering Service on or After August 1, 1986.**—Subsection (f) of section 322 of such title is amended to read as follows:

“(f) If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under subsection (a)(1) is received and ending on the date on which the person completes 20 years of active duty service as described in
subsection (a)(2), the person shall be subject to the repay-
ment provisions of section 327 of this title.”.

(cc) Retention Incentives for Members Qualified in a Critical Military Skill.—Subsection (g) of section 323 of such title is amended to read as follows:

“(g) A member who has entered into a written agree-
ment under subsection (a), and who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 327 of this title.”.

(dd) Accession Bonus for New Officers in Critical Skills.—Subsection (f) of section 324 of such title is amended to read as follows:

“(f) An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or does not complete the total period of ac-
tive duty service specified in the agreement, shall be sub-
ject to the repayment provisions of section 327 of this title.”.

(ee) Incentive Bonus: Savings Plan for Education Expenses and Other Contingencies.—Sub-
section (g) of section 325 of such title is amended to read as follows:
“(g) If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall be subject to the repayment provisions of section 327 of this title.”.

(ff) Enlistment Incentives for Pursuit of Skills to Facilitate National Service—Subsection (i) of section 510 of title 10, United States Code, is amended to read as follows:

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

(gg) Scholarship Program for Qualifying Personnel for Acquisition Positions in the Department of Defense—Paragraph (3) of section 1744(d) of such title is amended to read as follows:

“(3) For a uniformed member who is separated from service before the end of the period for which the person has agreed to continue in the service in an acquisition position shall be subject to the repayment provisions of section 327 of title 37. For an employee of the Department
of Defense, the Secretary may waive in whole or in part
a required repayment under this subsection if the Sec-
retary determines the recovery would be against equity
and good conscience or would be contrary to the best inter-
ests of the United States.”.

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

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

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

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

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

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

“(d) The Secretary concerned shall require, as a con-
dition to the Secretary providing financial assistance
under section 2107 or 2107a of this title to any person,
that such person enter into an agreement described in sub-
section (a). In addition to the requirements of subsections
(a)(1) through (a)(4), any agreement required by this sub-
section shall provide that if such person does not complete
the education requirements specified in the agreement, or
does not fulfill any term or condition prescribed pursuant
to subsection (a)(4), the person shall be subject to the re-

payment provisions of section 327 of title 37 without the
Secretary first ordering such person to active duty as pro-
vided for under subsection (a)(2) and sections 2107(f) and
2107a(f) of this title.”.

(ii) Tuition for Off-Duty Training or Edu-
cation.—Section 2007 of such title is amended by adding
at the end the following new subsection:

“(f) Repayment.—If such person does not complete
the period of active duty specified in the agreement under
subsection (b), such person shall be subject to the repay-
ment provisions of section 327 of title 37.”.

(jj) Advanced Training, Failure To Complete
or To Accept Commission.—Section 2105 of such title
is amended—

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

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

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

(kk) **Financial Assistance Program for Specialy Selected Members.**—Section 2107 of such title is amended by adding at the end the following new subsection:

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

(ll) **Health Professions Scholarship and Financial Assistance Program for Active Service.**—Subparagraph (C) of section 2123(e)(1) of such title is amended to read as follows:

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

(mm) **Financial Assistance: Nurse Officer Candidates.**—Subsection (d) of section 2130a of such title is amended to read as follows:

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

(nn) Education Loan Repayment Program: Commissioned Officers in Specified Health Professions.—Subsection (g) of section 2173 of such title is amended—

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

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

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

(oo) Scholarship Program for Degree Program for Degree or Certification in Information Assurance.—Section 2200a of such title is amended—

(1) by amending subsection (e) to read as follows:
“(e) Repayment for Period of Unserved Obligated Service.—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under section (b) shall be subject to the repayment provisions of section 327 of title 37.

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

“(A) Obligation as Debt.—An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

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

“(C) Effect of Discharge in Bankruptcy.—A discharge in bankruptcy under title 11
that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.”;

(2) by striking subsection (f); and

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

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

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

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

“(f) A midshipman or former midshipman who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 327 of title 37.”.
(rr) Cadets: Agreement to Service as Officer.—Section 9348 of such title is amended by adding at the end the following new subsection:

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

(ss) Cadets: Number, Appointment, Obligation To Serve.—Section 182 of title 14, United States Code, is amended by adding at the end the following new subsection:

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

(tt) Educational Assistance for Members of the Selected Reserve.—Section 16135 of title 10 United States Code, is amended to read as follows:

“§ 16135. Failure to participate satisfactorily; penalties

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

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

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

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

(uu) Health Professions Stipend Program—Penalties and Limitations.—Subparagraph (B) of section 16203(a)(1) of such title is amended to read as follows:

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

(vv) Marine Corps Platoon Leaders Class: College Tuition Assistance Program.—Subsection (f) of section 16401 of such title is amended—
(1) in paragraph (1), by striking “may be re-
quired to repay the full amount of financial assist-
ance” and inserting “shall be subject to the repay-
ment provisions of section 327 of title 37”; and

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

“(2) Any requirement to repay any portion of finan-
cial assistance received under this section shall be adminis-
tered under Secretary of Defense regulations issued under
section 327 of title 37. The Secretary of the Navy may
waive the obligations referenced in paragraph (1) in the
case of a person who—”.

(ww) CONVERSION TO MILITARY OCCUPATIONAL SE-
CURITY INCENTIVE BONUS.—Subsection (e) of section
326 of title 37, United States Code, is amended to read
as follows:

“(e) REPAYMENT OF BONUS.—A member who fails
to serve in such military occupational specialty for the pe-
riod specified in the agreement executed under subsection
(a) shall be subject to the repayment provisions of section
327 of this title.”.

(xx) EFFECTIVE DATE.—(1) The amendments made
by this section shall take effect on April 1, 2005.

(2) Notwithstanding paragraph (1)—
(A) the amendments made by this section do not apply to any bonus, incentive, special pay or similar payment (such as education assistance or stipend), which the United States became obligated to pay before April 1, 2005; and

(B) the following provisions in effect on March 30, 2005, shall continue to apply, in accordance with the provisions thereof, with respect to any bonus, incentive, special pay, or an educational benefit or stipend, which the United States became obligated to pay before April 1, 2005:

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

(ii) sections 510, 1744(d)(3); 2005(a)(3), (e), (d), (f), and (g); 2007; 2105; 2107; 2123(e)(1)(C); 2130a(d); 2173(g); 2200a(e)(3); 4348; 6959; 9348; 16135; 16203(a)(1)(B); and 16401(f)(1) of title 10, United States Code; and
(iii) section 182 of title 14, United States Code.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 621. LODGING COSTS INCURRED IN CONNECTION WITH STUDENT DEPENDENT TRAVEL.**

Section 430(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

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

“(2) The allowance described in paragraph (1) may include reimbursement at a rate prescribed by the Secretaries concerned for lodging costs incurred when, for reasons beyond the control of the student, the student is required to procure accommodations while en route.”.

**SEC. 622. EXPANDED TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND BURIAL CEREMONIES.**

Section 411f of title 37, United States Code, is amended—

(1) by amending subsection (b) to read as follows:
“(b) LIMITATIONS.—Allowances under subsection (a) may be provided to the same location determined under section 1482 of title 10, and may not exceed the rates for two days and the time necessary for such travel.”; and

(2) in subsection (c)(1)(C), by striking “If no person described in subparagraph (A) or (B) is pro-
vided travel and transportation allowances under subsection (a)(1), the” and inserting “The”.

Subtitle D—Other Matters

SEC. 631. ACCUMULATION OF ANNUAL LEAVE BY INTELLIGENCE SENIOR LEVEL EMPLOYEES.

Section 1607 of title 10, United States Code, is amended by adding at the end the following new sub-
section:

“(d) ACCUMULATION OF ANNUAL LEAVE TO EMP-
pLOYEES IN INTELLIGENCE SENIOR LEVEL POSITIONS.—Employees in Intelligence Senior Level positions des-
ignated under subsection (a) may accumulate annual leave consistent with the provisions of section 6304(f) of title 5.”.
TITLE VII—HEALTH CARE
PROVISIONS

SEC. 701. EXEMPTION OF NONAPPROPRIATED FUND
HEALTH BENEFITS PROGRAM FROM NON-FEDERAL LAWS, TAXES, AND MANDATES.

Section 349 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2727) is amended by adding at the end the following new subsection:

“(c) EXEMPTION.—(1) No tax, fee, other monetary payment, or health plan requirement may be imposed, directly or indirectly, on the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense or on a carrier or an underwriting or plan administration contractor of that program by any State, United States Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other non-Federal Government authority thereof. This prohibition shall apply to the same extent as the prohibition in section 8909(f) of title 5, United States Code, applies to the health insurance program authorized by chapter 89 of such title.

“(2) Paragraph (1) shall not be construed to exempt the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense or any carrier or un-
derwriting or plan administration subcontractor of that
program from the imposition, payment, or collection of a
tax, fee, or other monetary payment on the net income
or profit accruing to or realized by that program or by
such carrier or underwriting or plan administration sub-
contractor from business conducted under this chapter, if
that tax, fee, or payment is applicable to a broad range
of business activity.”.

TITLE VIII—ACQUISITION POL-
ICY, ACQUISITION MANAGE-
MENT, AND RELATED MAT-
TERS
Subtitle A—Acquisition Policy and
Management

SEC. 801. DEFENSE ACQUISITION WORKFORCE CHANGES.

(a) SELECTION CRITERIA AND PROCEDURES.—Sec-
tion 1732(b)(1)(A) of title 10, United States Code, is
amended by striking “within grade GS–13 or above of the
General Schedule” and inserting “in a position as des-
ignated by the Secretary of Defense”.

(b) CRITICAL ACQUISITION POSITIONS.—Section
1733 of such title is amended by striking subsection (b)
and inserting the following:

“(b) DESIGNATION OF CRITICAL ACQUISITION PO-
SITIONS.—(1) The Secretary of Defense shall designate the
acquisition positions in the Department of Defense that
are critical acquisition positions. Such positions shall in-
clude the following:

“(A) Program Executive Officer.

“(B) Program Manager of a major defense ac-
quision program (as defined in section 2430 of this
title) or of a significant nonmajor defense acquisition
program (as defined in section 1737(a)(3) of this
title).

“(C) Deputy program manager of a major de-
fense acquisition program.

“(D) Any other acquisition position of signifi-
cant responsibility determined by the Secretary to be
critical.

“(2) The Secretary shall periodically publish a list of
the positions designated under this subsection.”.

(c) SCHOLARSHIP PROGRAMS.—Section 1742(3) of
such title is amended by adding at the end the following:

“(A) WRITTEN AGREEMENT.—Scholarship
recipients shall be required to sign a written
agreement defining the terms for the scholar-
ship. Such terms shall address criteria for con-
tinuing eligibility and repayment if the recipient
fails to make the eligibility criteria and a con-
tinuing service obligation.
“(B) REPAYMENT.—(i) In addition to the repayments that may be required by subpara-
graph (A), any person participating in a scholar-
ship program established under this section shall agree to pay to the United States the total amount of educational assistance provided to the person under this program if the person is voluntarily separated from government service or involuntarily separated for cause from the Department of Defense before the end of the period for which the person has agreed to con-
tinue in the service of the Department of De-
fense in an acquisition position.

“(ii) If an employee fails to fulfill his agreement to pay to the Government the total amount of educational assistance provided to the person under this program, a sum equal to the amount of the educational assistance is re-
coverable by the Government from the employee or his estate by—

“(I) setoff against accrued pay, com-
pensation, amount of retirement credit, or other amount due the employee from the Government; and
“(II) such other method as is provided by law for the recovery of amounts owing to the Government.

“(iii) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(iv) EFFECT OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement.

“(C) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to require that a position be offered to a person after such person successfully completes the course of education agreed to. However, if no position described in the required written agreement of subsection (3)(A) is offered within the time specified in the agreement, the agreement shall be considered terminated.”.
(d) AUTHORITY TO ESTABLISH DIFFERENT MINIMUM REQUIREMENTS.—Section 1764(b) of such title is amended—

1. in paragraph (1), by striking “(5)” and inserting “(6)”;  
2. by redesignating paragraph (5) as paragraph (6); and  
3. by inserting after paragraph (4) the following new paragraph (5):  

“(5) Deputy Program Manager.”.

