

***In the Senate of the United States,***

*October 7 (legislative day, October 6), 2005.*

*Resolved*, That the bill from the House of Representatives (H.R. 2863) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2006, for military func-*
- 4 *tions administered by the Department of Defense and for*
- 5 *other purposes, namely:*

1                    *TITLE I—MILITARY PERSONNEL*2                    *MILITARY PERSONNEL, ARMY*

3            *For pay, allowances, individual clothing, subsistence,*  
4 *interest on deposits, gratuities, permanent change of station*  
5 *travel (including all expenses thereof for organizational*  
6 *movements), and expenses of temporary duty travel between*  
7 *permanent duty stations, for members of the Army on active*  
8 *duty, (except members of reserve components provided for*  
9 *elsewhere), cadets, and aviation cadets; for members of the*  
10 *Reserve Officer's Training Corps; and for payments pursu-*  
11 *ant to section 156 of Public Law 97-377, as amended (42*  
12 *U.S.C. 402 note), and to the Department of Defense Mili-*  
13 *tary Retirement Fund, \$28,099,587,000.*

14                    *MILITARY PERSONNEL, NAVY*

15            *For pay, allowances, individual clothing, subsistence,*  
16 *interest on deposits, gratuities, permanent change of station*  
17 *travel (including all expenses thereof for organizational*  
18 *movements), and expenses of temporary duty travel between*  
19 *permanent duty stations, for members of the Navy on active*  
20 *duty (except members of the Reserve provided for elsewhere),*  
21 *midshipmen, and aviation cadets; for members of the Re-*  
22 *serve Officer's Training Corps; and for payments pursuant*  
23 *to section 156 of Public Law 97-377, as amended (42*  
24 *U.S.C. 402 note), and to the Department of Defense Mili-*  
25 *tary Retirement Fund, \$22,671,875,000.*

1            *MILITARY PERSONNEL, MARINE CORPS*

2            *For pay, allowances, individual clothing, subsistence,*  
3 *interest on deposits, gratuities, permanent change of station*  
4 *travel (including all expenses thereof for organizational*  
5 *movements), and expenses of temporary duty travel between*  
6 *permanent duty stations, for members of the Marine Corps*  
7 *on active duty (except members of the Reserve provided for*  
8 *elsewhere); and for payments pursuant to section 156 of*  
9 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*  
10 *to the Department of Defense Military Retirement Fund,*  
11 *\$8,894,984,000.*

12            *MILITARY PERSONNEL, AIR FORCE*

13            *For pay, allowances, individual clothing, subsistence,*  
14 *interest on deposits, gratuities, permanent change of station*  
15 *travel (including all expenses thereof for organizational*  
16 *movements), and expenses of temporary duty travel between*  
17 *permanent duty stations, for members of the Air Force on*  
18 *active duty (except members of reserve components provided*  
19 *for elsewhere), cadets, and aviation cadets; for members of*  
20 *the Reserve Officer's Training Corps; and for payments*  
21 *pursuant to section 156 of Public Law 97-377, as amended*  
22 *(42 U.S.C. 402 note), and to the Department of Defense*  
23 *Military Retirement Fund, \$22,908,750,000.*

1                   *RESERVE PERSONNEL, ARMY*

2           *For pay, allowances, clothing, subsistence, gratuities,*  
3 *travel, and related expenses for personnel of the Army Re-*  
4 *serve on active duty under sections 10211, 10302, and 3038*  
5 *of title 10, United States Code, or while serving on active*  
6 *duty under section 12301(d) of title 10, United States Code,*  
7 *in connection with performing duty specified in section*  
8 *12310(a) of title 10, United States Code, or while under-*  
9 *going reserve training, or while performing drills or equiva-*  
10 *lent duty or other duty, and expenses authorized by section*  
11 *16131 of title 10, United States Code; and for payments*  
12 *to the Department of Defense Military Retirement Fund,*  
13 *\$3,052,269,000.*

14                   *RESERVE PERSONNEL, NAVY*

15           *For pay, allowances, clothing, subsistence, gratuities,*  
16 *travel, and related expenses for personnel of the Navy Re-*  
17 *serve on active duty under section 10211 of title 10, United*  
18 *States Code, or while serving on active duty under section*  
19 *12301(d) of title 10, United States Code, in connection with*  
20 *performing duty specified in section 12310(a) of title 10,*  
21 *United States Code, or while undergoing reserve training,*  
22 *or while performing drills or equivalent duty, and expenses*  
23 *authorized by section 16131 of title 10, United States Code;*  
24 *and for payments to the Department of Defense Military*  
25 *Retirement Fund, \$1,617,299,000.*

1                    *RESERVE PERSONNEL, MARINE CORPS*

2            *For pay, allowances, clothing, subsistence, gratuities,*  
3 *travel, and related expenses for personnel of the Marine*  
4 *Corps Reserve on active duty under section 10211 of title*  
5 *10, United States Code, or while serving on active duty*  
6 *under section 12301(d) of title 10, United States Code, in*  
7 *connection with performing duty specified in section*  
8 *12310(a) of title 10, United States Code, or while under-*  
9 *going reserve training, or while performing drills or equiva-*  
10 *lent duty, and for members of the Marine Corps platoon*  
11 *leaders class, and expenses authorized by section 16131 of*  
12 *title 10, United States Code; and for payments to the De-*  
13 *partment of Defense Military Retirement Fund,*  
14 *\$491,601,000.*

15                    *RESERVE PERSONNEL, AIR FORCE*

16            *For pay, allowances, clothing, subsistence, gratuities,*  
17 *travel, and related expenses for personnel of the Air Force*  
18 *Reserve on active duty under sections 10211, 10305, and*  
19 *8038 of title 10, United States Code, or while serving on*  
20 *active duty under section 12301(d) of title 10, United States*  
21 *Code, in connection with performing duty specified in sec-*  
22 *tion 12310(a) of title 10, United States Code, or while un-*  
23 *dergoing reserve training, or while performing drills or*  
24 *equivalent duty or other duty, and expenses authorized by*  
25 *section 16131 of title 10, United States Code; and for pay-*

1 *ments to the Department of Defense Military Retirement*  
2 *Fund, \$1,263,046,000.*

3 *NATIONAL GUARD PERSONNEL, ARMY*

4 *For pay, allowances, clothing, subsistence, gratuities,*  
5 *travel, and related expenses for personnel of the Army Na-*  
6 *tional Guard while on duty under section 10211, 10302,*  
7 *or 12402 of title 10 or section 708 of title 32, United States*  
8 *Code, or while serving on duty under section 12301(d) of*  
9 *title 10 or section 502(f) of title 32, United States Code,*  
10 *in connection with performing duty specified in section*  
11 *12310(a) of title 10, United States Code, or while under-*  
12 *going training, or while performing drills or equivalent*  
13 *duty or other duty, and expenses authorized by section*  
14 *16131 of title 10, United States Code; and for payments*  
15 *to the Department of Defense Military Retirement Fund,*  
16 *\$4,555,794,000.*

17 *NATIONAL GUARD PERSONNEL, AIR FORCE*

18 *For pay, allowances, clothing, subsistence, gratuities,*  
19 *travel, and related expenses for personnel of the Air Na-*  
20 *tional Guard on duty under section 10211, 10305, or 12402*  
21 *of title 10 or section 708 of title 32, United States Code,*  
22 *or while serving on duty under section 12301(d) of title 10*  
23 *or section 502(f) of title 32, United States Code, in connec-*  
24 *tion with performing duty specified in section 12310(a) of*  
25 *title 10, United States Code, or while undergoing training,*

1 *or while performing drills or equivalent duty or other duty,*  
2 *and expenses authorized by section 16131 of title 10, United*  
3 *States Code; and for payments to the Department of Defense*  
4 *Military Retirement Fund, \$2,125,632,000.*

5 **TITLE II—OPERATION AND MAINTENANCE**

6 **OPERATION AND MAINTENANCE, ARMY**

7 *For expenses, not otherwise provided for, necessary for*  
8 *the operation and maintenance of the Army, as authorized*  
9 *by law; and not to exceed \$11,478,000 can be used for emer-*  
10 *gencies and extraordinary expenses, to be expended on the*  
11 *approval or authority of the Secretary of the Army, and*  
12 *payments may be made on his certificate of necessity for*  
13 *confidential military purposes, \$24,573,795,000.*

14 **OPERATION AND MAINTENANCE, NAVY**

15 *For expenses, not otherwise provided for, necessary for*  
16 *the operation and maintenance of the Navy and the Marine*  
17 *Corps, as authorized by law; and not to exceed \$6,003,000*  
18 *can be used for emergencies and extraordinary expenses, to*  
19 *be expended on the approval or authority of the Secretary*  
20 *of the Navy, and payments may be made on his certificate*  
21 *of necessity for confidential military purposes,*  
22 *\$30,317,964,000.*

1           *OPERATION AND MAINTENANCE, MARINE CORPS*

2           *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance of the Marine Corps, as au-*  
4 *thorized by law, \$3,780,926,000.*

5           *OPERATION AND MAINTENANCE, AIR FORCE*

6           *For expenses, not otherwise provided for, necessary for*  
7 *the operation and maintenance of the Air Force, as author-*  
8 *ized by law; and not to exceed \$7,699,000 can be used for*  
9 *emergencies and extraordinary expenses, to be expended on*  
10 *the approval or authority of the Secretary of the Air Force,*  
11 *and payments may be made on his certificate of necessity*  
12 *for confidential military purposes, \$30,891,386,000.*