SEC. 802. DELEGATION TO THE DEFENSE CONTRACT MANAGEMENT AGENCY TO MAKE DETERMINATIONS CONCERNING RESTRUCTURING COSTS.

Paragraph (2) of section 2325(a) of title 10, United States Code, is amended by striking “an Assistant Secretary of Defense” and inserting “the Director, Defense Contract Management Agency”.

SEC. 803. DISPOSAL OF EXCESS AND OBSOLETE MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to conditions specified in subsection (b), the President may dispose excess and obsolete materials contained in the National Defense Stockpile as set forth in the following table, with
the quantity of each material authorized for disposal to be either the remaining inventory or the quantity set forth, whichever is greater:

<table>
<thead>
<tr>
<th>Material</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cobalt</td>
<td>4,497,460 pounds contained cobalt</td>
</tr>
<tr>
<td>Beryllium metal (vacuum cast)</td>
<td>5 short tons</td>
</tr>
<tr>
<td>Chromite Chemical</td>
<td>34,000 short dry tons</td>
</tr>
<tr>
<td>Chromite Refractory</td>
<td>83,791 short tons</td>
</tr>
<tr>
<td>Chromium Ferroalloy</td>
<td>63,279 short tons</td>
</tr>
<tr>
<td>Columbium Concentrates</td>
<td>747,978 pounds contained columbium</td>
</tr>
<tr>
<td>Columbium Metal Ingot</td>
<td>60,751 pounds contained columbium</td>
</tr>
<tr>
<td>Diamond, Stones</td>
<td>780,426 carats</td>
</tr>
<tr>
<td>Germanium</td>
<td>34,263 kilograms</td>
</tr>
<tr>
<td>Platinum</td>
<td>20,880 troy ounces</td>
</tr>
<tr>
<td>Platinum—Palladium</td>
<td>4,918 troy ounces</td>
</tr>
<tr>
<td>Tantalum Carbide Powder</td>
<td>8,158 pounds contained tantalum</td>
</tr>
<tr>
<td>Tantalum Metal Powder</td>
<td>34,607 pounds contained tantalum</td>
</tr>
<tr>
<td>Tantalum Minerals</td>
<td>1,287,016 pounds contained tantalum</td>
</tr>
<tr>
<td>Tantalum Oxide</td>
<td>41,320 pounds contained tantalum</td>
</tr>
<tr>
<td>Tungsten Ferro</td>
<td>280,415 pounds contained tungsten</td>
</tr>
<tr>
<td>Tungsten Metal Powder</td>
<td>919,666 pounds contained tungsten</td>
</tr>
<tr>
<td>Tungsten Ores &amp; Concentrates</td>
<td>60,375,212 pounds contained tungsten</td>
</tr>
</tbody>
</table>

(b) Minimization of Disruption and Loss.—Disposal of materials under this section should minimize—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(c) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials in the National Defense Stockpile.
148

SEC. 804. PRIVATIZATION OF MILITARY UTILITIES LOCATED ON NON--FEDERAL LAND.

Section 2688 of title 10, United States Code, is amended—

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

“(j) CONVEYANCES ON PROPERTY OWNED BY OTHERS.—(1) Notwithstanding subsection (b), for those installations where the United States does not own a preponderance of the land underlying the installation, the Secretary concerned may carry out a conveyance under subsection (a), without using competitive procedures, if the prospective conveyee—

“(A)(i) is a utility company whose service area is adjacent to or covers part or all of the installation;

“(ii) is a regulated utility company;

“(iii) has a franchise to serve the area encompassing part or all of the installation; and

“(iv) has a franchise granted by the state; or

“(B)(i) is a governmental entity;

“(ii) operates a public airport adjoining the installation;

“(iii) owns the property underlying a substantial part or all of the installation; and
“(iv) owns the utility system for the adjoining airport.

“(2) Clause (A)(iii) of paragraph (1) shall apply only if the State in which the installation is located grants franchises for the type of utility system being conveyed.

“(3) If more than one prospective conveyee meets the requirements of paragraph (1), the Secretary may limit competition to only those prospective conveyees.”;

(2) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

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

“(2) Notwithstanding paragraph (1), if the conveyance is made in accordance with subsection (j), and is made—

“(A) to a regulated utility company which is wholly owned by or is a governmental entity, or

“(B) to a governmental entity under clause (B) of subsection (j)(1),

the Secretary may determine that the interest conveyed has a value of $1.00. Such determination shall be conclusive for all purposes.”;

(3) in subsection (f), by adding at the end the following new paragraph:
“(3) In any conveyance to which paragraph (2) of subsection (c) applies, the Secretary shall require that the utility system, without notice, charge, or cost, revert to the ownership of the United States if the utility company to which the system was conveyed—

“(A) if wholly owned by a governmental entity when the system was conveyed, ceases to be wholly owned by a governmental entity, or

“(B) if a governmental entity when the system was conveyed, changes to a non-governmental entity.”; and

(4) in subsection (h)—

(A) in the subsection heading, by striking “UTILITY SYSTEM DEFINED” and inserting “DEFINITIONS”; and

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

“(3) The term ‘governmental entity’ means public bodies created in accordance with state law for the purpose of exercising the authority of the state.

“(4) The term ‘independent regulatory body’ means the Federal Energy Regulatory Commission, a state-wide agency, or an agency with less than state-wide jurisdiction when operating pursuant to state authority. Such a body
must have the power to fix, establish, or control the rates and services of utility systems.

“(5) The term ‘non-independent regulatory body’ means a body that regulates a utility system which is owned or operated by the regulatory body or by the same entity that created the regulatory body, such as a municipality that owns or operates and regulates its own municipal utility system.

“(6) The term ‘regulated utility company’ means a utility company regulated by an independent regulatory body, as opposed to a non-independent regulatory body.”

SEC. 805. REPEAL OF REDUNDANT LIMITATIONS ON THE PROCUREMENT OF TOTALLY ENCLOSED LIFEBOATS.

(a) Section 8124 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1469) is repealed.

(b) Section 8093 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2638) is repealed.

SEC. 806. DEMONSTRATION PROGRAMS USING DESIGN-BUILD CONTRACTS.

(a) Authority To Carry Out Program.—The Secretary of the Navy and the Secretary of the Army each may conduct a demonstration program to assess the feasi-
bility and desirability to enter into design for design-build contract (fast-track design funding) prior to authorization and appropriation of the project, using design funds made available under the authority of section 2807 of title 10, United States Code, for the design portion of the contract in order to reduce facility acquisition time.

(b) DESIGN-BUILD CONTRACTING.—For purposes of the demonstration program, the Secretary concerned shall have, in addition the authority in paragraph (c)(5) of section 2305a of title 10, United States Code, the authority, notwithstanding any other provision of law, to accelerate design efforts for design-build contracts (fast-track design funding) to complete the design effort for any military construction or family housing construction project, prior to the project being authorized and appropriated, if—

(1) the contractor to which the contract was awarded has been selected using design-build selection procedures established under section 2305a of title 10, United States Code;

(2) a request for the authorization and appropriation of construction funds has been submitted to Congress as part of the President’s annual budget; and
(3) the Government’s liability in a Termination for Convenience would not exceed costs above that attributable to the final design of the project.

(e) Use of Design Funds in Design-Build Contracts.—Notwithstanding section 2807(a) of title 10, United States Code, projects conducted as part of this program may include projects specifically authorized by law.

(d) Use of Design Funds in Design-Build Contracts for Facilities for Reserve Components.—Notwithstanding section 18233(e) of title 10, United States Code, projects conducted as part of this program may include projects specifically authorized by law.

(e) Expiration.—The Secretary of the Navy and the Secretary of the Army may not enter into a contract for a military construction project under the demonstration program described in subsections (a), (b), and (e) after September 30, 2008.

SEC. 807. TWO-YEAR EXTENSION OF LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

amended by striking “September 30, 2003” and inserting “September 30, 2005”.

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

SEC. 821. PILOT AUTHORITY FOR FOLLOW-ON PRODUCTION AGREEMENTS RELATING TO CERTAIN PROTOTYPE PROJECTS.

(a) Follow-On Production Agreements.—A transaction entered into under section 845 of the National Defense Authorization Act for Fiscal Year 1994 as amended (Public Law 103–160; 10 U.S.C. 2371 note) for a prototype project may provide for the award of a follow-on production agreement to the participants in the transaction for a specific number of units at specific target prices. The number of units specified in the transaction shall be determined on the basis of a balancing of the level of the investment made in the project by the participants other than the Federal Government with the interest of the Federal Government in having competition among sources in the acquisition of the product or products prototyped under the project.

(b) Appropriate Use of Authority.—The Secretary of Defense shall ensure that no official of an agency enters into a transaction under the authority of this sec-
tion for a follow-on production agreement unless use of a transaction is necessary to continue business arrange-
ments established for prototype projects that included the significant participation of a nontraditional defense con-
tractor when the nontraditional defense contractor con-
tinues to participate to a significant extent in the pre-pro-
duction or production of the item.

(c) ADVANCE PAYMENTS.—A cumulative total of up to $20,000,000 of advances to participants in the trans-
actions under this section is allowed without regard to sub-
section 3324(a) of title 31, United States Code, regarding advance payments.

(d) COMPETITIVE PROCEDURES.—A follow-on pro-
duction agreement provided for in a transaction under paragraph (a) may be awarded to the participants in the transaction without the use of competitive procedures, not-
withstanding the requirements of section 2304 of title 10, United States Code, if—

(1) competitive procedures were used for the selec-
tion of parties for participation in the prototype transaction;

(2) the participants in the prototype transaction successfully completed the prototype project provided for in the transaction;
(3) the number of units provided for in the follow-on production agreement does not exceed the number of units specified in the prototype other transaction for such potential follow-on production agreement; and

(4) the prices established in the follow-on production agreement do not exceed target prices specified in the prototype other transaction for such a potential follow-on production agreement.

(e) Protection of Certain Information From Disclosure.—

(1) Disclosure of information described in paragraph (2) is not required, and may not be compelled, under section 552 of title 5, United States Code, for five years after the date on which the information is received by the Department of Defense.

(2)(A) Paragraph (1) applies to information described in paragraph (B) that is in the records of the Department of Defense if the information was submitted to the Department in a competitive or noncompetitive process having the potential for resulting in an award, to the party submitting the information, of a cooperative agreement for performance of basic, applied, or advanced research author-
ized by section 2358 of this title or another trans-
action authorized by subsection (a).

(B) The information referred to in subpara-
graph (A) is the following:

(i) A proposal, proposal abstract, and sup-
porting documents.

(ii) A business plan submitted on a con-
fidential basis.

(iii) Technical information submitted on a
confidential basis.

(f) PERIOD OF AUTHORITY.—The authority to con-
duct a pilot program under this section shall terminate
on September 30, 2010. The termination of the authority
shall not affect the validity of continued performance on
agreements that are awarded or modified during the pe-
rid of the pilot program.

SEC. 822. CHARGING OF FEES FOR LOGISTICS DATA.

(a) IN GENERAL.—Chapter 141 of title 10, United
States Code, is amended by inserting after section 2410m
the following new section:

§ 2410n. Charging of fees for logistics data

“The Secretary of Defense may establish fees, at a
level sufficient to recover costs, for materials provided by
the Defense Logistics Information Services to the public,
State and local governments, and Federal entities from the Federal Logistics Information System.”.

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

“2410n. Charging of fees for logistics data.”.

SEC. 823. SALE AND EXCHANGE OF MISSILE PROPELLANTS AND ELECTRICITY.

(a) IN GENERAL.—Section 2404 of title 10, United States Code, is amended—

(1) by striking “fuel” each place it appears and inserting “energy”;

(2) in subsection (d), by striking “of the Department of Defense”;

(3) in subsection (e), by striking “such blends” and inserting “such blends, and additives thereto”;

(4) by redesignating subsection (f) as subsection (g);

(5) by inserting after subsection (e) the following new subsection (f):

“(f) MISSILE PROPELLANT DEFINED.—In this section, the term ‘missile propellant’ means the chemical product which is utilized as an energy, oxidizer, catalyst or inert additive in the engines of rockets and missiles or used in high energy lasers.”; and
(6) in subsection (g), as redesignated by paragraph (4), by adding at the end the following new paragraphs:

“(5) Missile propellant.

“(6) Electricity.”.

(b) Clerical Amendments.—(1) The heading of such section is amended to read as follows:

“§ 2404. Energy acquisitions, exchanges and waivers”.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2404 and inserting the following new item:

“2404. Energy acquisitions, exchanges and waivers.”.

SEC. 824. PILOT PROGRAM TO CONTRACT WITH LOCAL GOVERNMENTS FOR SERVICES.

(a) Acquisition Authority.—Subject to the provisions of chapter 146 of title 10, United States Code, but notwithstanding any other provision of law related to the award of public contracts, the Secretary of a military department may enter into a contract or other agreement for the provision of local governmental services at an installation of the Department of Defense with the local governmental entity responsible in accordance with state law for serving the area that includes the installation or facility. The Secretary may enter into such a contract or agreement without utilizing competitive procedures and
without regard to whether the local governmental entity
to which the Secretary makes award is required by law
to provide those services to the public without direct
charge; provided, however, that such law does not require
the provision of those services to federal facilities without
charge.

(b) LIMITATIONS.—The authority provided in sub-
section (a) may be used at no more than two installations
in each military department and may not be applied after
September 30, 2010.

(c) DEFINITIONS.—In this section, the term “local
governmental services” means refuse collection and dis-
posal, libraries, recreation, facility repair and mainte-
nance, and utilities.

SEC. 825. PROCUREMENT OF BALL AND ROLLER BEARINGS.

(a) LIMITATION.—Paragraph (5) of subsection (a) of
section 2534 of title 10, United States Code, is amended
to read as follows:

“(5) BALL BEARINGS AND ROLLER BEAR-
ings.—Ball bearings and roller bearings or bearing
components, except ball bearings and roller bearings
being procured for use in an end product manufac-
tured by a manufacturer that does not satisfy the
requirements of subsection (b) or in a component
part manufactured by such a manufacturer. ‘Bear-
(b) **Inapplicability to Certain Contracts.**—Paragraph (2) of subsection (j) of such section is amended to read as follows:

“(2) This section does not apply with respect to a contract or subcontract to purchase items described in subsection (a)(5) if such contract or subcontract is for the acquisition of commercial items, unless commercial ball and roller bearings are being acquired as end items.”.

**SEC. 826. Increased Threshold for Awarding Contracts Under Other Than Competitive Procedures.**

Section 2304(f)(1)(B) of title 10, United States Code, is amended—

(1) in clause (ii), by striking “$50,000,000” and inserting “$75,000,000”; and

(2) in clause (iii), by striking “$50,000,000” and inserting “$75,000,000”.

•HR 4200 IH
SEC. 827. INCREASED THRESHOLD FOR REQUIRING CONTRACTORS TO PROVIDE SPECIFIED EMPLOYEE INFORMATION TO COOPERATIVE AGREEMENT HOLDERS.

Section 2416(d) of title 10, United States Code, is amended by striking “$500,000” and inserting “$1,000,000”.

SEC. 828. LIMITATION ON TASK AND DELIVERY ORDER CONTRACTS.

Subsection 2304a(f) of title 10, United States Code, is amended to read as follows:

“(f) CONTRACT PERIOD.—The head of an agency entering into a task or delivery order contract under this section may provide for the contract to cover any period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification to the contract. In no event, however, may the total contract period as extended exceed ten years.”.

Subtitle C—Acquisition-Related Reports and Other Matters

SEC. 841. STREAMLINING REAL PROPERTY TRANSACTIONS.

(a) Section 2662 of title 10, United States Code, is amended—

(1) by amending subsection (a) to read as follows:
“(a) General Notice and Wait Requirements.—The Secretary concerned shall provide a report of the facts concerning the proposed transaction to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives if the estimated price, annual rental, or value exceeds the unspecified minor military construction ceiling in section 2805(a)(1) of this title. Such transactions are—

“(1) An acquisition of fee title to any real property,

“(2) A lease of any real property to the United States,

“(3) A lease or license of real property owned by the United States,

“(4) A transfer of real property owned by the United States to another Federal agency or another military department or to a State,

“(5) A report of excess real property owned by the United States to a disposal agency, or

“(6) Any termination or modification by either the grantor or grantee of an existing license or permit to a military department of real property owned by the United States, under which substantial investments have been or are proposed to be made in
connection with the use of the property by the military department.”;

(2) in subsection (b), by striking “$750,000” and inserting “the unspecified minor military construction project ceiling in section 2805(a)(1) of this title”; and

(3) in subsection (e), by striking “$750,000” and inserting “the unspecified minor military construction project ceiling in section 2805(a)(1) of this title”.

(b) Section 2672 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “(1) The” and inserting “The”; and

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(iii) in paragraph (2), as redesignated, by striking “$750,000” and inserting “the unspecified minor military construction project ceiling in section 2805(a)(1) of this title”; and

(B) by striking paragraph (2); and
(2) in subsection (b), by striking “$750,000” and everything that follows through the period at the end of the sentence and inserting “the unspecified minor military construction project ceiling in section 2805(a)(1) of this title”.

SEC. 842. REPEAL OF ANNUAL REPORTING REQUIREMENT CONCERNING MANAGEMENT OF DEPOT EMPLOYEES.

Section 2472 of title 10, United States Code, is amended—

(1) by striking “(a) PROHIBITION ON MANAGEMENT BY END STRENGTH.—”; and

(2) by striking subsection (b).

SEC. 843. SIMPLIFICATION OF ANNUAL REPORTING REQUIREMENTS CONCERNING FUNDS EXPENDED FOR DEPOT MAINTENANCE AND REPAIR WORKLOADS.

Section 2466(d) of title 10, United States Code, is amended to read as follows:

“(d) ANNUAL REPORTS.—(1) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the military departments and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year and are projected to be ex-
pended in the current and the next fiscal years for per-
formance of depot-level maintenance and repair workloads
by the public and private sectors, as required by this sec-
tion.

“(2) Not later than 60 days after the date on which
the Secretary submits a report under this subsection, the
Comptroller General shall submit to Congress the Com-
troller General’s views on whether the Department of De-
fense has complied with the requirements of subsection (a)
for the preceding fiscal year covered by the report and that
the expenditure projections for the current and next fiscal
years are reasonable.”.

SEC. 844. PROVISIONS RELATING TO REAL PROPERTY.

(a) In general.—(1) Section 2661 of title 10,
United States Code, is amended by adding at the end the
following new subsections:

“(c) Commissions on land purchase con-
tracts.—The maximum amount payable as a commission
on a contract for the purchase of land from funds appro-
priated for the Department of Defense is 2 percent of the
purchase price.

“(d) Availability of funds for acquisition of
certain interests in lands.—Appropriations avail-
able to the Department of Defense for operation and
maintenance or construction may be used for the acquisi-
tion of land or interests in land under section 2672 of this title and for the acquisition of interests in land under section 2675 of this title.”.

(2) Section 2679 of such title is amended—

(A) by striking the title and inserting the following:

“§ 2679. Use of facilities by private organizations or as polling places”;

(B) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively;

(C) by inserting before paragraph (1), as redesignated, the following:

“(a) Use of space and equipment by veterans’ organizations.—”;

and

(D) by adding at the end the following new subsections:

“(b) Licenses to American National Red Cross for erection and use of buildings.—Under such conditions as he may prescribe, the Secretary concerned may issue a revocable license to the American National Red Cross to—
“(1) erect and maintain, on any military instal-

lation under the Secretary’s jurisdiction, buildings

for the storage of supplies; or

“(2) use, for the storage of supplies, buildings

erected by the United States.

Supplies stored in buildings erected or used under this sec-
tion are available to aid the civilian population in a serious
national disaster.

“(e) Use of Certain Facilities as Polling

Places.—(1) Notwithstanding chapter 29 of title 18 (in-
cluding sections 592 and 593 of such title) or any other
provision of law, the Secretary of Defense or Secretary
of a military department may not (except as provided in
paragraph (3)) prohibit the designation or use of a quali-
ifying facility under the jurisdiction of the Secretary as an
official polling place for local, State, or Federal elections.

“(2) A Department of Defense facility is a qualifying
facility for purposes of this subsection if as of December
31, 2000—

“(A) the facility is designated as an official
polling place by a State or local election official; or

“(B) the facility has been used as such an offi-
cial polling place since January 1, 1996.

“(3) The limitation in paragraph (1) may be waived
by the Secretary with respect to a particular Department
of Defense facility if the Secretary determines that local
security conditions require prohibition of the designation
or use of that facility as an official polling place for any
election.”.

(3) Section 2664 of such title is repealed.

(4) Sections 2666, 2670, and 2673 of such title are
repealed.

(b) CLERICAL AMENDMENTS.—The table of sections
for chapter 159 of such title is amended—

(1) by striking the items relating to sections
2664, 2666, 2670, and 2673; and

(2) by striking the item relating to section 2679
and inserting the following:

“2679. Use of facilities by private organizations or as polling places.”.

TITLE IX—DEPARTMENT OF DE-
FENSE ORGANIZATION AND
MANAGEMENT

Subtitle A—Duties and Functions
of Department of Defense Officers

SEC. 901. TRANSFER OF RESPONSIBILITY FOR THE ASSEMB-
BLED CHEMICAL --WEAPONS ALTERNATIVES
PROGRAM.

Section 142(a) of the Strom Thurmond National De-
fense Authorization Act for Fiscal Year 1999 (Public Law
105–261; 50 U.S.C. 1521 note) is amended to read as
follows:
“(a) PROGRAM MANAGEMENT.—Oversight of the Assembled Chemical Weapons Alternatives program shall be transferred from the Under Secretary of Defense for Acquisition, Technology and Logistics to the Secretary of the Army not later than January 1, 2005. Upon transfer of oversight, the program may be managed as part of the Department of the Army management organization specified in 50 U.S.C. 1521(e). The Army shall continue to implement fully the alternative technologies previously selected for the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky by the Under Secretary of Defense for Acquisition, Technology and Logistics.”.

SEC. 902. EXPANDED ELIGIBILITY TO SERVE AS THE DEPUTY CHIEF OF NAVAL OPERATIONS AND ASSISTANT CHIEF OF NAVAL OPERATIONS.

(a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended by striking “in the line”.

(b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended by striking “in the line”.
SEC. 903. REPEAL OF REQUIRED PERIODIC INSPECTOR GENERAL AUDITS OF UNDEFINITIZED CONTRACTUAL ACTIONS.


SEC. 904. REPEAL OF MANDATORY INSPECTOR GENERAL REVIEW OF ADVISORY AND ASSISTANCE SERVICES CONTRACT WAIVERS.

Section 2399(e)(2) of title 10, United States Code, is amended by striking “The Inspector General of the Department of Defense shall review each such waiver and shall include in the Inspector General’s semi-annual report an assessment of those waivers made since the last such report.”

SEC. 905. CHAIN OF SUCCESSION FOR THE CHIEF, NATIONAL GUARD BUREAU.

(a) DESIGNATION OF SENIOR OFFICER IN NATIONAL GUARD BUREAU.—Section 10502 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) Succession.—Unless otherwise directed by the President or Secretary of Defense, when there is a vacancy
in the office of the Chief of the National Guard Bureau or in the event the Chief is unable to perform his duties, the more senior officer of either the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall serve as the acting Chief until a successor is appointed or the Chief once again is able to perform his duties.”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended by adding at the end the following: “; succession”.

(2) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended by inserting before the period at the end the following: “; succession”.

(e) REPEALER.—Subsections (d) and (e) of section 10505 of such title are repealed.

Subtitle B—Reports

SEC. 911. REPEAL OF REPORTING REQUIREMENT CONCERNING THE COOPERATIVE THREAT REDUCTION PROGRAM.

SEC. 912. REPEAL OF ANNUAL REPORTING REQUIREMENT

CONCERNING THREAT POSED BY WEAPONS

OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.


Subtitle C—Other Matters

SEC. 921. MANPOWER AND BUDGET ISSUES IN THE DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE.

Section 1501(a)(5) of title 10, United States Code, is amended by striking subparagraph (C).

SEC. 922. THREE-YEAR EXTENSION OF MENTOR-PROTEGE PROGRAM.


(1) in subsection (j)—

(A) in paragraph (1), by striking “September 30, 2005” and inserting “September 30, 2008”; and

(B) in paragraph (2), by striking “September 30, 2008” and inserting “September 30, 2011”; and
(2) in subsection (l)(3), by striking “2007” and inserting “2010”.

TITLE X—GENERAL PROVISIONS
Subtitle A—Financial Matters

SEC. 1001. CAPTURE OF ALL EXPIRED FUNDS FROM THE MILITARY PERSONNEL AND OPERATION AND MAINTENANCE APPROPRIATIONS ACCOUNTS FOR USE IN THE FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.

Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking “second fiscal year” and inserting “fifth fiscal year”; and

(2) in subsection (d)(2), by striking “second fiscal year” and inserting “fifth fiscal year”.

SEC. 1002. REIMBURSEMENT FOR USE OF PERSONAL CELLULAR TELEPHONES WHEN USED FOR OFFICIAL GOVERNMENT BUSINESS.

(a) In general.—(1) Chapter 134 of title 10, United States Code, is amended by inserting after section 2257 the following new section:

“§ 2258. Personal cellular telephones: reimbursement when used for Government business

“(a) General authority.—The Secretary of Defense may reimburse members of the Army, Navy, Air
Force, and Marine Corp, and civilian officers and employees of the Department of Defense, for cellular telephone use on a privately owned cellular telephone when used on official Government business. Such reimbursement shall be on a flat-rate basis.

“(b) Reimbursement Rate.—The Secretary of Defense may prescribe the reimbursement rate for purposes of subsection (a). That reimbursement rate may not exceed the equivalent Government costs of providing a cellular telephone to employees on official Government business.”

(b) Clerical Amendment.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2257 the following new item:

“2258. Personal cellular telephones: reimbursement when used for Government business.”

SEC. 1003. PURCHASE OF PROMOTIONAL ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

(a) In General.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

§ 1599e. Authority to purchase items of nominal value for recruitment purposes

“The Secretary of Defense may purchase promotional items of nominal value for use in the recruitment of indi-
individuals for employment under this chapter. The Secretary shall prescribe guidelines for the administration of the preceding sentence.”.

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

“1599e. Authority to purchase items of nominal value for recruitment purposes.”.

SEC. 1004. MICROCLAIM WAIVER AUTHORITY.

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

§ 2229. General waiver authority

“(a) Pursuant to regulations published by the Secretary of Defense, the Secretary or his designees may waive indebtedness owed to the United States Government and arising out of the activities of, or referred to, the Department of Defense, and not referred to another executive or legislative agency for further collection action, when, based on a cost benefit analysis, the costs of collection are expected to exceed the amounts recoverable.

“(b) The authority pursuant to this section may be delegated to the lowest level to ensure costs of processing waivers do not exceed costs of processing collections. Exercise of this waiver authority for amounts in excess of the micropurchase threshold amount is not authorized.
“(c) Waivers under subsection (a) may be applied to indebtedness owed by military and civilian personnel, fees for jury duty, or similar items where application of the waiver authority would be more economical to the Government than processing the action to completion. Application of the waiver to any transaction is at the sole discretion of the Secretary or designee and may not be reviewed in a court of law.

“(d) Nothing in this section requires the exercise of the waiver authority and no rights are conferred hereby on any third party.”.

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

“2229. Microclaim waiver authority.”.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. EXCHANGE AND SALE OF OBSOLETE NAVY SERVICE CRAFT AND BOATS.

(a) In General.—Subsection (d) of section 7305 of title 10, United States Code, is amended to read as follows:

“(d) Exchange or Sale of Similar Items.—(1) Notwithstanding any other provision of law, the Secretary and his designees, in acquiring similar personal property
pursuant to section 503 of title 40, may, under regulations
to be prescribed by the Secretary—

“(A) exchange or sell obsolete Navy service
craft and boats, and

“(B) retain from the proceeds of the sale of
such personal property amounts necessary to re-
cover, to the extent practicable, the full costs, direct
and indirect, incurred by the Navy in preparing such
property for exchange or sale, including the costs for
towing, storage, defueling, removal and disposal of
hazardous wastes, environmental surveys to deter-
mine the presence of regulated polychlorinated
biphenyl (PCB) containing materials, and if found,
the removal and disposal of regulated PCB-con-
taining materials, and other related costs.

The Secretary or his designees may use such retained pro-
ceeds in whole or in part payment for the preparation of
additional obsolete Navy service craft and boats for future
sale or exchange under this authority.

“(2) Such amounts shall be deposited into an account
that shall be available for such costs without regard to
fiscal year limitations. Amounts that are not needed to
pay such costs shall be transferred at least annually to
the general fund or to a specific account in the Treasury
as otherwise authorized by law.
“(3) Section 3709 of the Revised Statutes does not apply to sales of property pursuant to this subsection.”.

SEC. 1012. AWARD CONTRACTS FOR SHIP DISMANTLING ON NET COST BASIS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7305 the following new section:

“§ 7305a. Contracts for ship dismantling awarded on net cost basis

“(a) AUTHORIZATION.—Notwithstanding any other provision of law, the Secretary of the Navy may award on a net cost basis contracts for the dismantling of ships stricken from the Naval Vessel Register. In exercising authority under this section, the Secretary shall to the maximum extent practicable use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

“(b) RETENTION OF PROCEEDS.—When the Secretary of the Navy awards a ship dismantling contract on a net cost basis, the contractor may retain the proceeds from the sale of scrap and reusable items from the vessel being dismantled.

“(e) DEFINITIONS.—For purposes of this section:
“(1) The term ‘scrap’ means personal property that has no value except for its basic material content.

“(2) The term ‘net cost basis’ means the differential between the gross cost of performance of the contract less the offeror’s estimate of the value under the contract of scrap and reusable items that the contractor will remove from the vessel during performance of the contract.

“(3) The term ‘reusable items’ means any demilitarized components or removable portions of the ship or equipment that the Navy has identified as excess to its needs but which have potential resale value on the open market.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7305 the following new item:

“7305a. Contracts for ship dismantling awarded on net cost basis.”.

Subtitle C—Counterdrug Activities

SEC. 1021. USE OF TWO-YEAR EXTENSION OF COUNTERDRUG FUNDS FOR COUNTERTERRORISM IN COLOMBIA.

(a) Authority.—In fiscal years 2005 and 2006, the Secretary of Defense may use funds available for drug interdiction and counterdrug activities to provide assist-
ance to the Government of Colombia to support a unified campaign against narcotics trafficking and activities by organizations designated as terrorist organizations, such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC). This includes authority to take actions to protect human health and welfare in emergency circumstances, including rescue operations for any United States citizen, to include United States armed forces personnel, United States civilian employees, and civilian contractors employed by the United States.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—The authority in this section is in addition to authorities currently available to provide assistance to Colombia.

Subtitle D—Other Department of Defense Provisions

SEC. 1031. CONTROL AND SUPERVISION OF TRANSPORTATION WITHIN THE DEPARTMENT OF DEFENSE.

(a) In General.—Title 10, United States Code, is amended as follows:

(1) Section 4744 is amended—

(A) by redesignating section 4744 as section 2648;
(B) in the first sentence, by striking “the Army” and inserting “Defense”; and

(C) in the first paragraph, by striking “Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any military transport agency of”.

(2) Section 4745 is amended—

(A) by redesignating section 4745 as section 2649;

(B) in paragraph (a)—

(i) by striking “(1) on vessels operated by Army transport agencies, or (2) within bulk space allocations made to the Department of the Army”; and

(ii) by striking “any transport agency of”; and

(C) by striking “the Army and the Secretary of Transportation” and inserting “Defense”.

(3) Section 4747 is amended—

(A) by redesignating section 4747 as section 2650;

(B) by striking “Army transport agencies or, within bulk space allocations made to the
Department of the Army, on vessels operated by any transport agency of”; and

(C) by striking “the Army” and inserting “Defense”.

(4) Section 4741 is repealed.

(5) Section 4743 is repealed.

(6) Section 4746 is repealed.

(7) Section 9741 is repealed.

(8) Section 9743 is repealed.

(9) Section 9746 of title 10, United States Code, is amended—

(A) by redesignating section 9746 as section 2651;

(B) by inserting “vessels or” after “transported on”;

(C) by striking “Air Force transport agencies or, within bulk space allocations made by the Department of the Air Force, on vessels or airplanes operated by any military transport agency of”;

(D) in paragraph (1), by striking “the Air Force” and inserting “Defense”; and

(E) in paragraph (4)—

(i) by striking subparagraph (A); and
(ii) by redesignating subparagraph
(B) as subparagraph (A).

(b) CLERICAL AMENDMENTS.—

(1)(A) The table of sections at the beginning of
chapter 447 of such title is amended by striking the
item relating to section 4744.

(B) The table of sections at the beginning of
chapter 157 of such title is amended by adding at
the end the following new item:

“2647. Persons and supplies: sea transportation.”.

(2)(A) The table of sections at the beginning of
chapter 447 of such title is amended by striking the
item relating to section 4745.

(B) The table of sections at the beginning of
chapter 157 of such title is amended by adding at
the end the following new item:

“2648. Civilian passengers and commercial cargoes: transports in trans-Atlantic
service.”.

(3)(A) The table of sections at the beginning of
chapter 447 of such title is amended by striking the
item relating to section 4747.

(B) The table of sections at the beginning of
chapter 157 of such title is amended by adding at
the end the following new item:

“2649. Passengers and merchandise to Guam: sea transport.”.
(4) The table of sections at the beginning of chapter 447 of such title is amended by striking the item relating to section 4741.

(5) The table of sections at the beginning of chapter 447 of such title is amended by striking the item relating to section 4743.

(6) The table of sections at the beginning of chapter 447 of such title is amended by striking the item relating to section 4746.

(7) The table of sections at the beginning of chapter 947 of such title is amended by striking the item relating to section 9741.

(8)(A) The table of sections at the beginning of chapter 447 of such title is amended by striking the item pertaining to section 4746; and

(B) The table of sections at the beginning of chapter 157 of such title is amended by adding at the end the following new item:

“2651. Civilian personnel in Alaska.”—

Subtitle E—Other Matters

SEC. 1041. REPEAL OF PROHIBITION ON CONTRACTS FOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.

Section 2465 of title 10, United States Code, is amended—
(1) by striking “or security-guard” in the section heading; and
(2) in subsection (a), by striking “or security guard”.

SEC. 1042. ESTABLISHMENT OF AUXILIARIES WITHIN THE MILITARY DEPARTMENTS.

(a) In general.—Part IV of subtitle A of title 10, United States Code, is amended by inserting after chapter 172 the following new chapter:

“CHAPTER 173—AUXILIARIES

Sec.
2921. Administration of auxiliaries.
2922. Purpose of an auxiliary.
2923. Eligibility, enrollments.
2924. Members of the auxiliary; status.
2925. Disenrollment.
2926. Membership in other organizations.
2927. Use of member's equipment and facilities.
2928. Availability of appropriations.
2929. Assignment and performance of duties.
2930. Injury or death in line of duty.
2931. Limitation on liability.

§ 2921. Administration of auxiliaries

(a) An auxiliary of a military department is a non-military organization administered by the Secretary concerned. For command, control, and administrative purposes, the auxiliary shall include such organizational elements and units as are approved by the Secretary, which may include a national board and staff (to be known as the ‘auxiliary headquarters unit’), districts, regions, divisions, and other organizational elements and units. The
auxiliary organization and its officers shall have such
rights, privileges, powers, and duties as may be granted
to them by the Secretary, consistent with this title and
other applicable provisions of law. The Secretary may des-
ignate the authority and responsibilities of the officers of
the auxiliary that the Secretary considers necessary or ap-
propriate for the functioning, organization, and internal
administration of the auxiliary.

“(b) The national board of an auxiliary, and any aux-
iliary district or region, may form a corporation under
State law in accordance with policies established by the
Secretary.

§ 2922. Purpose of an auxiliary

“The purpose of an auxiliary is to assist the military
department under which it is established, as authorized
by the Secretary concerned, in performing any non-combat
function, power, duty, role, mission, or operation author-
ized by law for that military department.

§ 2923. Eligibility, enrollments

“An auxiliary shall be composed of citizens of the
United States, who by reason of their special training or
experience are deemed by the Secretary concerned to be
qualified for duties and functions of the auxiliary, and who
may be enrolled therein pursuant to regulations estab-
lished by the Secretary.
§ 2924. Members of the auxiliary; status

“(a) Except as otherwise provided in this chapter, a member of an auxiliary shall not be considered a Federal employee.

“(b) A member of an auxiliary, while performing duty, shall be considered to be a Federal employee for the purposes of the provisions of law relating to—

“(1) ethics, conflicts of interest, corruption, and any other criminal or civil statutes and regulations governing the conduct of Federal employees;

“(2) compensation for work injuries under chapter 81 of title 5; and

“(3) resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31.

“(c) A member of the auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.