13           *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

14                           *(INCLUDING TRANSFER OF FUNDS)*

15           *For expenses, not otherwise provided for, necessary for*  
16 *the operation and maintenance of activities and agencies*  
17 *of the Department of Defense (other than the military de-*  
18 *partments), as authorized by law, \$18,517,218,000: Pro-*  
19 *vided, That not more than \$25,000,000 may be used for*  
20 *the Combatant Commander Initiative Fund authorized*  
21 *under section 166a of title 10, United States Code, and of*  
22 *which not to exceed \$32,000,000 can be used for emergencies*  
23 *and extraordinary expenses, to be expended on the approval*  
24 *or authority of the Secretary of Defense, and payments may*  
25 *be made on his certificate of necessity for confidential mili-*



1 tary purposes: *Provided further, That of the funds provided*  
2 *under this heading not less than \$27,009,000 shall be made*  
3 *available for the Procurement Technical Assistance Cooper-*  
4 *ative Agreement Program, of which not less than \$3,600,000*  
5 *shall be available for centers defined in 10 U.S.C.*  
6 *2411(1)(D): Provided further, That none of the funds ap-*  
7 *propriated or otherwise made available by this Act may be*  
8 *used to plan or implement the consolidation of a budget*  
9 *or appropriations liaison office of the Office of the Secretary*  
10 *of Defense, the office of the Secretary of a military depart-*  
11 *ment, or the service headquarters of one of the Armed Forces*  
12 *into a legislative affairs or legislative liaison office: Pro-*  
13 *vided further, That \$4,000,000, to remain available until*  
14 *expended, is available only for expenses relating to certain*  
15 *classified activities, and may be transferred as necessary*  
16 *by the Secretary to operation and maintenance appropria-*  
17 *tions or research, development, test and evaluation appro-*  
18 *priations, to be merged with and to be available for the*  
19 *same time period as the appropriations to which trans-*  
20 *ferred: Provided further, That any ceiling on the investment*  
21 *item unit cost of items that may be purchased with oper-*  
22 *ation and maintenance funds shall not apply to the funds*  
23 *described in the preceding proviso: Provided further, That*  
24 *the transfer authority provided under this heading is in ad-*

1 dition to any other transfer authority provided elsewhere  
2 in this Act.

3       *OPERATION AND MAINTENANCE, ARMY RESERVE*

4       *For expenses, not otherwise provided for, necessary for*  
5 *the operation and maintenance, including training, organi-*  
6 *zation, and administration, of the Army Reserve; repair of*  
7 *facilities and equipment; hire of passenger motor vehicles;*  
8 *travel and transportation; care of the dead; recruiting; pro-*  
9 *curement of services, supplies, and equipment; and commu-*  
10 *nications, \$1,956,482,000.*

11       *OPERATION AND MAINTENANCE, NAVY RESERVE*

12       *For expenses, not otherwise provided for, necessary for*  
13 *the operation and maintenance, including training, organi-*  
14 *zation, and administration, of the Navy Reserve; repair of*  
15 *facilities and equipment; hire of passenger motor vehicles;*  
16 *travel and transportation; care of the dead; recruiting; pro-*  
17 *curement of services, supplies, and equipment; and commu-*  
18 *nications, \$1,239,295,000.*

19       *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

20       *For expenses, not otherwise provided for, necessary for*  
21 *the operation and maintenance, including training, organi-*  
22 *zation, and administration, of the Marine Corps Reserve;*  
23 *repair of facilities and equipment; hire of passenger motor*  
24 *vehicles; travel and transportation; care of the dead; recruit-*

1 *ing; procurement of services, supplies, and equipment; and*  
2 *communications, \$197,734,000.*

3 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

4 *For expenses, not otherwise provided for, necessary for*  
5 *the operation and maintenance, including training, organi-*  
6 *zation, and administration, of the Air Force Reserve; repair*  
7 *of facilities and equipment; hire of passenger motor vehicles;*  
8 *travel and transportation; care of the dead; recruiting; pro-*  
9 *curement of services, supplies, and equipment; and commu-*  
10 *nications, \$2,474,286,000.*

11 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

12 *For expenses of training, organizing, and admin-*  
13 *istering the Army National Guard, including medical and*  
14 *hospital treatment and related expenses in non-Federal hos-*  
15 *pitals; maintenance, operation, and repairs to structures*  
16 *and facilities; hire of passenger motor vehicles; personnel*  
17 *services in the National Guard Bureau; travel expenses*  
18 *(other than mileage), as authorized by law for Army per-*  
19 *sonnel on active duty, for Army National Guard division,*  
20 *regimental, and battalion commanders while inspecting*  
21 *units in compliance with National Guard Bureau regula-*  
22 *tions when specifically authorized by the Chief, National*  
23 *Guard Bureau; supplying and equipping the Army Na-*  
24 *tional Guard as authorized by law; and expenses of repair,*  
25 *modification, maintenance, and issue of supplies and*

1 *equipment (including aircraft), \$4,428,119,000: Provided,*  
2 *That \$10,000,000 shall be available for the operations and*  
3 *development of training and technology for the Joint Inter-*  
4 *agency Training Center-East and the affiliated Center for*  
5 *National Response at the Memorial Tunnel and for pro-*  
6 *viding homeland defense/security and traditional*  
7 *warfighting training to the Department of Defense, other*  
8 *federal agency, and state and local first responder personnel*  
9 *at the Joint Interagency Training Center-East.*

10 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

11 *For expenses of training, organizing, and admin-*  
12 *istering the Air National Guard, including medical and*  
13 *hospital treatment and related expenses in non-Federal hos-*  
14 *pitals; maintenance, operation, and repairs to structures*  
15 *and facilities; transportation of things, hire of passenger*  
16 *motor vehicles; supplying and equipping the Air National*  
17 *Guard, as authorized by law; expenses for repair, modifica-*  
18 *tion, maintenance, and issue of supplies and equipment,*  
19 *including those furnished from stocks under the control of*  
20 *agencies of the Department of Defense; travel expenses (other*  
21 *than mileage) on the same basis as authorized by law for*  
22 *Air National Guard personnel on active Federal duty, for*  
23 *Air National Guard commanders while inspecting units in*  
24 *compliance with National Guard Bureau regulations when*

1 *specifically authorized by the Chief, National Guard Bu-*  
2 *reau, \$4,681,291,000.*

3 *UNITED STATES COURT OF APPEALS FOR THE ARMED*  
4 *FORCES*

5 *For salaries and expenses necessary for the United*  
6 *States Court of Appeals for the Armed Forces, \$11,236,000,*  
7 *of which not to exceed \$5,000 may be used for official rep-*  
8 *resentation purposes.*

9 *ENVIRONMENTAL RESTORATION, ARMY*  
10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the Department of the Army, \$407,865,000, to re-*  
12 *main available until transferred: Provided, That the Sec-*  
13 *retary of the Army shall, upon determining that such funds*  
14 *are required for environmental restoration, reduction and*  
15 *recycling of hazardous waste, removal of unsafe buildings*  
16 *and debris of the Department of the Army, or for similar*  
17 *purposes, transfer the funds made available by this appro-*  
18 *priation to other appropriations made available to the De-*  
19 *partment of the Army, to be merged with and to be available*  
20 *for the same purposes and for the same time period as the*  
21 *appropriations to which transferred: Provided further, That*  
22 *upon a determination that all or part of the funds trans-*  
23 *ferred from this appropriation are not necessary for the*  
24 *purposes provided herein, such amounts may be transferred*  
25 *back to this appropriation.*

1                    *ENVIRONMENTAL RESTORATION, NAVY*2                    *(INCLUDING TRANSFER OF FUNDS)*

3            *For the Department of the Navy, \$305,275,000, to re-*  
4 *main available until transferred: Provided, That the Sec-*  
5 *retary of the Navy shall, upon determining that such funds*  
6 *are required for environmental restoration, reduction and*  
7 *recycling of hazardous waste, removal of unsafe buildings*  
8 *and debris of the Department of the Navy, or for similar*  
9 *purposes, transfer the funds made available by this appro-*  
10 *priation to other appropriations made available to the De-*  
11 *partment of the Navy, to be merged with and to be available*  
12 *for the same purposes and for the same time period as the*  
13 *appropriations to which transferred: Provided further, That*  
14 *upon a determination that all or part of the funds trans-*  
15 *ferred from this appropriation are not necessary for the*  
16 *purposes provided herein, such amounts may be transferred*  
17 *back to this appropriation.*

18                    *ENVIRONMENTAL RESTORATION, AIR FORCE*19                    *(INCLUDING TRANSFER OF FUNDS)*

20            *For the Department of the Air Force, \$406,461,000,*  
21 *to remain available until transferred: Provided, That the*  
22 *Secretary of the Air Force shall, upon determining that*  
23 *such funds are required for environmental restoration, re-*  
24 *duction and recycling of hazardous waste, removal of unsafe*  
25 *buildings and debris of the Department of the Air Force,*

1 *or for similar purposes, transfer the funds made available*  
2 *by this appropriation to other appropriations made avail-*  
3 *able to the Department of the Air Force, to be merged with*  
4 *and to be available for the same purposes and for the same*  
5 *time period as the appropriations to which transferred:*  
6 *Provided further, That upon a determination that all or*  
7 *part of the funds transferred from this appropriation are*  
8 *not necessary for the purposes provided herein, such*  
9 *amounts may be transferred back to this appropriation.*

10 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of Defense, \$28,167,000, to remain*  
13 *available until transferred: Provided, That the Secretary of*  
14 *Defense shall, upon determining that such funds are re-*  
15 *quired for environmental restoration, reduction and recy-*  
16 *cling of hazardous waste, removal of unsafe buildings and*  
17 *debris of the Department of Defense, or for similar purposes,*  
18 *transfer the funds made available by this appropriation to*  
19 *other appropriations made available to the Department of*  
20 *Defense, to be merged with and to be available for the same*  
21 *purposes and for the same time period as the appropria-*  
22 *tions to which transferred: Provided further, That upon a*  
23 *determination that all or part of the funds transferred from*  
24 *this appropriation are not necessary for the purposes pro-*