“(d) A member of the auxiliary, while assigned to duty, shall be deemed to be a member of a uniformed service for purposes of sections 2928 and 2930 of this title.

§ 2925. Disenrollment

“Members of an auxiliary may be disenrolled pursuant to applicable regulations established by the Secretary concerned.
§ 2926. Membership in other organizations

“Members of an auxiliary may be appointed or enlisted in a Reserve component, pursuant to applicable regulations. Membership in the auxiliary shall not bar membership in any other naval or military organization.

§ 2927. Use of member’s equipment and facilities

“At no cost to the government, the Secretary concerned may utilize for any purpose incident to carrying out his department’s functions and duties, equipment or facilities placed at his department’s disposition for any such purpose by any member of the auxiliary while performing duties or missions assigned by the Secretary.

§ 2928. Availability of appropriations

“Appropriations authorized for operation and maintenance of a military department may be used to pay actual necessary traveling expenses and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the auxiliary assigned to authorized duties, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the military department.

§ 2929. Assignment and performance of duties

“No member of an auxiliary, solely by reason of such membership, shall be vested with, or exercise, any right, privilege, power, or duty vested in or imposed upon the personnel of the military department concerned, except
that any such member may, under applicable regulations, be assigned duties which, after appropriate training and examination, he has been found competent to perform, to effectuate the purposes of the auxiliary. No member of the auxiliary shall be placed in charge of an activity or organization assigned to the military department unless he has been designated specifically by authority of the Secretary concerned to perform such duty. Members of the auxiliary, when assigned to duties as herein authorized, shall, unless otherwise limited by the Secretary concerned, be vested with the same power and authority in the execution of such duties as members of the regular or Reserve components of that military department assigned to similar duty. When any member of the auxiliary is assigned to such duty, he may, pursuant to regulations issued by the Secretary, be paid actual necessary traveling expenses, including a per diem allowance in conformity with standardized Government travel regulations in lieu of subsistence, while traveling and while on duty away from his home. No per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government. No member of an auxiliary, while performing auxiliary duty, shall exercise command.
§ 2930. Injury or death in line of duty

(a) If a member of an auxiliary is physically injured, or dies as a result of physical injury, and the injury is incurred while performing any duty to which he has been assigned pursuant to this chapter, the law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, applies, subject to this section. That law shall be administered by the Secretary of Labor to the same extent as if the member was a civil employee of the United States and was injured in the performance of that duty. For benefit computation, regardless of pay or pay status, the member is considered to have had monthly pay of the monthly equivalent of the minimum rate of basic pay in effect for grade GS–9 of the General Schedule on the date the injury is incurred.

(b) This section does not apply if a worker’s compensation law provides coverage because of a concurrent employment status of the member. When the member or a dependent is entitled to a benefit under this section and also to a concurrent benefit from the United States on account of the same disability or death, the member or dependent, as appropriate, shall elect which benefit to receive.

(c) If a claim is filed under this section with the Secretary of Labor for benefits because of an alleged in-
jury or death, the Secretary of Labor shall notify the Sec-
retary concerned who shall direct an investigation into the
facts surrounding the alleged injury or death. The Sec-
retary then shall certify to the Secretary of Labor whether
or not the injured or deceased person was a member of
an auxiliary, the person’s military status, and whether or
not the injury or death was incurred incident to military
service.

“(d) A member of an auxiliary who incurs a physical
disability or contracts sickness or disease while performing
a duty to which the member has been assigned pursuant
to this chapter is entitled to the same hospital treatment
afforded a member of the Reserves of the armed forces
while serving on active duty.

“(e) In administering section 8133 of title 5, for a
person covered by this section—

“(1) the percentages applicable to payments
under that section are—

“(A) 45 percent under subsection (a)(2) of
that section, where the member died fully or
currently insured under title II of the Social Se-
curity Act (42 U.S.C. 401 et seq.), with no ad-
ditional payments for a child or children so long
as the widow or widower remains eligible for
payments under that subsection;
“(B) 20 percent under subsection (a)(3) of that section, for one child, and 10 percent additional for each additional child, not to exceed a total of 75 percent, where the member died fully or currently insured under title II of the Social Security Act; and

“(C) 25 percent under subsection (a)(4) of that section, if one parent was wholly dependent for support upon the deceased member at the time of the member’s death and the other was not dependent to any extent; 16 percent to each if both were wholly dependent; and if one was, or both were, partly dependent, a proportionate amount in the discretion of the Secretary of Labor;

“(2) payments may not be made under subsection (a)(5) of that section; and

“(3) the Secretary of Labor shall inform the Commissioner of Social Security whenever a claim is filed and eligibility for compensation is established under section 8133(a)(2) and (3) of title 5. The Commissioner of Social Security then shall certify to the Secretary of Labor whether or not the member concerned was fully or currently insured under title
II of the Social Security Act at the time of the member’s death.

"§ 2931. Limitation on liability

“A member of an auxiliary, while assigned to duty, shall be deemed a volunteer of a nonprofit organization or governmental entity for purposes of chapter 139 of title 42 (popularly known as the ‘Volunteer Protection Act’). Subsection (d) of section 4 of such Act (42 U.S.C. 14503(d)) shall not apply for purposes of any claim against a member of an auxiliary.”.

(b) Clerical Amendment.—The tables of chapters at the beginning of such subtitle and the beginning of part I of such subtitle are amended by inserting after the item relating to chapter 172 the following new item:

“173. Auxiliaries ................................................................. 2921”.

SEC. 1043. NATIONAL DEFENSE HERITAGE FOUNDATION.

(a) In General.—Part IV of subtitle A of title 10, United States Code is amended by adding at the end the following new chapter:

“CHAPTER 173—NATIONAL DEFENSE HERITAGE FOUNDATION

1Sec.
1"2905. Establishment and purpose.
1"2906. Composition and operation.
1"2907. Corporate powers and obligations.
1"2908. Liability of United States.
1"2909. Promotion of local fundraising support.
1"2910. Authorization of appropriations.
§ 2905. Establishment and purpose

“(a) Establishment.—A National Defense Heritage Foundation is hereby established as a charitable and nonprofit corporation for the purposes specified in subsection (b), and shall be organized and operated as a charitable foundation under title 76, section 501(c)(3), United States Code.

“(b) Purposes.—The Foundation shall encourage, accept, and administer private gifts of money and real and personal property or any income therefrom for the benefit of, or in connection with, the preservation, protection, and continued beneficial use of historic properties owned or controlled by the Department of Defense.

§ 2906. Composition and operation

“(a) Board of Directors.—The National Defense Heritage Foundation shall be governed by a Board of Directors that shall consist of—

“(1) the Secretary of Defense, ex officio;

“(2) the Secretaries of the Military Departments, ex officio;

“(3) the Director of the National Park Service, ex officio;

“(4) five experts in the field of historic preservation appointed by the Secretary of Defense from the disciplines of architecture, history, archeology, or other appropriate disciplines;
“(5) three at-large members from the general public appointed by the Secretary of Defense; and

“(6) the Chairman of the Advisory Council on Historic Preservation, ex officio.

“(b) TERM OF APPOINTMENT.—The initial terms of the five historic preservation experts and the three at-large members shall be staggered to assure continuity of administration. Thereafter, the term shall be six years, unless a successor is chosen to fill a vacancy occurring prior to the expiration of the term for which his predecessor was chosen, in which event the successor shall be chosen only for the remainder of that term.

“(c) CHAIRPERSON AND SECRETARY.—The Secretary of Defense shall be the Chairman of the Board and the Director of the National Park Service shall be the Secretary of the Board.

“(d) MEMBERSHIP AND OPERATION.—Except as to those Board members serving in their official capacities, service as a member of the Board shall not constitute employment by, or the holding of, an office of the United States for the purposes of any Federal law. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business, and the Foundation shall have an official seal, which shall be judicially noticed. The Board shall meet at the call of the
Chairman and there shall be at least one meeting each year.

“(e) Compensation and Travel Expenses.—No compensation shall be paid to the members of the Board for their services as members, but they shall be reimbursed for actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties as such members out of National Defense Heritage Foundation funds available to the Board for such purposes.

“(f) Volunteer Status.—The Secretary of Defense may accept, without regard to civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the Department of Defense, as volunteers in the performance of the functions authorized herein.

“(g) Employees.—An officer or employee of the Foundation—

“(1) shall not by virtue of the appointment or employment of the office or employee, be considered a Federal employee for any purpose; and

“(2) may not be paid by the Foundation a salary in excess of $134,000 per year.
§ 2907. Corporate powers and obligations

“(a) Gifts.—(1) The Foundation is authorized to accept, receive, solicit, hold, administer, and use any gifts, devises, or bequests, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein for the benefit of or in connection with, the preservation, protection, and continued beneficial use of historic properties owned or controlled by the Department of Defense; provided, that the Foundation may not accept any such gift, devise, or bequest that entails any expenditure other than from the resources of the Foundation.

“(2) An interest in real property includes, among other things, easements or other rights for preservation, conservation, protection, or enhancement of historic properties.

“(3) A gift, device, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein supports the purposes for which the Foundation has been established.

“(b) Property and Income Dealings and Transactions.—(1) Except as otherwise required by the instrument of transfer, the Foundation may sell, lease, invest, reinvest, retain, or otherwise dispose of or deal with any property or income thereof as the Board may from time to time determine.
“(2) The Foundation shall not engage in any business, nor shall the Foundation make any investment that may not lawfully be made by a trust company in the District of Columbia, except that the Foundation may make any investment authorized by the instrument of transfer, and may retain any property accepted by the Foundation.

“(3) The Foundation may utilize the services and facilities of the Department of Defense, the Department of the Interior, and the Department of Justice, and such services and facilities may be made available on request to the extent practicable with or without reimbursement therefore. Monies reimbursed to any Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.

“(c) CORPORATE SUCCESSION; POWERS AND DUTIES OF TRUSTEE; SUITS; PERSONAL LIABILITY FOR MALFEASANCE.—The Foundation shall have perpetual succession, with all the usual powers and obligations of a corporation acting as a trustee, including the power to sue and to be sued in its own name, but the members of the Board shall not be personally liable, except for malfeasance.
“(d) Authority for Execution of Contracts, Instruments, and Necessary or Appropriate Acts.—The Foundation shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to its purposes.

“(e) Bylaws, Rules, and Regulations; Contracts for Services.—In carrying out the provisions of this subchapter, the Board may adopt bylaws, rules, and regulations necessary for the administration of its functions and contract for any necessary services.

§ 2908. Liability of United States

“The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation.

§ 2909. Promotion of local fundraising support

“(a) Establishment.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual military installation level.

“(b) Implementation.—The program under subsection (a) shall be implemented to—

“(1) assist in the creation of local nonprofit support organizations; and
“(2) provide support, national consistency, and management-improving suggestions for local non-profit support organizations.

“(c) PROGRAM.—The program under subsection (a) shall include the greatest number of military installations as is practicable.

“(d) REQUIREMENTS.—The program under subsection (a) shall include, at a minimum—

“(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a military installation;

“(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual military installations; and

“(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

“(e) ANNUAL REPORT.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

“(f) AFFILIATIONS.—(1) Nothing in this section requires:
“(A) a nonprofit support organization or friends group to modify current practices or to affil- iate with the Foundation; or

“(B) a local nonprofit support organization, es-
tablished as a result of this section, to be bound through its charter or corporate bylaws to be perma-
nently affiliated with the Foundation.

“(2) An affiliation with the Foundation shall be es-
tablished only at the discretion of the governing board of a nonprofit organization.

§ 2910. Authorization of appropriations

“(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Defense such sums as may be necessary to achieve the purposes of the Founda-
tion.

“(b) USE OF AMOUNTS APPROPRIATED.—(1) Subject to paragraph (2), amounts appropriated under this section shall be made available to the Foundation for use for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agen-
cies.

“(2) No Federal funds authorized under this section shall be used by the –foundation for administrative ex-
penses of the Foundation, including salaries, travel and
transportation expenses, and other overhead expenses.

“(c) ADDITIONAL AUTHORIZATION.—The amounts
authorized to be appropriated under this section are in
addition to any amounts provided or available to the
Foundation under any other Federal law.”.

(b) CLERICAL AMENDMENT.—The table of chapters
of part IV of subtitle A of such title is amended by adding
at the end the following new item:


SEC. 1044. CONFORMING AMENDMENTS TO GENERAL DEFI-
NITIONS.