1 *vided herein, such amounts may be transferred back to this*  
2 *appropriation.*

3 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

4 *DEFENSE SITES*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Department of the Army, \$271,921,000, to re-*  
7 *main available until transferred: Provided, That the Sec-*  
8 *retary of the Army shall, upon determining that such funds*  
9 *are required for environmental restoration, reduction and*  
10 *recycling of hazardous waste, removal of unsafe buildings*  
11 *and debris at sites formerly used by the Department of De-*  
12 *fense, transfer the funds made available by this appropri-*  
13 *ation to other appropriations made available to the Depart-*  
14 *ment of the Army, to be merged with and to be available*  
15 *for the same purposes and for the same time period as the*  
16 *appropriations to which transferred: Provided further, That*  
17 *upon a determination that all or part of the funds trans-*  
18 *ferred from this appropriation are not necessary for the*  
19 *purposes provided herein, such amounts may be transferred*  
20 *back to this appropriation.*

21 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

22 *For expenses relating to the Overseas Humanitarian,*  
23 *Disaster, and Civic Aid programs of the Department of De-*  
24 *fense (consisting of the programs provided under sections*  
25 *401, 402, 404, 2557, and 2561 of title 10, United States*



1 Code), \$61,546,000, to remain available until September  
2 30, 2007.

3 *FORMER SOVIET UNION THREAT REDUCTION ACCOUNT*

4 *For assistance to the republics of the former Soviet*  
5 *Union, including assistance provided by contract or by*  
6 *grants, for facilitating the elimination and the safe and se-*  
7 *curity transportation and storage of nuclear, chemical and*  
8 *other weapons; for establishing programs to prevent the pro-*  
9 *liferation of weapons, weapons components, and weapon-*  
10 *related technology and expertise; for programs relating to*  
11 *the training and support of defense and military personnel*  
12 *for demilitarization and protection of weapons, weapons*  
13 *components and weapons technology and expertise, and for*  
14 *defense and military contacts, \$415,549,000, to remain*  
15 *available until September 30, 2008: Provided, That of the*  
16 *amounts provided under this heading, \$15,000,000 shall be*  
17 *available only to support the dismantling and disposal of*  
18 *nuclear submarines, submarine reactor components, and se-*  
19 *curity enhancements for transport and storage of nuclear*  
20 *warheads in the Russian Far East.*

21 *TITLE III—PROCUREMENT*

22 *AIRCRAFT PROCUREMENT, ARMY*

23 *For construction, procurement, production, modifica-*  
24 *tion, and modernization of aircraft, equipment, including*  
25 *ordnance, ground handling equipment, spare parts, and ac-*

1 *cessories therefor; specialized equipment and training de-*  
2 *vices; expansion of public and private plants, including the*  
3 *land necessary therefor, for the foregoing purposes, and such*  
4 *lands and interests therein, may be acquired, and construc-*  
5 *tion prosecuted thereon prior to approval of title; and pro-*  
6 *curement and installation of equipment, appliances, and*  
7 *machine tools in public and private plants; reserve plant*  
8 *and Government and contractor-owned equipment layaway;*  
9 *and other expenses necessary for the foregoing purposes,*  
10 *\$2,562,480,000, to remain available for obligation until*  
11 *September 30, 2008.*

12 *MISSILE PROCUREMENT, ARMY*

13 *For construction, procurement, production, modifica-*  
14 *tion, and modernization of missiles, equipment, including*  
15 *ordnance, ground handling equipment, spare parts, and ac-*  
16 *cessories therefor; specialized equipment and training de-*  
17 *vices; expansion of public and private plants, including the*  
18 *land necessary therefor, for the foregoing purposes, and such*  
19 *lands and interests therein, may be acquired, and construc-*  
20 *tion prosecuted thereon prior to approval of title; and pro-*  
21 *curement and installation of equipment, appliances, and*  
22 *machine tools in public and private plants; reserve plant*  
23 *and Government and contractor-owned equipment layaway;*  
24 *and other expenses necessary for the foregoing purposes,*

1 \$1,214,919,000, to remain available for obligation until  
2 September 30, 2008.

3 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*  
4 *VEHICLES, ARMY*

5 *For construction, procurement, production, and modi-*  
6 *fication of weapons and tracked combat vehicles, equipment,*  
7 *including ordnance, spare parts, and accessories therefor;*  
8 *specialized equipment and training devices; expansion of*  
9 *public and private plants, including the land necessary*  
10 *therefor, for the foregoing purposes, and such lands and in-*  
11 *terests therein, may be acquired, and construction pros-*  
12 *ecuted thereon prior to approval of title; and procurement*  
13 *and installation of equipment, appliances, and machine*  
14 *tools in public and private plants; reserve plant and Gov-*  
15 *ernment and contractor-owned equipment layaway; and*  
16 *other expenses necessary for the foregoing purposes,*  
17 *\$1,359,465,000, to remain available for obligation until*  
18 *September 30, 2008.*

19 *PROCUREMENT OF AMMUNITION, ARMY*

20 *For construction, procurement, production, and modi-*  
21 *fication of ammunition, and accessories therefor; specialized*  
22 *equipment and training devices; expansion of public and*  
23 *private plants, including ammunition facilities authorized*  
24 *by section 2854 of title 10, United States Code, and the*  
25 *land necessary therefor, for the foregoing purposes, and such*

1 *lands and interests therein, may be acquired, and construc-*  
2 *tion prosecuted thereon prior to approval of title; and pro-*  
3 *curement and installation of equipment, appliances, and*  
4 *machine tools in public and private plants; reserve plant*  
5 *and Government and contractor-owned equipment layaway;*  
6 *and other expenses necessary for the foregoing purposes,*  
7 *\$1,708,680,000, to remain available for obligation until*  
8 *September 30, 2008.*

9 *OTHER PROCUREMENT, ARMY*

10 *For construction, procurement, production, and modi-*  
11 *fication of vehicles, including tactical, support, and non-*  
12 *tracked combat vehicles; the purchase of passenger motor ve-*  
13 *hicles for replacement only; and the purchase of 14 vehicles*  
14 *required for physical security of personnel, notwithstanding*  
15 *price limitations applicable to passenger vehicles but not*  
16 *to exceed \$255,000 per vehicle; communications and elec-*  
17 *tronic equipment; other support equipment; spare parts,*  
18 *ordnance, and accessories therefor; specialized equipment*  
19 *and training devices; expansion of public and private*  
20 *plants, including the land necessary therefor, for the fore-*  
21 *going purposes, and such lands and interests therein, may*  
22 *be acquired, and construction prosecuted thereon prior to*  
23 *approval of title; and procurement and installation of*  
24 *equipment, appliances, and machine tools in public and*  
25 *private plants; reserve plant and Government and con-*

1 tractor-owned equipment layaway; and other expenses nec-  
2 essary for the foregoing purposes, \$4,426,531,000, to remain  
3 available for obligation until September 30, 2008.

4 *AIRCRAFT PROCUREMENT, NAVY*

5 *For construction, procurement, production, modifica-*  
6 *tion, and modernization of aircraft, equipment, including*  
7 *ordnance, spare parts, and accessories therefor; specialized*  
8 *equipment; expansion of public and private plants, includ-*  
9 *ing the land necessary therefor, and such lands and inter-*  
10 *ests therein, may be acquired, and construction prosecuted*  
11 *thereon prior to approval of title; and procurement and in-*  
12 *stallation of equipment, appliances, and machine tools in*  
13 *public and private plants; reserve plant and Government*  
14 *and contractor-owned equipment layaway, \$9,880,492,000,*  
15 *to remain available for obligation until September 30,*  
16 *2008.*

17 *WEAPONS PROCUREMENT, NAVY*

18 *For construction, procurement, production, modifica-*  
19 *tion, and modernization of missiles, torpedoes, other weap-*  
20 *ons, and related support equipment including spare parts,*  
21 *and accessories therefor; expansion of public and private*  
22 *plants, including the land necessary therefor, and such*  
23 *lands and interests therein, may be acquired, and construc-*  
24 *tion prosecuted thereon prior to approval of title; and pro-*  
25 *curement and installation of equipment, appliances, and*

1 *machine tools in public and private plants; reserve plant*  
2 *and Government and contractor-owned equipment layaway,*  
3 *\$2,593,341,000, to remain available for obligation until*  
4 *September 30, 2008.*

5 *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*  
6 *CORPS*

7 *For construction, procurement, production, and modi-*  
8 *fication of ammunition, and accessories therefor; specialized*  
9 *equipment and training devices; expansion of public and*  
10 *private plants, including ammunition facilities authorized*  
11 *by section 2854 of title 10, United States Code, and the*  
12 *land necessary therefor, for the foregoing purposes, and such*  
13 *lands and interests therein, may be acquired, and construc-*  
14 *tion prosecuted thereon prior to approval of title; and pro-*  
15 *curement and installation of equipment, appliances, and*  
16 *machine tools in public and private plants; reserve plant*  
17 *and Government and contractor-owned equipment layaway;*  
18 *and other expenses necessary for the foregoing purposes,*  
19 *\$832,791,000, to remain available for obligation until Sep-*  
20 *tember 30, 2008.*

21 *SHIPBUILDING AND CONVERSION, NAVY*

22 *For expenses necessary for the construction, acquisi-*  
23 *tion, or conversion of vessels as authorized by law, includ-*  
24 *ing armor and armament thereof, plant equipment, appli-*  
25 *ances, and machine tools and installation thereof in public*