(a) IN GENERAL.—Section 101(e)(3) of title 10,
United States Code, is amended by striking “Secretary of
Defense” and inserting “Secretary concerned”.

(b) CONFORMING AMENDMENTS TO DEFINITION OF
CONGRESSIONAL DEFENSE COMMITTEES.—Title 10 is
further amended as follows:

(1) Sections 2676(d), 2694a(e), 2803(b),
2804(b), 2805(b)(2), 2806(e)(2), 2807(b), 2807(c),
2808(b), 2809(f)(1), 2811(d), 2812(e)(1)(A),
2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1),
2827(b), 2828(f), 2835(g), 2836(f), 2837(c)(2),
2853(c)(2), 2854(b), 2854a(e)(1), 2865(e)(2),
2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e),
2883(f), and 2884(a), are amended by striking “ap-
propriate committees of Congress” in each place it appears and inserting “congressional defense committees”.

(2)(A) Subsection (c) of section 2801 is amended by striking paragraph (4) and inserting the following new paragraph (4):

“(4) The term ‘congressional defense committees’ includes, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.”;

(B) Section 2694a is amended by striking subsection (i) and inserting the following new subsection (i):

“(i) DEFINITION OF STATE.—The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Territories.”.

(c) CONFORMING AMENDMENTS TO DEFINITION OF BASE CLOSURE LAWS.—(1) Section 2871 of such title is amended by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.
(2) Section 3341(c) of title 5, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph (1):

“(1) the term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10.”.

(3) Title 40, United States Code, is amended—

(A) in section 554(a), by striking paragraph (1) and inserting the following new paragraph (1):

“(1) BASE CLOSURE LAW.—The term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10.”; and

(B) in section 572(b), by striking subparagraph (B) of paragraph (1) and inserting the following new subparagraph (B):

“(B) BASE CLOSURE LAW.—The term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10.”.

(4) Section 120(h)(4)(E) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96–510; 42 U.S.C. § 9620(h)) is amended by striking clause (ii) and inserting the following new clause (ii):

“(ii) For purposes of this paragraph, the term ‘base closure law’ has the meaning given such term in 10 U.S.C. § 101(a)(17).”.
(5) Section 1333(i) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1800), is amended by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The term ‘base closure law’ has the meaning given such term in 10 U.S.C. § 101(a)(17).”.

(6) Section 2814 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337, 108 Stat. 3056), is amended by striking subsection (b) and inserting the following new subsection (b):

“(b) BASE CLOSURE LAW DEFINED.—The term ‘base closure law’ has the meaning given such term in 10 U.S.C. § 101(a)(17).”.

(7) Section 1(c) of An Act to Amend the Organic Act of Guam, and for other purposes (Public Law 106–504; 114 Stat. 2309), is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) The term ‘base closure law’ has the meaning given such term in 10 U.S.C. § 101(a)(17).”.

SEC. 1045. USE OF DEPARTMENT OF DEFENSE FITNESS FACILITIES BY CONTRACT WORKERS.

(a) IN GENERAL.—The Secretary of Defense may authorize employees of Department of Defense contractors to use Department of Defense-owned, Department of Defense-operated fitness facilities if the Secretary determines
that such use is in the best interest of the Department of Defense and causes no more than a de minimis increase in the cost of operation of such facilities. Active duty and Government civilian personnel will be granted top priority status for use of such facilities where availability is limited.

(b) **LIABILITY WAIVER.**—In order to use such facilities, the contractor and the employee must agree to waive any claims of liability against the Government, and to its officers, employees, and agents arising from such use.

**TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL**

**SEC. 1101. PRIORITY PLACEMENT OF DISPLACED CIVILIAN EMPLOYEES.**

(a) **IN GENERAL.**—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

```
§ 1599e. Defense priority placement program

“(a) **PRIORITY PLACEMENT.**—The Secretary of Defense, at his sole and exclusive discretion and notwithstanding the provisions of title 5, may establish one or more programs to promote stability of employment for Department of Defense civilian employees affected by changing mission requirements, streamlining efforts, overseas rotations (including rotations undertaken pursuant to sec-
```
tion 1586 of this title), preferences established by law, and
other such actions as the Secretary shall determine, by
providing such employees priority consideration, as de-

fined by the Secretary, for placement in other positions
within the Department of Defense.

“(b) CONSTRUCTION.—The content of any program
developed under subsection (a), and any personnel action
undertaken pursuant to such program, shall not be review-
able outside the Department of Defense except to the ex-
tent that may be required by the United States Constitu-
tion.”.

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

“1599e. Defense priority placement program.”.

SEC. 1102. EMPLOYMENT PREFERENCE FOR SPOUSES OF

CIVILIAN EMPLOYEES.

Section 1784 of title 10, United States Code, is
amended by adding at the end the following new sub-
sections:

“(h) INCLUSION OF SPOUSES OF CERTAIN DOD CI-
VILIAN EMPLOYEES.—For the purposes of this section,
the spouse of a civilian employee of the Department of
Defense who has been reassigned and relocated pursuant
to a mandatory mobility agreement executed as a condi-
tion of employment, or other mandatory mobility program

•HR 4200 IH
shall be considered the spouse of a member of the armed forces.

“(i) Limiting Operation of the Hiring Preference.—The hiring preference in this section shall apply to any Department of Defense civilian position other than positions that fall under chief of mission authority as set forth in section 3927 of title 22.”.

SEC. 1103. PAY PARITY FOR CIVILIAN INTELLIGENCE PERSONNEL.

Section 1602 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “in relation to the rates of pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities” and inserting “in relation to the rates of pay provided for other comparable Department of Defense Senior Executive, Senior Level, and other positions”; and

(2) by striking subsection (b) and substituting the following new subsection (b):

“(b) The Defense Intelligence Senior Executive Service shall be subject to a performance appraisal system which, as designed and applied, is certified by the Secretary of Defense as making meaningful distinctions based
on relative performance and may be the same performance
appraisal system established and implemented within the
Department for members of the Senior Executive Serv-
ice.”.

SEC. 1104. PAY PARITY FOR SENIOR EXECUTIVES IN DOD
NONAPPROPRIATED FUND INSTRUMENTAL-
ITIES.

(a) IN GENERAL.—Chapter 81 of title 10, United
States Code, is amended by adding at the end the fol-
lowing new section:

“§ 1599e. Senior executive compensation for non-
appropriated fund instrumentalities

“Notwithstanding any provisions of title 5, the Sec-
retary of Defense may regulate the amount of total com-
penstation, including the rate of basic pay, of senior execu-
tives employed by Department of Defense nonappropriated
fund instrumentalities, to provide for parity with the total
compensation, including basic pay, of Department of De-
fense employees in the Senior Executive Service and other
similar senior executive positions.”.

(b) CLERICAL AMENDMENT.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 1589 the following new
item:

“1599e. Senior Executive Compensation for Nonappropriated Fund Instrumentalities.”.
SEC. 1105. PROHIBIT UNAUTHORIZED WEARING, MANUFACTURE, OR SALE OF CIVILIAN MEDALS OR DECORATIONS.

(a) In General.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

‘§ 1134. Civilian medals or decorations of the Department of Defense

“(a) Prohibition.—Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary, medals, decorations, or other insignia intended for recognition of Department of Defense civilian employees and other individuals who render service to the Department of Defense.

“(b) Authority to Enjoin Violations.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such
action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, including imposing a civil penalty not to exceed $25,000 for each violation, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

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

“1134. Civilian medals or decorations of the Department of Defense.”.

TITLE XII—MATTERS RELATING TO OTHER NATIONS
Subtitle A—Matters Related to Arms Control and Monitoring

SEC. 1201. HUMANITARIAN ASSISTANCE WITH RESPECT TO THE DETECTION AND CLEARANCE OF LAND-MINES AND EXPLOSIVE REMNANTS OF WAR.

Chapter 20 of title 10, United States Code, is amended—

(1) in section 401—

(A) in subsection (a), by striking paragraph (4);

(B) in subsection (e)—

(i) by striking paragraphs (2) and (3);
(ii) by redesignating paragraph (4) as paragraph (2); and

(C) in subsection (e), by striking paragraph (5);

(2) by adding the following new section at the end of such chapter:

§ 406. Humanitarian assistance with respect to the detection and clearance of landmines and explosive remnants of war

“(a)(1) Under regulations prescribed by the Secretary of Defense, United States armed forces may provide humanitarian assistance with the detection and clearance of landmines or explosive remnants of war in a foreign country, including activities relating to the furnishing of education, training, and technical assistance, if these activities will promote:

“(A) the security interests of both the United States and the country in which the activities are to be carried out; and

“(B) the specific operational readiness skills of the members of the armed forces who participate in the activities.

“(2) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section:
“(A) engages in the physical detection, lifting
or destroying of landmines or explosive remnants of
war (unless the member does so for the concurrent
purpose of supporting a United States military oper-
atation); or

“(B) provides such assistance as part of a mili-
tary operation that does not involve the armed
forces.

“(b)(1) To the extent provided in defense authoriza-
tion Acts, funds authorized to be appropriated to the De-
partment of Defense for a fiscal year for humanitarian
assistance shall be used for the purpose of providing as-
sistance under this section.

“(2) Expenses covered include the following expenses
incurred:

“(A) Travel, transportation, and subsistence ex-
penses of Department of Defense personnel pro-
viding such assistance.

“(B) The cost of any equipment, services, or
supplies acquired for the purpose of carrying out or
supporting activities under this section, including
any nonlethal, individual or small-team landmine or
explosive remnant of war clearing equipment or sup-
plies that are to be transferred or otherwise fur-
lished to a foreign country in furtherance of the provision of assistance under this section.

“(C) The cost of equipment, services and supplies provided in any fiscal year to a foreign country under paragraph (2)(B) may not exceed $5,000,000.

“(c) Humanitarian assistance with respect to the detection and clearance of landmines and remnants of war may not be provided under this section to any foreign country unless the Secretary of State specifically approves the provision of such assistance.”; and

(3) in the table of sections at the beginning of such chapter by adding at the end the following new item:

“406. Humanitarian assistance with respect to the detection and clearance of landmines and explosive remnants of war.”.

Subtitle B—Matters Related to Allies and Friendly Foreign Nations

SEC. 1211. IMPROVING AIRSPACE CONTROL AND MANAGEMENT IN THE CAUCASUS AND CENTRAL ASIA.

Notwithstanding any other provision of the law, of the funds available to the Department of Defense, subject to the concurrence of the Secretary of State, not more than $150,000,000 in fiscal year 2005 may be made available for improving airspace control and management in key countries in the Caucasus and Central Asia (Georgia,
Azerbaijan, Armenia, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan, and Afghanistan), thereby permitting a permissive and controlled air corridor from Europe through the Caucasus to Central Asia and Afghanistan.

SEC. 1212. GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.


Subtitle C—Other Matters

SEC. 1221. REPEAL OF THE ANNUAL REPORTING REQUIREMENT CONCERNING THE ACTIVITIES OF CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.

SEC. 1222. REPEAL OF REPORTING REQUIREMENT CONCERNING SPECIAL OPERATIONS FORCES TRAINING WITH FRIENDLY FOREIGN FORCES.

Section 2011 of title 10, United States Code, is amended by striking subsection (e).

SEC. 1223. FOREIGN MILITARY AIDS ADVOCACY, AWARENESS AND PREVENTION ACTIVITIES.

Section 2561(a) of title 10, United States Code, is amended by inserting “, to conduct HIV/AIDS advocacy, awareness, and prevention activities with foreign militaries and international peacekeepers,” after “transportation of humanitarian relief”.

SEC. 1224. REPEAL OF THE AUTHORIZATION FOR THE ESTABLISHMENT OF THE CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.

Section 914 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 721), is repealed.

SEC. 1225. USE OF DONATED PROPERTY FOR HUMANITARIAN ASSISTANCE PURPOSES.

Section 2608 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) through (k) as subsections (f) through (l), respectively; and

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

HR 4200 IH
“(e) Use of Property for Humanitarian Assistance Purposes.—Notwithstanding any other provision of law, any contribution of property received under this section may be donated by the Department of Defense to developing countries during an exercise, operation or similar activity. The Department of Defense may use its transportation assets and funds to receive, process, manage, store, care for, transport and distribute this property, including from the location the contribution is received to its eventual destination for donation.”.

SEC. 1226. ASSIGNMENT OF FOREIGN NAVY PERSONNEL TO SUBMARINE SAFETY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 168 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) Authority for Assignment of Foreign Navy Officers and Enlisted Members to Submarine Safety Research and Development Programs.—(1) In order to facilitate the development, standardization, and interoperability of submarine vessel safety and rescue systems and procedures, the Secretary of the Navy may conduct a program under which members of foreign navies are assigned to United States commands to work on such systems and procedures.
“(2) The program authorized by this subsection is not an exchange program. Reciprocal assignments of members of the Navy to foreign navies are not required under this program.

“(3)(A) Each government sending members to the United States under the program authorized by this section shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its own personnel in accordance with the laws and regulations of such government.

“(B) Subparagraph (A) does not apply to the following costs:

“(i) The cost of temporary duty directed by the United States Navy.

“(ii) The cost of training programs conducted to familiarize, orient, or certify members of foreign naval personnel regarding unique aspects of their assignments.

“(iii) Costs incident to the use of the facilities of the United States Navy in the performance of assigned duties.

“(4) The requirements of this subsection shall apply in the exercise of any authority of the Secretary of the Navy to enter into an agreement with the government of a foreign country, subject to the concurrence of the Sec-
• Secretary of State, to provide for the assignment of members
  of the navy of the foreign country to a United States Navy
  submarine safety program. The Secretary of the Navy
  may prescribe regulations for the application of this sub-
  section in the exercise of such authority.”.

**TITLE XIII—HOMELAND SECURITY**

**SEC. 1301. REPEAL OF FUNDING RESTRICTIONS CONCERNING DEVELOPMENT OF MEDICAL COUNTERMEASURES AGAINST BIOLOGICAL WARFARE THREATS.**

Section 2370a of title 10, United States Code, is re-
pealed.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 2005”.

**TITLE XXI—ARMY**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) Inside the United States.—Using amounts
  appropriated pursuant to the authorization of appropri-
  tions in section 2104(a)(1), the Secretary of the Army
may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>23,690,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>24,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Wainwright</td>
<td>92,459,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>38,100,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>47,108,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>71,777,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gillem</td>
<td>5,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort McPherson</td>
<td>4,900,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>65,495,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Helemano Military Reservation</td>
<td>75,300,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force</td>
<td>11,200,000</td>
</tr>
<tr>
<td></td>
<td>Pohakuloa Training Area</td>
<td>30,000,000</td>
</tr>
<tr>
<td></td>
<td>Schofield Barracks</td>
<td>187,792,000</td>
</tr>
<tr>
<td></td>
<td>Wheeler Army Field</td>
<td>24,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>44,050,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>89,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Knox</td>
<td>72,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>70,953,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>17,750,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>33,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>4,950,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hamilton</td>
<td>7,600,000</td>
</tr>
<tr>
<td></td>
<td>Military Entrance Processing Station, Buffalo.</td>
<td>6,200,000</td>
</tr>
<tr>
<td></td>
<td>United States Military Academy, West Point.</td>
<td>60,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>101,687,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>14,400,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>16,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>78,088,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort A.P. Hill</td>
<td>3,975,000</td>
</tr>
<tr>
<td></td>
<td>Fort Myer</td>
<td>49,526,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>48,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1,420,200,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-
tions in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Grafenwoehr</td>
<td>77,200,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Livorno</td>
<td>26,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>12,000,000</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>115,200,000</strong></td>
</tr>
</tbody>
</table>

**SEC. 2102. FAMILY HOUSING.**

(a) **Construction and Acquisition.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes and in the amounts, set forth in the following table:

**Army: Family Housing**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>92 Units</td>
<td>42,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Wainwright</td>
<td>246 Units</td>
<td>124,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>205 Units</td>
<td>41,000,000</td>
</tr>
<tr>
<td></td>
<td>Yuma Proving Ground</td>
<td>55 Units</td>
<td>14,900,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>126 Units</td>
<td>33,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>156 Units</td>
<td>31,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>247 Units</td>
<td>47,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>218 Units</td>
<td>46,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Monroe</td>
<td>68 Units</td>
<td>16,000,000</td>
</tr>
</tbody>
</table>
Army: Family Housing—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total ......................</td>
<td>..........</td>
<td>394,900,000</td>
</tr>
</tbody>
</table>

(b) **Planning and Design.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(4)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $29,209,000.

**Sec. 2103. Improvements to Military Family Housing Units.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $211,990,000.

**Sec. 2104. Authorization of Appropriations, Army.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition and military family housing functions of the Department of the Army in the total amount of $3,336,291,000 as follows:
(1) For military construction projects inside the United States authorized by section 2101(a), $1,250,700,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $115,200,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $151,335,000.

(5) For military family housing functions:

   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $636,099,000.

   (B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $928,907,000.

(6) For the construction of phase 2 of a barracks complex, 5th & 16th Street, at Ft. Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authoriza-
tion Act for Fiscal Year 2004 (division B of Public

(7) For the construction of phase 3 of a barr-
acks complex renewal, Capron Road, at Schofield
Barracks, Hawaii, authorized by section 2101(a) of
the Military Construction Authorization Act for Fis-
cal Year 2002 (division B of Public Law 107–107;
115 Stat. 1283) and as amended by section 2105 of
the Military Authorization Act for Fiscal Year 2004
1697), $48,000,000.

(8) For the construction of phase 2 of the
Lewis & Clark instructional facility at Fort Leaven-
worth, Kansas, authorized by section 2101(a) of the
Military Construction Authorization Act for Fiscal
Year 2003 (division B of Public Law 107–314; 116
Stat. 2681), $44,000,000.

(9) For the construction of phase 2 of a barr-
acks complex at Wheeler Sack Army Air Field at
Fort Drum, New York, authorized by section
2101(a) of the Military Construction Authorization
Act for Fiscal Year 2004 (division B of Public Law
108–136; 117 Stat. 1697), $48,000,000.

(10) For the construction of phase 2 of a barr-
acks complex, Bastogne Drive, Fort Bragg, North


**TITLE XXII—NAVY**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>26,670,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Base, Camp Pendleton.</td>
<td>38,455,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, El Centro</td>
<td>54,331,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Naval Submarine Base, New London.</td>
<td>45,882,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Naval Observatory, Washington</td>
<td>3,239,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>2,060,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport</td>
<td>6,200,000</td>
</tr>
</tbody>
</table>
### Navy: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Strategic Weapons Facility Atlantic, Kings Bay.</td>
<td>16,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Training Station, Great Lakes.</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td>Recruit Training Command, Great Lakes.</td>
<td>74,771,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Surface Warfare Center, Indian Head.</td>
<td>13,900,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, New River.</td>
<td>35,140,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune.</td>
<td>6,420,000</td>
</tr>
<tr>
<td></td>
<td>Washington County</td>
<td>136,900,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Camp Elmore Marine Corps Detachment.</td>
<td>13,500,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Quantico</td>
<td>41,800,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Oceana</td>
<td>2,770,000</td>
</tr>
<tr>
<td></td>
<td>Naval Amphibious Base, Little Creek.</td>
<td>2,850,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Norfolk</td>
<td>4,330,000</td>
</tr>
<tr>
<td></td>
<td>Naval Weapons Station, Yorktown</td>
<td>9,870,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Shipyard Puget Sound, Bremerton.</td>
<td>20,305,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Bremerton</td>
<td>74,125,000</td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility Pacific, Bangor.</td>
<td>131,090,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>760,618,000</td>
</tr>
</tbody>
</table>

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:
Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahamas</td>
<td>Naval Undersea Warfare Center, Andros Islands.</td>
<td>20,750,000</td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>Naval Support Facility, Diego Garcia.</td>
<td>17,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Station, Guam</td>
<td>12,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Public Works Center, Guam</td>
<td>20,700,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Sigonella</td>
<td>22,550,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station, Rota</td>
<td>32,700,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>126,700,000</td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations and in the amount, set forth in the following table:

Navy: Unspecified Worldwide

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide</td>
<td>158,640,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>158,640,000</td>
</tr>
</tbody>
</table>

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes and in the amounts, set forth in the following table:
Navy: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point.</td>
<td>198 Units ....</td>
<td>27,002,000</td>
</tr>
<tr>
<td></td>
<td>Total ...................................</td>
<td>...............</td>
<td>27,002,000</td>
</tr>
</tbody>
</table>

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

2 **UNITS.**

3 Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $112,105,000.

4 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

5 Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,904,066,000, as follows:

6 (1) For military construction projects inside the United States authorized by section 2201(a), $621,238,000.

7 (2) For military construction projects outside the United States authorized by section 2201(b), $126,700,000.–
(3) For the military construction projects at unspecified worldwide locations authorized by section 2201(c), $98,560,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,067,000.

(6) For military family housing functions:

    (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $139,107,000.

    (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $704,504,000.


(8) For the construction of increment 2 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section


**TITLE XXIII—AIR FORCE**

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Elmendorf Air Force Base ..........</td>
<td>26,057,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base ...</td>
<td>10,029,000</td>
</tr>
<tr>
<td></td>
<td>Luke Air Force Base .............</td>
<td>10,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base ......</td>
<td>5,031,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base .............</td>
<td>10,186,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base ..........</td>
<td>9,965,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base ...........</td>
<td>15,244,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base ..........</td>
<td>12,247,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Tyndall Air Force Base ..........</td>
<td>18,962,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base ..........</td>
<td>15,000,000</td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

### Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>25,404,000</td>
</tr>
<tr>
<td>Greenland</td>
<td>Thule Air Base</td>
<td>19,800,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Base</td>
<td>19,593,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>6,760,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Misawa Air Base</td>
<td>6,700,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>37,100,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Lajes Field, Azores</td>
<td>5,689,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station, Rota</td>
<td>14,153,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>5,500,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>159,299,000</td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force
may acquire real property and carry out military construction projects for the installations or locations, and in the amount, set forth in the following table:

**Air Force: Unspecified Worldwide**

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide Classified ...</td>
<td>Worldwide Unspecified Classified</td>
<td>28,090,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Worldwide Unspecified .............</td>
<td>26,825,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>54,915,000</td>
</tr>
</tbody>
</table>

**SEC. 2302. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes and in the amounts, set forth in the following table:

**Air Force: Family Housing**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona ..........</td>
<td>Davis-Monthan Air Force Base.</td>
<td>250 Units</td>
<td>48,500,000</td>
</tr>
<tr>
<td>California ......</td>
<td>Edwards Air Force Base</td>
<td>218 Units</td>
<td>41,202,000</td>
</tr>
<tr>
<td></td>
<td>Vandenberg Air Force Base.</td>
<td>120 Units</td>
<td>30,906,000</td>
</tr>
<tr>
<td>Florida ..........</td>
<td>MacDill Air Force Base ..</td>
<td>61 Units</td>
<td>21,723,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base ..</td>
<td>Housing Maintenance Facility.</td>
<td>1,250,000</td>
</tr>
<tr>
<td>Idaho ...........</td>
<td>Mountain Home Air Force Base.</td>
<td>147 Units</td>
<td>39,333,000</td>
</tr>
<tr>
<td>Mississippi ...</td>
<td>Columbus Air Force Base.</td>
<td>Family Housing Management Facility.</td>
<td>711,000</td>
</tr>
<tr>
<td>Missouri ......</td>
<td>Whiteman Air Force Base.</td>
<td>160 Units</td>
<td>37,087,000</td>
</tr>
</tbody>
</table>
### Air Force: Family Housing—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana ......</td>
<td>Malmstrom Air Force Base.</td>
<td>115 Units ......</td>
<td>29,910,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base.</td>
<td>167 Units ......</td>
<td>32,693,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base.</td>
<td>90 Units ..........</td>
<td>26,169,000</td>
</tr>
<tr>
<td></td>
<td>Minot Air Force Base ....</td>
<td>142 Units ......</td>
<td>37,087,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base.</td>
<td>Fire Station ....</td>
<td>1,976,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Ellsworth Air Force Base.</td>
<td>75 Units ..........</td>
<td>21,482,000</td>
</tr>
<tr>
<td>Texas ..........</td>
<td>Dyess Air Force Base ....</td>
<td>127 Units ......</td>
<td>28,664,000</td>
</tr>
<tr>
<td></td>
<td>Goodfellow Air Force Base.</td>
<td>127 Units ......</td>
<td>20,604,000</td>
</tr>
<tr>
<td>Germany ......</td>
<td>Ramstein Air Base ..................</td>
<td>144 Units ......</td>
<td>57,691,000</td>
</tr>
<tr>
<td>Italy ..........</td>
<td>Aviano Air Base ..................</td>
<td>FH Office ......</td>
<td>2,542,000</td>
</tr>
<tr>
<td>Korea ..........</td>
<td>Osan Air Base ..................</td>
<td>117 Units ......</td>
<td>46,834,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath.</td>
<td>154 Units ......</td>
<td>43,976,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>570,340,000</strong></td>
</tr>
</tbody>
</table>

(b) **Planning and Design.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $38,266,000.