1 *and private plants; reserve plant and Government and con-*  
 2 *tractor-owned equipment layaway; procurement of critical,*  
 3 *long leadtime components and designs for vessels to be con-*  
 4 *structed or converted in the future; and expansion of public*  
 5 *and private plants, including land necessary therefor, and*  
 6 *such lands and interests therein, may be acquired, and con-*  
 7 *struction prosecuted thereon prior to approval of title, as*  
 8 *follows:*

9           *Carrier Replacement Program (AP),*  
 10        \$651,613,000;  
 11           *NSSN, \$1,637,698,000;*  
 12           *NSSN (AP), \$763,786,000;*  
 13           *SSGN, \$286,516,000;*  
 14           *CVN Refuelings, \$1,493,563,000;*  
 15           *CVN Refuelings (AP), \$20,000,000;*  
 16           *SSBN Submarine Refuelings, \$230,193,000;*  
 17           *SSBN Submarine Refuelings (AP), \$62,248,000;*  
 18           *DD(X) (AP), \$765,992,000;*  
 19           *DDG-51 Destroyer, \$29,773,000;*  
 20           *LHD-8, \$197,769,000;*  
 21           *LPD-17, \$1,344,741,000;*  
 22           *LHA-R, \$150,447,000;*  
 23           *LCAC Landing Craft Air Cushion,*  
 24        \$110,583,000;  
 25           *Prior year shipbuilding costs, \$517,523,000;*

1           *Service Craft, \$46,055,000; and*  
2           *For outfitting, post delivery, conversions, and*  
3           *first destination transportation, \$369,387,000;*  
4           *in all: \$8,677,887,000, to remain available for obligation*  
5           *until September 30, 2010: Provided, That additional obli-*  
6           *gations may be incurred after September 30, 2010, for engi-*  
7           *neering services, tests, evaluations, and other such budgeted*  
8           *work that must be performed in the final stage of ship con-*  
9           *struction: Provided further, That none of the funds provided*  
10           *under this heading for the construction or conversion of any*  
11           *naval vessel to be constructed in shipyards in the United*  
12           *States shall be expended in foreign facilities for the con-*  
13           *struction of major components of such vessel: Provided fur-*  
14           *ther, That none of the funds provided under this heading*  
15           *shall be used for the construction of any naval vessel in*  
16           *foreign shipyards.*

17                                    *OTHER PROCUREMENT, NAVY*

18           *For procurement, production, and modernization of*  
19           *support equipment and materials not otherwise provided*  
20           *for, Navy ordnance (except ordnance for new aircraft, new*  
21           *ships, and ships authorized for conversion); the purchase*  
22           *of passenger motor vehicles for replacement only, and the*  
23           *purchase of 9 vehicles required for physical security of per-*  
24           *sonnel, notwithstanding price limitations applicable to pas-*  
25           *senger vehicles but not to exceed \$255,000 per vehicle; ex-*



1 *pansion of public and private plants, including the land*  
2 *necessary therefor, and such lands and interests therein,*  
3 *may be acquired, and construction prosecuted thereon prior*  
4 *to approval of title; and procurement and installation of*  
5 *equipment, appliances, and machine tools in public and*  
6 *private plants; reserve plant and Government and con-*  
7 *tractor-owned equipment layaway, \$5,293,157,000, to re-*  
8 *main available for obligation until September 30, 2008.*

9 *PROCUREMENT, MARINE CORPS*

10 *For expenses necessary for the procurement, manufac-*  
11 *ture, and modification of missiles, armament, military*  
12 *equipment, spare parts, and accessories therefor; plant*  
13 *equipment, appliances, and machine tools, and installation*  
14 *thereof in public and private plants; reserve plant and Gov-*  
15 *ernment and contractor-owned equipment layaway; vehicles*  
16 *for the Marine Corps, including the purchase of passenger*  
17 *motor vehicles for replacement only; and expansion of pub-*  
18 *lic and private plants, including land necessary therefor,*  
19 *and such lands and interests therein, may be acquired, and*  
20 *construction prosecuted thereon prior to approval of title,*  
21 *\$1,361,605,000, to remain available for obligation until*  
22 *September 30, 2008.*

23 *AIRCRAFT PROCUREMENT, AIR FORCE*

24 *For construction, procurement, and modification of*  
25 *aircraft and equipment, including armor and armament,*

1 *specialized ground handling equipment, and training de-*  
2 *vices, spare parts, and accessories therefor; specialized*  
3 *equipment; expansion of public and private plants, Govern-*  
4 *ment-owned equipment and installation thereof in such*  
5 *plants, erection of structures, and acquisition of land, for*  
6 *the foregoing purposes, and such lands and interests therein,*  
7 *may be acquired, and construction prosecuted thereon prior*  
8 *to approval of title; reserve plant and Government and con-*  
9 *tractor-owned equipment layaway; and other expenses nec-*  
10 *essary for the foregoing purposes including rents and trans-*  
11 *portation of things, \$12,729,492,000, to remain available*  
12 *for obligation until September 30, 2008.*

13 *MISSILE PROCUREMENT, AIR FORCE*

14 *For construction, procurement, and modification of*  
15 *missiles, spacecraft, rockets, and related equipment, includ-*  
16 *ing spare parts and accessories therefor, ground handling*  
17 *equipment, and training devices; expansion of public and*  
18 *private plants, Government-owned equipment and installa-*  
19 *tion thereof in such plants, erection of structures, and ac-*  
20 *quisition of land, for the foregoing purposes, and such lands*  
21 *and interests therein, may be acquired, and construction*  
22 *prosecuted thereon prior to approval of title; reserve plant*  
23 *and Government and contractor-owned equipment layaway;*  
24 *and other expenses necessary for the foregoing purposes in-*  
25 *cluding rents and transportation of things, \$5,068,974,000,*

1 *to remain available for obligation until September 30,*  
2 *2008.*

3 *PROCUREMENT OF AMMUNITION, AIR FORCE*

4 *For construction, procurement, production, and modi-*  
5 *fication of ammunition, and accessories therefor; specialized*  
6 *equipment and training devices; expansion of public and*  
7 *private plants, including ammunition facilities authorized*  
8 *by section 2854 of title 10, United States Code, and the*  
9 *land necessary therefor, for the foregoing purposes, and such*  
10 *lands and interests therein, may be acquired, and construc-*  
11 *tion prosecuted thereon prior to approval of title; and pro-*  
12 *curement and installation of equipment, appliances, and*  
13 *machine tools in public and private plants; reserve plant*  
14 *and Government and contractor-owned equipment layaway;*  
15 *and other expenses necessary for the foregoing purposes,*  
16 *\$996,111,000, to remain available for obligation until Sep-*  
17 *tember 30, 2008.*

18 *OTHER PROCUREMENT, AIR FORCE*

19 *For procurement and modification of equipment (in-*  
20 *cluding ground guidance and electronic control equipment,*  
21 *and ground electronic and communication equipment), and*  
22 *supplies, materials, and spare parts therefor, not otherwise*  
23 *provided for; the purchase of passenger motor vehicles for*  
24 *replacement only, and the purchase of 2 vehicles required*  
25 *for physical security of personnel, notwithstanding price*

1 *limitations applicable to passenger vehicles but not to ex-*  
2 *ceed \$255,000 per vehicle; lease of passenger motor vehicles;*  
3 *and expansion of public and private plants, Government-*  
4 *owned equipment and installation thereof in such plants,*  
5 *erection of structures, and acquisition of land, for the fore-*  
6 *going purposes, and such lands and interests therein, may*  
7 *be acquired, and construction prosecuted thereon, prior to*  
8 *approval of title; reserve plant and Government and con-*  
9 *tractor-owned equipment layaway, \$14,048,439,000, to re-*  
10 *main available for obligation until September 30, 2008.*

11 *PROCUREMENT, DEFENSE-WIDE*

12 *For expenses of activities and agencies of the Depart-*  
13 *ment of Defense (other than the military departments) nec-*  
14 *essary for procurement, production, and modification of*  
15 *equipment, supplies, materials, and spare parts therefor,*  
16 *not otherwise provided for; the purchase of passenger motor*  
17 *vehicles for replacement only, and the purchase of 5 vehicles*  
18 *required for physical security of personnel, notwithstanding*  
19 *prior limitations applicable to passenger vehicles but not*  
20 *to exceed \$255,000 per vehicle; expansion of public and pri-*  
21 *vate plants, equipment, and installation thereof in such*  
22 *plants, erection of structures, and acquisition of land for*  
23 *the foregoing purposes, and such lands and interests therein,*  
24 *may be acquired, and construction prosecuted thereon prior*  
25 *to approval of title; reserve plant and Government and con-*

1 *tractor-owned equipment layaway, \$2,572,250,000, to re-*  
2 *main available for obligation until September 30, 2008.*

3 *NATIONAL GUARD AND RESERVE EQUIPMENT*

4 *For procurement of aircraft, missiles, tracked combat*  
5 *vehicles, ammunition, other weapons, and other procure-*  
6 *ment for the reserve components of the Armed Forces,*  
7 *\$422,000,000, to remain available for obligation until Sep-*  
8 *tember 30, 2008: Provided, That the Chiefs of the Reserve*  
9 *and National Guard components shall, not later than 30*  
10 *days after the enactment of this Act, individually submit*  
11 *to the congressional defense committees the modernization*  
12 *priority assessment for their respective Reserve or National*  
13 *Guard component.*

14 *DEFENSE PRODUCTION ACT PURCHASES*

15 *For activities by the Department of Defense pursuant*  
16 *to sections 108, 301, 302, and 303 of the Defense Production*  
17 *Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093),*  
18 *\$68,573,000, to remain available until expended.*