**Sec. 2303. Improvements to Military Family Housing Units.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing milit-
tary family housing units in an amount not to exceed $238,353,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for mili-
tary construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,374,819,000, as follows:–

(1) For military construction projects inside the United States authorized by section 2301(a), $295,964,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $159,299,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(e), $54,915,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,000,000.

(5) For architectural and engineering services and construction design, under section 2807 of title 10, United States Code, $140,786,000.

(6) For military family housing functions:
(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $846,959,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $863,896,000.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Intelligence Agency.</td>
<td>Bolling Air Force Base, District of Columbia.</td>
<td>6,000,000</td>
</tr>
<tr>
<td>Defense Logistics Agency.</td>
<td>Columbus, Ohio .........................................</td>
<td>5,500,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot, New Cumberland, Pennsylvania.</td>
<td>22,300,000</td>
</tr>
<tr>
<td></td>
<td>Defense Distribution Depot, Richmond, Virginia.</td>
<td>10,100,000</td>
</tr>
<tr>
<td></td>
<td>Defense Fuel Support Point, Naval Air Station, Oceana, Virginia.</td>
<td>3,589,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point, North Carolina.</td>
<td>22,700,000</td>
</tr>
</tbody>
</table>
### Defense Agencies: Inside the United States—Continued

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missile Defense Agency</td>
<td>Naval Air Station, Kingsville, Texas.</td>
<td>3,900,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Pearl Harbor, Hawaii.</td>
<td>3,500,000</td>
</tr>
<tr>
<td>National Security Agency.</td>
<td>Tinker Air Force Base, Oklahoma</td>
<td>5,400,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base, California</td>
<td>15,100,000</td>
</tr>
<tr>
<td></td>
<td>Huntsville, Alabama</td>
<td>19,560,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade, Maryland</td>
<td>15,007,000</td>
</tr>
<tr>
<td></td>
<td>Corona, California</td>
<td>13,600,000</td>
</tr>
<tr>
<td></td>
<td>Fleet Combat Training Center, Dam Neck, Virginia.</td>
<td>5,700,000</td>
</tr>
<tr>
<td></td>
<td>Fort A.P. Hill, Virginia</td>
<td>1,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>42,888,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Air Field, Georgia.</td>
<td>17,600,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island, California.</td>
<td>1,000,000</td>
</tr>
<tr>
<td></td>
<td>Naval Amphibious Base, Little Creek, Virginia.</td>
<td>24,200,000</td>
</tr>
<tr>
<td></td>
<td>Buckley Air Force Base, Colorado</td>
<td>2,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Belvoir, Virginia</td>
<td>100,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>7,100,000</td>
</tr>
<tr>
<td></td>
<td>Jacksonville, Florida</td>
<td>28,438,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Virginia</td>
<td>50,800,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot, Parris Island, South Carolina.</td>
<td>25,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>452,582,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:
Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity.</td>
<td>Grafenwoehr, Germany</td>
<td>36,247,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Guam</td>
<td>26,964,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck, Germany</td>
<td>9,011,000</td>
</tr>
<tr>
<td></td>
<td>Defense Fuel Support Point, Lajes Field, Portugal</td>
<td>19,113,000</td>
</tr>
<tr>
<td></td>
<td>Misawa Air Base, Japan</td>
<td>19,900,000</td>
</tr>
<tr>
<td>Defense Logistics Agency.</td>
<td>Naval Station, Guam, Marianas Islands.</td>
<td>2,200,000</td>
</tr>
<tr>
<td>Special Operations Command.</td>
<td>Royal Air Force, Mildenhall, United Kingdom</td>
<td>10,200,000</td>
</tr>
<tr>
<td></td>
<td>Diego Garcia</td>
<td>3,800,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr, Germany</td>
<td>13,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>140,435,000</td>
</tr>
</tbody>
</table>

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations, and in the amount, set forth in the following table:

Defense Agencies: Unspecified Worldwide

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worldwide Classified ...</td>
<td>Worldwide Unspecified Classified</td>
<td>7,400,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Worldwide Unspecified</td>
<td>2,900,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>10,300,000</td>
</tr>
</tbody>
</table>

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9)(A),
the Secretary of Defense may improve existing military
family housing units in an amount not to exceed $49,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the author-
ization of appropriations in section 2404(a)(7), the Sec-
retary of Defense may carry out energy conservation
projects under section 2865 of title 10, United States
Code, in the amount of $60,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-
FENSE AGENCIES.

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2004, for mili-
tary construction, land acquisition, and military family
housing functions of the Department of Defense (other
than the military departments) in the total amount of
$1,163,477,000, as follows:

(1) For military construction projects inside the
United States authorized by section 2401(a),
$395,582,000.

(2) For military construction projects outside
the United States authorized by section 2401(b),
$140,435,000.–

(3) For the military construction projects at
unspecified worldwide locations authorized by section
2401(e), $10,300,000.
(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,938,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $62,182,000.

(7) For Energy Conservation projects authorized by section 2404 of this Act, $60,000,000.


(9) For military family housing functions:

(A) For improvement of military family housing and facilities, $49,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,575,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund es-
established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $165,800,000.
TITLE XXVI—CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE

SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction and land acquisition for Chemical Demilitarization in the total amount of $81,886,000, as follows:


2. For the construction of phase 5 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of

**TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES**

**SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

   (A) for the Army National Guard of the United States, $265,657,000; and

   (B) for the Army Reserve, $87,070,000.
(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $25,285,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $127,368,000; and

(B) for the Air Force Reserve, $84,556,000.

**TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

**SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008.
(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2008 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2802. 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, 2302, and 2601 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 Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>Power Plant Cooling Tower.</td>
<td>23,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Pohakuloa Training Area</td>
<td>Parker Ranch Land Acquisition.</td>
<td>1,500,000</td>
</tr>
</tbody>
</table>

**Air Force: Extension of 2002 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>Construct Family Housing (55 Units).</td>
<td>11,400,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Replace Family Housing (56 Units).</td>
<td>10,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale Air Force Base</td>
<td>Replace Family Housing (56 Units).</td>
<td>7,300,000</td>
</tr>
</tbody>
</table>

**Army National Guard: Extension of 2002 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Lancaster</td>
<td>Readiness Center (ADRS).</td>
<td>4,530,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Framingham</td>
<td>Organizational Maintenance Shop.</td>
<td>8,347,000</td>
</tr>
</tbody>
</table>

3 **SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.**

4 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal
1 Year 2001 (division B of Public Law 106–398; 114 Stat. 1654A–389), authorizations set forth in the tables in subsection (b), as provided in sections 2102 and 2401 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 2001 Project Authorization**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>Fort Jackson ...................</td>
<td>New Construction—Family Housing (1 unit)</td>
<td>250,000</td>
</tr>
</tbody>
</table>

**Defense Agency: Extension of 2001 Project Authorization**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Finance and Accounting Service. Department of Defense Education Activity.</td>
<td>Kleber Kaserne, Germany</td>
<td>Building renovation.</td>
<td>7,400,000</td>
</tr>
<tr>
<td></td>
<td>Osan Air Base, Korea .....</td>
<td>Osan Elementary School Classroom Addition.</td>
<td>843,000</td>
</tr>
</tbody>
</table>
TITLE XXIX—GENERAL PROVISIONS

Subtitle A—Military Construction and Military Family Housing

SEC. 2901. ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2883(g)(1) of title 10, United States Code is amended by striking “$850,000,000” and inserting “$1,850,000,000”.

Subtitle B—Real Property and Facilities Administration

SEC. 2911. ESTABLISHMENT OF MUSEUM CENTER OF THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

(a) IN GENERAL.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4322. The Museum Center of the National Museum of the United States Army

“(a) AUTHORITY TO ESTABLISH.—(1) The Secretary of the Army may establish the Museum Center of the National Museum of the United States Army at Fort Belvoir, Virginia.
“(2) The Museum Center may be used to identify, collect, preserve, display, and interpret historic artifacts and artwork of significance to the United States Army.

“(b) Authority To Enter Into Agreement.—(1) The Secretary may enter into an agreement with the Army Historical Foundation, a nonprofit organization, to support the design, construction, and operation of the Museum Center through gifts provided by the Foundation.

“(2) The Secretary may require such terms and conditions in connection with any agreement authorized to be entered into by this subsection as the Secretary considers appropriate to protect the interests of the United States.

“(c) Design, Construction, and Operation.—The Secretary may design, construct, and operate facilities for the Museum Center with funds provided by the Army Historical Foundation and gifts accepted under subsection (d).

“(d) Use of Certain Gifts.—(1) Under regulations prescribed by the Secretary, the Commander of the United States Army Center of Military History may, without regard to section 2601 of this title, accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the Museum Center.
“(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

“(e) Other Authorized Users.—(1) The Secretary may make the Museum Center, or space within the Museum Center, available to the public, commercial entities, nonprofit entities, state and local governments, and other departments and agencies of the Federal Government for such uses as deemed appropriate by the Secretary. The Secretary may charge fees for such uses.

“(2) Funds received under paragraph (1) shall be deposited into a special fund maintained by the Secretary for acquisition, preservation, and conservation of rare artifacts and other projects associated with the Museum Center and shall be available for those purposes until expended.

“(f) Fundraising.—The Army Historical Foundation may engage in fundraising operations on the grounds of the Museum Center and its adjacent support facilities with the approval of the Secretary of the Army. The Secretary of the Army may approve the provision of logistical support to fundraising events conducted by the Army Historical Foundation on the grounds of the Museum Center and its adjacent support facilities that is otherwise con-
sistent with Department of Defense policy for the conduct of public affairs and community relations activities and programs throughout the Department of Defense.

“(g) ADVERTISING, MARKETING, AND PROMOTION.—

(1) The Secretary of the Army may expend appropriated finds available for the operation and maintenance of the Army for advertising, marketing, and promotion of the National Museum of the United States Army and its programs in order to enhance visitation and the effectiveness of educational programs of the Museum.

“(2) The Secretary of the Army may authorize the Commander of the United States Army Center of Military History, or other appropriate official of the Department of the Army, to expend appropriated finds available for the operation and maintenance of the Army for the promotional hospitality of specials guests of the National Museum of the United States Army, not to exceed $20,006 during a fiscal year.”.

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

“4322. The Museum Center of the National Museum of the United States Army.”.
SEC. 2912. EXCHANGE OR SALE OF RESERVE COMPONENT FACILITIES IN RETURN FOR REPLACEMENT FACILITIES.

Section 18233 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) When the Secretary of Defense determines it is in the best interests of the United States to acquire a facility under this section as a replacement for an existing facility, the Secretary may exchange the existing facility for a replacement facility or sell the existing facility and use the proceeds to acquire a replacement facility.

“(2) In any exchange or sale under paragraph (1), the United States shall receive cash or a replacement facility, or both, of a value at least equal to the fair market value of the existing facility.

“(3) Acquisition of a replacement facility under paragraph (1) by exchange, sale, or combination of exchange and sale, may be accomplished by construction, expansion, rehabilitation, and conversion and shall result in a fully equipped and operational replacement facility. Nothing in this paragraph shall prohibit the Secretary from contributing additional funds, in accordance with this section, to obtain a fully equipped and operational replacement facility.
“(4) Any funds received under this subsection in excess of the funds expended for the replacement facility may be used for the purposes of subsection (a).

“(5) The funds received under this subsection shall be placed in a separate account for use in accordance with this subsection without further appropriation.

“(6) This subsection shall not be subject to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. § 11301 et seq.).”.

Subtitle C—Other Matters

SEC. 2921. MINOR MILITARY CONSTRUCTION TO IMPROVE FORCE PROTECTION.

Section 2805 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking “21-day” and inserting “5-day”; and

(2) in subsection (c)(1)—

(A) by striking “or” at the end of subparagraph (A); and

(B) by striking the period at the end of subparagraph (B) and inserting “; or”; and

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

“(C) $5,000,000, in the case of an unspec-
tended solely to correct a deficiency in force protection.”.