19 *TITLE IV—RESEARCH, DEVELOPMENT, TEST AND*  
20 *EVALUATION*

21 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

22 *For expenses necessary for basic and applied scientific*  
23 *research, development, test and evaluation, including main-*  
24 *tenance, rehabilitation, lease, and operation of facilities*

1 *and equipment, \$10,520,592,000, to remain available for*  
2 *obligation until September 30, 2007.*

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

4 *For expenses necessary for basic and applied scientific*  
5 *research, development, test and evaluation, including main-*  
6 *tenance, rehabilitation, lease, and operation of facilities*  
7 *and equipment, \$18,557,904,000, to remain available for*  
8 *obligation until September 30, 2007: Provided, That funds*  
9 *appropriated in this paragraph which are available for the*  
10 *V-22 may be used to meet unique operational requirements*  
11 *of the Special Operations Forces: Provided further, That*  
12 *funds appropriated in this paragraph shall be available for*  
13 *the Cobra Judy program.*

14 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*

15 *FORCE*

16 *For expenses necessary for basic and applied scientific*  
17 *research, development, test and evaluation, including main-*  
18 *tenance, rehabilitation, lease, and operation of facilities*  
19 *and equipment, \$21,859,010,000, to remain available for*  
20 *obligation until September 30, 2007.*

21 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*

22 *DEFENSE-WIDE*

23 *For expenses of activities and agencies of the Depart-*  
24 *ment of Defense (other than the military departments), nec-*  
25 *essary for basic and applied scientific research, develop-*

1 *ment, test and evaluation; advanced research projects as*  
2 *may be designated and determined by the Secretary of De-*  
3 *fense, pursuant to law; maintenance, rehabilitation, lease,*  
4 *and operation of facilities and equipment, \$19,301,618,000,*  
5 *to remain available for obligation until September 30,*  
6 *2007.*

7       *OPERATIONAL TEST AND EVALUATION, DEFENSE*

8       *For expenses, not otherwise provided for, necessary for*  
9 *the independent activities of the Director, Operational Test*  
10 *and Evaluation, in the direction and supervision of oper-*  
11 *ational test and evaluation, including initial operational*  
12 *test and evaluation which is conducted prior to, and in sup-*  
13 *port of, production decisions; joint operational testing and*  
14 *evaluation; and administrative expenses in connection*  
15 *therewith, \$168,458,000, to remain available for obligation*  
16 *until September 30, 2007.*

17       *TITLE V—REVOLVING AND MANAGEMENT FUNDS*

18               *DEFENSE WORKING CAPITAL FUNDS*

19       *For the Defense Working Capital Funds,*  
20 *\$1,154,940,000.*

21               *NATIONAL DEFENSE SEALIFT FUND*

22       *For National Defense Sealift Fund programs, projects,*  
23 *and activities, and for expenses of the National Defense Re-*  
24 *serve Fleet, as established by section 11 of the Merchant*  
25 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*

1 *necessary expenses to maintain and preserve a U.S.-flag*  
2 *merchant fleet to serve the national security needs of the*  
3 *United States, \$579,954,000, to remain available until ex-*  
4 *pended: Provided, That none of the funds provided in this*  
5 *paragraph shall be used to award a new contract that pro-*  
6 *vides for the acquisition of any of the following major com-*  
7 *ponents unless such components are manufactured in the*  
8 *United States: auxiliary equipment, including pumps, for*  
9 *all shipboard services; propulsion system components (that*  
10 *is; engines, reduction gears, and propellers); shipboard*  
11 *cranes; and spreaders for shipboard cranes: Provided fur-*  
12 *ther, That the exercise of an option in a contract awarded*  
13 *through the obligation of previously appropriated funds*  
14 *shall not be considered to be the award of a new contract:*  
15 *Provided further, That the Secretary of the military depart-*  
16 *ment responsible for such procurement may waive the re-*  
17 *strictions in the first proviso on a case-by-case basis by cer-*  
18 *tifying in writing to the Committees on Appropriations of*  
19 *the House of Representatives and the Senate that adequate*  
20 *domestic supplies are not available to meet Department of*  
21 *Defense requirements on a timely basis and that such an*  
22 *acquisition must be made in order to acquire capability for*  
23 *national security purposes.*



1     *TITLE VI—OTHER DEPARTMENT OF DEFENSE*  
2                                     *PROGRAMS*

3                                     *DEFENSE HEALTH PROGRAM*

4         *For expenses, not otherwise provided for, for medical*  
5 *and health care programs of the Department of Defense, as*  
6 *authorized by law, \$20,237,962,000, of which*  
7 *\$19,345,087,000 shall be for Operation and maintenance,*  
8 *of which not to exceed 2 percent shall remain available until*  
9 *September 30, 2007, and of which up to \$10,157,427,000*  
10 *may be available for contracts entered into under the*  
11 *TRICARE program; of which \$377,319,000, to remain*  
12 *available for obligation until September 30, 2008, shall be*  
13 *for Procurement; and of which \$515,556,000, to remain*  
14 *available for obligation until September 30, 2007, shall be*  
15 *for Research, development, test and evaluation.*

16     *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY*

17         *For expenses, not otherwise provided for, necessary for*  
18 *the destruction of the United States stockpile of lethal chem-*  
19 *ical agents and munitions, to include construction of facili-*  
20 *ties, in accordance with the provisions of section 1412 of*  
21 *the Department of Defense Authorization Act, 1986 (50*  
22 *U.S.C. 1521), and for the destruction of other chemical war-*  
23 *fare materials that are not in the chemical weapon stock-*  
24 *pile, \$1,430,727,000, of which \$1,241,514,000 shall be for*  
25 *Operation and maintenance; \$116,527,000 shall be for Pro-*

1 *curement to remain available until September 30, 2008;*  
2 *\$72,686,000 shall be for Research, development, test and*  
3 *evaluation, of which \$57,926,000 shall only be for the As-*  
4 *sembled Chemical Weapons Alternatives (ACWA) program,*  
5 *to remain available until September 30, 2007; and no less*  
6 *than \$119,300,000 may be for the Chemical Stockpile*  
7 *Emergency Preparedness Program, of which \$36,800,000*  
8 *shall be for activities on military installations and*  
9 *\$82,500,000 shall be to assist State and local governments.*

10 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*

11 *DEFENSE*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For drug interdiction and counter-drug activities of*  
14 *the Department of Defense, for transfer to appropriations*  
15 *available to the Department of Defense for military per-*  
16 *sonnel of the reserve components serving under the provi-*  
17 *sions of title 10 and title 32, United States Code; for Oper-*  
18 *ation and maintenance; for Procurement; and for Research,*  
19 *development, test and evaluation, \$926,821,000: Provided,*  
20 *That the funds appropriated under this heading shall be*  
21 *available for obligation for the same time period and for*  
22 *the same purpose as the appropriation to which transferred:*  
23 *Provided further, That upon a determination that all or*  
24 *part of the funds transferred from this appropriation are*  
25 *not necessary for the purposes provided herein, such*

1 *amounts may be transferred back to this appropriation:*  
2 *Provided further, That the transfer authority provided*  
3 *under this heading is in addition to any other transfer au-*  
4 *thority contained elsewhere in this Act.*

5 *OFFICE OF THE INSPECTOR GENERAL*

6 *For expenses and activities of the Office of the Inspec-*  
7 *tor General in carrying out the provisions of the Inspector*  
8 *General Act of 1978, as amended, \$209,687,000, of which*  
9 *\$208,687,000 shall be for Operation and maintenance, of*  
10 *which not to exceed \$700,000 is available for emergencies*  
11 *and extraordinary expenses to be expended on the approval*  
12 *or authority of the Inspector General, and payments may*  
13 *be made on the Inspector General's certificate of necessity*  
14 *for confidential military purposes; and of which \$1,000,000,*  
15 *to remain available until September 30, 2008, shall be for*  
16 *Procurement.*

17 *TITLE VII—RELATED AGENCIES*

18 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

19 *DISABILITY SYSTEM FUND*

20 *For payment to the Central Intelligence Agency Retire-*  
21 *ment and Disability System Fund, to maintain the proper*  
22 *funding level for continuing the operation of the Central*  
23 *Intelligence Agency Retirement and Disability System,*  
24 *\$244,600,000.*

1        *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*  
2                    *(INCLUDING TRANSFER OF FUNDS)*

3        *For necessary expenses of the Intelligence Community*  
4 *Management Account, \$413,344,000, of which \$27,454,000*  
5 *for the Advanced Research and Development Committee*  
6 *shall remain available until September 30, 2007: Provided,*  
7 *That of the funds appropriated under this heading,*  
8 *\$17,000,000 shall be transferred to the Department of Jus-*  
9 *tice for the National Drug Intelligence Center to support*  
10 *the Department of Defense’s counter-drug intelligence re-*  
11 *sponsibilities.*

12                    *TITLE VIII—GENERAL PROVISIONS*

13        *SEC. 8001. No part of any appropriation contained*  
14 *in this Act shall be used for publicity or propaganda pur-*  
15 *poses not authorized by the Congress.*

16        *SEC. 8002. During the current fiscal year, provisions*  
17 *of law prohibiting the payment of compensation to, or em-*  
18 *ployment of, any person not a citizen of the United States*  
19 *shall not apply to personnel of the Department of Defense:*  
20 *Provided, That salary increases granted to direct and indi-*  
21 *rect hire foreign national employees of the Department of*  
22 *Defense funded by this Act shall not be at a rate in excess*  
23 *of the percentage increase authorized by law for civilian*  
24 *employees of the Department of Defense whose pay is com-*  
25 *puted under the provisions of section 5332 of title 5, United*

1 *States Code, or at a rate in excess of the percentage increase*  
2 *provided by the appropriate host nation to its own employ-*  
3 *ees, whichever is higher: Provided further, That this section*  
4 *shall not apply to Department of Defense foreign service*  
5 *national employees serving at United States diplomatic*  
6 *missions whose pay is set by the Department of State under*  
7 *the Foreign Service Act of 1980: Provided further, That the*  
8 *limitations of this provision shall not apply to foreign na-*  
9 *tional employees of the Department of Defense in the Re-*  
10 *public of Turkey.*

11 *SEC. 8003. No part of any appropriation contained*  
12 *in this Act shall remain available for obligation beyond the*  
13 *current fiscal year, unless expressly so provided herein.*

14 *SEC. 8004. No more than 20 percent of the appropria-*  
15 *tions in this Act which are limited for obligation during*  
16 *the current fiscal year shall be obligated during the last 2*  
17 *months of the fiscal year: Provided, That this section shall*  
18 *not apply to obligations for support of active duty training*  
19 *of reserve components or summer camp training of the Re-*  
20 *serve Officers' Training Corps.*

21 *(TRANSFER OF FUNDS)*

22 *SEC. 8005. Upon determination by the Secretary of*  
23 *Defense that such action is necessary in the national inter-*  
24 *est, he may, with the approval of the Office of Management*  
25 *and Budget, transfer not to exceed \$3,500,000,000 of work-*  
26 *ing capital funds of the Department of Defense or funds*

1 *made available in this Act to the Department of Defense*  
2 *for military functions (except military construction) be-*  
3 *tween such appropriations or funds or any subdivision*  
4 *thereof, to be merged with and to be available for the same*  
5 *purposes, and for the same time period, as the appropria-*  
6 *tion or fund to which transferred: Provided, That such au-*  
7 *thority to transfer may not be used unless for higher pri-*  
8 *ority items, based on unforeseen military requirements,*  
9 *than those for which originally appropriated and in no case*  
10 *where the item for which funds are requested has been de-*  
11 *denied by the Congress: Provided further, That the Secretary*  
12 *of Defense shall notify the Congress promptly of all transfers*  
13 *made pursuant to this authority or any other authority in*  
14 *this Act: Provided further, That no part of the funds in*  
15 *this Act shall be available to prepare or present a request*  
16 *to the Committees on Appropriations for reprogramming*  
17 *of funds, unless for higher priority items, based on unfore-*  
18 *seen military requirements, than those for which originally*  
19 *appropriated and in no case where the item for which re-*  
20 *programming is requested has been denied by the Congress:*  
21 *Provided further, That a request for multiple*  
22 *reprogrammings of funds using authority provided in this*  
23 *section must be made prior to June 30, 2006: Provided fur-*  
24 *ther, That transfers among military personnel appropria-*  
25 *tions shall not be taken into account for purposes of the*

1 *limitation on the amount of funds that may be transferred*  
2 *under this section.*

3 (TRANSFER OF FUNDS)

4 SEC. 8006. *During the current fiscal year, cash bal-*  
5 *ances in working capital funds of the Department of De-*  
6 *fense established pursuant to section 2208 of title 10, United*  
7 *States Code, may be maintained in only such amounts as*  
8 *are necessary at any time for cash disbursements to be made*  
9 *from such funds: Provided, That transfers may be made be-*  
10 *tween such funds: Provided further, That transfers may be*  
11 *made between working capital funds and the “Foreign Cur-*  
12 *rency Fluctuations, Defense” appropriation and the “Oper-*  
13 *ation and Maintenance” appropriation accounts in such*  
14 *amounts as may be determined by the Secretary of Defense,*  
15 *with the approval of the Office of Management and Budget,*  
16 *except that such transfers may not be made unless the Sec-*  
17 *retary of Defense has notified the Congress of the proposed*  
18 *transfer. Except in amounts equal to the amounts appro-*  
19 *priated to working capital funds in this Act, no obligations*  
20 *may be made against a working capital fund to procure*  
21 *or increase the value of war reserve material inventory, un-*  
22 *less the Secretary of Defense has notified the Congress prior*  
23 *to any such obligation.*

24 SEC. 8007. *Funds appropriated by this Act may not*  
25 *be used to initiate a special access program without prior*

1 *notification 30 calendar days in session in advance to the*  
2 *congressional defense committees.*

3       *SEC. 8008. None of the funds provided in this Act shall*  
4 *be available to initiate: (1) a multiyear contract that em-*  
5 *loys economic order quantity procurement in excess of*  
6 *\$20,000,000 in any 1 year of the contract or that includes*  
7 *an unfunded contingent liability in excess of \$20,000,000;*  
8 *or (2) a contract for advance procurement leading to a*  
9 *multiyear contract that employs economic order quantity*  
10 *procurement in excess of \$20,000,000 in any 1 year, unless*  
11 *the congressional defense committees have been notified at*  
12 *least 30 days in advance of the proposed contract award:*  
13 *Provided, That no part of any appropriation contained in*  
14 *this Act shall be available to initiate a multiyear contract*  
15 *for which the economic order quantity advance procurement*  
16 *is not funded at least to the limits of the Government's li-*  
17 *ability: Provided further, That no part of any appropria-*  
18 *tion contained in this Act shall be available to initiate*  
19 *multiyear procurement contracts for any systems or compo-*  
20 *nent thereof if the value of the multiyear contract would*  
21 *exceed \$500,000,000 unless specifically provided in this Act:*  
22 *Provided further, That no multiyear procurement contract*  
23 *can be terminated without 10-day prior notification to the*  
24 *congressional defense committees: Provided further, That the*  
25 *execution of multiyear authority shall require the use of a*



1 *present value analysis to determine lowest cost compared*  
2 *to an annual procurement: Provided further, That none of*  
3 *the funds provided in this Act may be used for a multiyear*  
4 *contract executed after the date of the enactment of this Act*  
5 *unless in the case of any such contract—*

6           (1) *the Secretary of Defense has submitted to*  
7 *Congress a budget request for full funding of units to*  
8 *be procured through the contract;*

9           (2) *cancellation provisions in the contract do not*  
10 *include consideration of recurring manufacturing*  
11 *costs of the contractor associated with the production*  
12 *of unfunded units to be delivered under the contract;*

13           (3) *the contract provides that payments to the*  
14 *contractor under the contract shall not be made in*  
15 *advance of incurred costs on funded units; and*

16           (4) *the contract does not provide for a price ad-*  
17 *justment based on a failure to award a follow-on con-*  
18 *tract.*

19 *Funds appropriated in title III of this Act may be*  
20 *used for a multiyear procurement contract as follows:*

21           *UH-60/MH-60 Helicopters; and*

22           *C-17 Globemaster.*

23           *SEC. 8009. Within the funds appropriated for the oper-*  
24 *ation and maintenance of the Armed Forces, funds are here-*  
25 *by appropriated pursuant to section 401 of title 10, United*

1 *States Code, for humanitarian and civic assistance costs*  
2 *under chapter 20 of title 10, United States Code. Such funds*  
3 *may also be obligated for humanitarian and civic assist-*  
4 *ance costs incidental to authorized operations and pursuant*  
5 *to authority granted in section 401 of chapter 20 of title*  
6 *10, United States Code, and these obligations shall be re-*  
7 *ported as required by section 401(d) of title 10, United*  
8 *States Code: Provided, That funds available for operation*  
9 *and maintenance shall be available for providing humani-*  
10 *tarian and similar assistance by using Civic Action Teams*  
11 *in the Trust Territories of the Pacific Islands and freely*  
12 *associated states of Micronesia, pursuant to the Compact*  
13 *of Free Association as authorized by Public Law 99-239:*  
14 *Provided further, That upon a determination by the Sec-*  
15 *retary of the Army that such action is beneficial for grad-*  
16 *uate medical education programs conducted at Army med-*  
17 *ical facilities located in Hawaii, the Secretary of the Army*  
18 *may authorize the provision of medical services at such fa-*  
19 *cilities and transportation to such facilities, on a non-*  
20 *reimbursable basis, for civilian patients from American*  
21 *Samoa, the Commonwealth of the Northern Mariana Is-*  
22 *lands, the Marshall Islands, the Federated States of Micro-*  
23 *nesia, Palau, and Guam.*

24 *SEC. 8010. (a) During fiscal year 2006, the civilian*  
25 *personnel of the Department of Defense may not be man-*

1 *aged on the basis of any end-strength, and the management*  
2 *of such personnel during that fiscal year shall not be subject*  
3 *to any constraint or limitation (known as an end-strength)*  
4 *on the number of such personnel who may be employed on*  
5 *the last day of such fiscal year.*

6 *(b) The fiscal year 2007 budget request for the Depart-*  
7 *ment of Defense as well as all justification material and*  
8 *other documentation supporting the fiscal year 2007 De-*  
9 *partment of Defense budget request shall be prepared and*  
10 *submitted to the Congress as if subsections (a) and (b) of*  
11 *this provision were effective with regard to fiscal year 2006.*

12 *(c) Nothing in this section shall be construed to apply*  
13 *to military (civilian) technicians.*

14 *SEC. 8011. None of the funds appropriated in this or*  
15 *any other Act may be used to initiate a new installation*  
16 *overseas without 30-day advance notification to the Com-*  
17 *mittees on Appropriations.*

18 *SEC. 8012. None of the funds made available by this*  
19 *Act shall be used in any way, directly or indirectly, to in-*  
20 *fluence congressional action on any legislation or appro-*  
21 *priation matters pending before the Congress.*

22 *SEC. 8013. None of the funds appropriated by this Act*  
23 *shall be available for the basic pay and allowances of any*  
24 *member of the Army participating as a full-time student*  
25 *and receiving benefits paid by the Secretary of Veterans Af-*

1 *fairs from the Department of Defense Education Benefits*  
2 *Fund when time spent as a full-time student is credited*  
3 *toward completion of a service commitment: Provided, That*  
4 *this subsection shall not apply to those members who have*  
5 *reenlisted with this option prior to October 1, 1987: Pro-*  
6 *vided further, That this subsection applies only to active*  
7 *components of the Army.*

8       *SEC. 8014. (a) LIMITATION ON CONVERSION TO CON-*  
9 *TRACTOR PERFORMANCE.—None of the funds appropriated*  
10 *by this Act shall be available to convert to contractor per-*  
11 *formance an activity or function of the Department of De-*  
12 *fense that, on or after the date of the enactment of this Act,*  
13 *is performed by more than 10 Department of Defense civil-*  
14 *ian employees unless—*

15             *(1) the conversion is based on the result of a pub-*  
16 *lic-private competition that includes a most efficient*  
17 *and cost effective organization plan developed by such*  
18 *activity or function;*

19             *(2) the Competitive Sourcing Official determines*  
20 *that, over all performance periods stated in the solici-*  
21 *tation of offers for performance of the activity or*  
22 *function, the cost of performance of the activity or*  
23 *function by a contractor would be less costly to the*  
24 *Department of Defense by an amount that equals or*  
25 *exceeds the lesser of—*

1           (A) 10 percent of the most efficient organi-  
2           zation's personnel-related costs for performance  
3           of that activity or function by Federal employ-  
4           ees; or

5           (B) \$10,000,000; and

6           (3) the contractor does not receive an advantage  
7           for a proposal that would reduce costs for the Depart-  
8           ment of Defense by—

9           (A) not making an employer-sponsored  
10          health insurance plan available to the workers  
11          who are to be employed in the performance of  
12          that activity or function under the contract; or

13          (B) offering to such workers an employer-  
14          sponsored health benefits plan that requires the  
15          employer to contribute less towards the premium  
16          or subscription share than the amount that is  
17          paid by the Department of Defense for health  
18          benefits for civilian employees under chapter 89  
19          of title 5, United States Code.

20       (b) *EXCEPTIONS.*—

21           (1) The Department of Defense, without regard  
22           to subsection (a) of this section or subsections (a), (b),  
23           or (c) of section 2461 of title 10, United States Code,  
24           and notwithstanding any administrative regulation,  
25           requirement, or policy to the contrary shall have full

1 *authority to enter into a contract for the performance*  
2 *of any commercial or industrial type function of the*  
3 *Department of Defense that—*

4 *(A) is included on the procurement list es-*  
5 *tablished pursuant to section 2 of the Javits-*  
6 *Wagner-O'Day Act (41 U.S.C. 47);*

7 *(B) is planned to be converted to perform-*  
8 *ance by a qualified nonprofit agency for the*  
9 *blind or by a qualified nonprofit agency for*  
10 *other severely handicapped individuals in ac-*  
11 *cordance with that Act; or*

12 *(C) is planned to be converted to perform-*  
13 *ance by a qualified firm under at least 51 per-*  
14 *cent ownership by an Indian tribe, as defined in*  
15 *section 4(e) of the Indian Self-Determination*  
16 *and Education Assistance Act (25 U.S.C.*  
17 *450b(e)), or a Native Hawaiian Organization, as*  
18 *defined in section 8(a)(15) of the Small Business*  
19 *Act (15 U.S.C. 637(a)(15)).*

20 *(2) This section shall not apply to depot con-*  
21 *tracts or contracts for depot maintenance as provided*  
22 *in sections 2469 and 2474 of title 10, United States*  
23 *Code.*

24 *(c) TREATMENT OF CONVERSION.—The conversion of*  
25 *any activity or function of the Department of Defense under*

1 *the authority provided by this section shall be credited to-*  
2 *ward any competitive or outsourcing goal, target, or meas-*  
3 *urement that may be established by statute, regulation, or*  
4 *policy and is deemed to be awarded under the authority*  
5 *of, and in compliance with, subsection (h) of section 2304*  
6 *of title 10, United States Code, for the competition or*  
7 *outsourcing of commercial activities.*

8 *(TRANSFER OF FUNDS)*

9 *SEC. 8015. Funds appropriated in title III of this Act*  
10 *for the Department of Defense Pilot Mentor-Protege Pro-*  
11 *gram may be transferred to any other appropriation con-*  
12 *tained in this Act solely for the purpose of implementing*  
13 *a Mentor-Protege Program developmental assistance agree-*  
14 *ment pursuant to section 831 of the National Defense Au-*  
15 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*  
16 *10 U.S.C. 2302 note), as amended, under the authority of*  
17 *this provision or any other transfer authority contained in*  
18 *this Act.*

19 *SEC. 8016. None of the funds in this Act may be avail-*  
20 *able for the purchase by the Department of Defense (and*  
21 *its departments and agencies) of welded shipboard anchor*  
22 *and mooring chain 4 inches in diameter and under unless*  
23 *the anchor and mooring chain are manufactured in the*  
24 *United States from components which are substantially*  
25 *manufactured in the United States: Provided, That for the*  
26 *purpose of this section manufactured will include cutting,*

1 *heat treating, quality control, testing of chain and welding*  
2 *(including the forging and shot blasting process): Provided*  
3 *further, That for the purpose of this section substantially*  
4 *all of the components of anchor and mooring chain shall*  
5 *be considered to be produced or manufactured in the United*  
6 *States if the aggregate cost of the components produced or*  
7 *manufactured in the United States exceeds the aggregate*  
8 *cost of the components produced or manufactured outside*  
9 *the United States: Provided further, That when adequate*  
10 *domestic supplies are not available to meet Department of*  
11 *Defense requirements on a timely basis, the Secretary of the*  
12 *service responsible for the procurement may waive this re-*  
13 *striction on a case-by-case basis by certifying in writing*  
14 *to the Committees on Appropriations that such an acquisi-*  
15 *tion must be made in order to acquire capability for na-*  
16 *tional security purposes.*

17       *SEC. 8017. None of the funds appropriated by this Act*  
18 *available for the Civilian Health and Medical Program of*  
19 *the Uniformed Services (CHAMPUS) or TRICARE shall*  
20 *be available for the reimbursement of any health care pro-*  
21 *vider for inpatient mental health service for care received*  
22 *when a patient is referred to a provider of inpatient mental*  
23 *health care or residential treatment care by a medical or*  
24 *health care professional having an economic interest in the*  
25 *facility to which the patient is referred: Provided, That this*



1 *limitation does not apply in the case of inpatient mental*  
2 *health services provided under the program for persons with*  
3 *disabilities under subsection (d) of section 1079 of title 10,*  
4 *United States Code, provided as partial hospital care, or*  
5 *provided pursuant to a waiver authorized by the Secretary*  
6 *of Defense because of medical or psychological circumstances*  
7 *of the patient that are confirmed by a health professional*  
8 *who is not a Federal employee after a review, pursuant to*  
9 *rules prescribed by the Secretary, which takes into account*  
10 *the appropriate level of care for the patient, the intensity*  
11 *of services required by the patient, and the availability of*  
12 *that care.*

13       *SEC. 8018. Of the funds appropriated or otherwise*  
14 *made available in this Act, a reduction of \$591,100,000 is*  
15 *hereby taken from title III, Procurement, from the “Other*  
16 *Procurement, Army” account: Provided, That within 30*  
17 *days of enactment of this Act, the Secretary of the Army*  
18 *shall provide a report to the House Committee on Appro-*  
19 *priations and the Senate Committee on Appropriations*  
20 *which describes the application of these reductions to pro-*  
21 *grams, projects or activities within this account.*

22       *SEC. 8019. None of the funds available to the Depart-*  
23 *ment of Defense may be used to demilitarize or dispose of*  
24 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*  
25 *rifles, .30 caliber rifles, or M-1911 pistols.*

1        *SEC. 8020. No more than \$500,000 of the funds appro-*  
2 *priated or made available in this Act shall be used during*  
3 *a single fiscal year for any single relocation of an organiza-*  
4 *tion, unit, activity or function of the Department of Defense*  
5 *into or within the National Capital Region: Provided, That*  
6 *the Secretary of Defense may waive this restriction on a*  
7 *case-by-case basis by certifying in writing to the congress-*  
8 *sional defense committees that such a relocation is required*  
9 *in the best interest of the Government.*

10        *SEC. 8021. In addition to the funds provided elsewhere*  
11 *in this Act, \$8,000,000 is appropriated only for incentive*  
12 *payments authorized by section 504 of the Indian Financ-*  
13 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*  
14 *contractor or a subcontractor at any tier that makes a sub-*  
15 *contract award to any subcontractor or supplier as defined*  
16 *in section 1544 of title 25, United States Code or a small*  
17 *business owned and controlled by an individual or individ-*  
18 *uals defined under section 4221(9) of title 25, United States*  
19 *Code shall be considered a contractor for the purposes of*  
20 *being allowed additional compensation under section 504*  
21 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*  
22 *whenever the prime contract or subcontract amount is over*  
23 *\$500,000 and involves the expenditure of funds appro-*  
24 *priated by an Act making Appropriations for the Depart-*  
25 *ment of Defense with respect to any fiscal year: Provided*

1 *further, That notwithstanding section 430 of title 41,*  
2 *United States Code, this section shall be applicable to any*  
3 *Department of Defense acquisition of supplies or services,*  
4 *including any contract and any subcontract at any tier for*  
5 *acquisition of commercial items produced or manufactured,*  
6 *in whole or in part by any subcontractor or supplier de-*  
7 *finied in section 1544 of title 25, United States Code or a*  
8 *small business owned and controlled by an individual or*  
9 *individuals defined under section 4221(9) of title 25,*  
10 *United States Code: Provided further, That, during the cur-*  
11 *rent fiscal year and hereafter, businesses certified as 8(a)*  
12 *by the Small Business Administration pursuant to section*  
13 *8(a)(15) of Public Law 85–536, as amended, shall have the*  
14 *same status as other program participants under section*  
15 *602 of Public Law 100–656, 102 Stat. 3825 (Business Op-*  
16 *portunity Development Reform Act of 1988) for purposes*  
17 *of contracting with agencies of the Department of Defense.*

18       *SEC. 8022. None of the funds appropriated by this Act*  
19 *shall be available to perform any cost study pursuant to*  
20 *the provisions of OMB Circular A–76 if the study being*  
21 *performed exceeds a period of 24 months after initiation*  
22 *of such study with respect to a single function activity or*  
23 *30 months after initiation of such study for a multi-func-*  
24 *tion activity.*

1        *SEC. 8023. Funds appropriated by this Act for the*  
2 *American Forces Information Service shall not be used for*  
3 *any national or international political or psychological ac-*  
4 *tivities.*

5        *SEC. 8024. Notwithstanding any other provision of*  
6 *law or regulation, the Secretary of Defense may adjust wage*  
7 *rates for civilian employees hired for certain health care*  
8 *occupations as authorized for the Secretary of Veterans Af-*  
9 *fairs by section 7455 of title 38, United States Code.*

10        *SEC. 8025. The Secretary of Defense, acting through*  
11 *the Office of Economic Adjustment of the Department of De-*  
12 *fense, may use funds made available in this Act under the*  
13 *heading “Operation and Maintenance, Defense-Wide” to*  
14 *make grants and supplement other Federal funds in accord-*  
15 *ance with the guidance provided in the report of the Com-*  
16 *mittee on Appropriations of the Senate accompanying this*  
17 *Act, and the projects specified in such guidance shall be con-*  
18 *sidered to be authorized by law.*

19        *SEC. 8026. During the current fiscal year, the Depart-*  
20 *ment of Defense is authorized to incur obligations of not*  
21 *to exceed \$350,000,000 for purposes specified in section*  
22 *2350j(c) of title 10, United States Code, in anticipation of*  
23 *receipt of contributions, only from the Government of Ku-*  
24 *wait, under that section: Provided, That upon receipt, such*  
25 *contributions from the Government of Kuwait shall be cred-*

1 *ited to the appropriations or fund which incurred such obli-*  
2 *gations.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8027. (a) Of the funds made available in this*  
5 *Act, not less than \$31,109,000 shall be available for the*  
6 *Civil Air Patrol Corporation, of which—*

7 *(1) \$24,288,000 shall be available from “Oper-*  
8 *ation and Maintenance, Air Force” to support Civil*  
9 *Air Patrol Corporation operation and maintenance,*  
10 *readiness, counterdrug activities, and drug demand*  
11 *reduction activities involving youth programs;*

12 *(2) \$6,000,000 shall be available from “Aircraft*  
13 *Procurement, Air Force”; and*

14 *(3) \$821,000 shall be available from “Other Pro-*  
15 *curement, Air Force” for vehicle procurement.*

16 *(b) The Secretary of the Air Force should waive reim-*  
17 *bursement for any funds used by the Civil Air Patrol for*  
18 *counter-drug activities in support of Federal, State, and*  
19 *local government agencies.*

20 *SEC. 8028. (a) None of the funds appropriated in this*  
21 *Act are available to establish a new Department of Defense*  
22 *(department) federally funded research and development*  
23 *center (FFRDC), either as a new entity, or as a separate*  
24 *entity administrated by an organization managing another*  
25 *FFRDC, or as a nonprofit membership corporation con-*

1 *sisting of a consortium of other FFRDCs and other non-*  
2 *profit entities.*

3       **(b)** *No member of a Board of Directors, Trustees, Over-*  
4 *seers, Advisory Group, Special Issues Panel, Visiting Com-*  
5 *mittee, or any similar entity of a defense FFRDC, and no*  
6 *paid consultant to any defense FFRDC, except when acting*  
7 *in a technical advisory capacity, may be compensated for*  
8 *his or her services as a member of such entity, or as a paid*  
9 *consultant by more than one FFRDC in a fiscal year: Pro-*  
10 *vided, That a member of any such entity referred to pre-*  
11 *viously in this subsection shall be allowed travel expenses*  
12 *and per diem as authorized under the Federal Joint Travel*  
13 *Regulations, when engaged in the performance of member-*  
14 *ship duties.*

15       **(c)** *Notwithstanding any other provision of law, none*  
16 *of the funds available to the department from any source*  
17 *during fiscal year 2006 may be used by a defense FFRDC,*  
18 *through a fee or other payment mechanism, for construction*  
19 *of new buildings, for payment of cost sharing for projects*  
20 *funded by Government grants, for absorption of contract*  
21 *overruns, or for certain charitable contributions, not to in-*  
22 *clude employee participation in community service and/or*  
23 *development.*

24       **(d)** *Notwithstanding any other provision of law, of the*  
25 *funds available to the department during fiscal year 2006,*

1 *not more than 5,500 staff years of technical effort (staff*  
2 *years) may be funded for defense FFRDCs: Provided, That*  
3 *of the specific amount referred to previously in this sub-*  
4 *section, not more than 1,050 staff years may be funded for*  
5 *the defense studies and analysis FFRDCs: Provided further,*  
6 *That this subsection shall not apply to staff years funded*  
7 *in the National Intelligence Program (NIP).*

8       *(e) The Secretary of Defense shall, with the submission*  
9 *of the department's fiscal year 2007 budget request, submit*  
10 *a report presenting the specific amounts of staff years of*  
11 *technical effort to be allocated for each defense FFRDC dur-*  
12 *ing that fiscal year.*

13       *(f) Notwithstanding any other provision of this Act,*  
14 *the total amount appropriated in this Act for FFRDCs is*  
15 *hereby reduced by \$51,600,000.*

16       *SEC. 8029. None of the funds appropriated or made*  
17 *available in this Act shall be used to procure carbon, alloy*  
18 *or armor steel plate for use in any Government-owned facil-*  
19 *ity or property under the control of the Department of De-*  
20 *fense which were not melted and rolled in the United States*  
21 *or Canada: Provided, That these procurement restrictions*  
22 *shall apply to any and all Federal Supply Class 9515,*  
23 *American Society of Testing and Materials (ASTM) or*  
24 *American Iron and Steel Institute (AISI) specifications of*  
25 *carbon, alloy or armor steel plate: Provided further, That*

1 *the Secretary of the military department responsible for the*  
2 *procurement may waive this restriction on a case-by-case*  
3 *basis by certifying in writing to the Committees on Appro-*  
4 *priations of the House of Representatives and the Senate*  
5 *that adequate domestic supplies are not available to meet*  
6 *Department of Defense requirements on a timely basis and*  
7 *that such an acquisition must be made in order to acquire*  
8 *capability for national security purposes: Provided further,*  
9 *That these restrictions shall not apply to contracts which*  
10 *are in being as of the date of the enactment of this Act.*

11 *SEC. 8030. For the purposes of this Act, the term “con-*  
12 *gressional defense committees” means the Armed Services*  
13 *Committee of the House of Representatives, the Armed Serv-*  
14 *ices Committee of the Senate, the Subcommittee on Defense*  
15 *of the Committee on Appropriations of the Senate, and the*  
16 *Subcommittee on Defense of the Committee on Appropria-*  
17 *tions of the House of Representatives.*

18 *SEC. 8031. During the current fiscal year, the Depart-*  
19 *ment of Defense may acquire the modification, depot main-*  
20 *tenance and repair of aircraft, vehicles and vessels as well*  
21 *as the production of components and other Defense-related*  
22 *articles, through competition between Department of De-*  
23 *fense depot maintenance activities and private firms: Pro-*  
24 *vided, That the Senior Acquisition Executive of the military*  
25 *department or Defense Agency concerned, with power of del-*



1 *egation, shall certify that successful bids include comparable*  
2 *estimates of all direct and indirect costs for both public and*  
3 *private bids: Provided further, That Office of Management*  
4 *and Budget Circular A-76 shall not apply to competitions*  
5 *conducted under this section.*

6       *SEC. 8032. (a)(1) If the Secretary of Defense, after con-*  
7 *sultation with the United States Trade Representative, de-*  
8 *termines that a foreign country which is party to an agree-*  
9 *ment described in paragraph (2) has violated the terms of*  
10 *the agreement by discriminating against certain types of*  
11 *products produced in the United States that are covered by*  
12 *the agreement, the Secretary of Defense shall rescind the*  
13 *Secretary's blanket waiver of the Buy American Act with*  
14 *respect to such types of products produced in that foreign*  
15 *country.*

16       *(2) An agreement referred to in paragraph (1) is any*  
17 *reciprocal defense procurement memorandum of under-*  
18 *standing, between the United States and a foreign country*  
19 *pursuant to which the Secretary of Defense has prospec-*  
20 *tively waived the Buy American Act for certain products*  
21 *in that country.*

22       *(b) The Secretary of Defense shall submit to the Con-*  
23 *gress a report on the amount of Department of Defense pur-*  
24 *chases from foreign entities in fiscal year 2006. Such report*  
25 *shall separately indicate the dollar value of items for which*

1 *the Buy American Act was waived pursuant to any agree-*  
2 *ment described in subsection (a)(2), the Trade Agreement*  
3 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*  
4 *agreement to which the United States is a party.*

5 *(c) For purposes of this section, the term “Buy Amer-*  
6 *ican Act” means title III of the Act entitled “An Act mak-*  
7 *ing appropriations for the Treasury and Post Office De-*  
8 *partments for the fiscal year ending June 30, 1934, and*  
9 *for other purposes”, approved March 3, 1933 (41 U.S.C.*  
10 *10a et seq.).*

11 *SEC. 8033. Appropriations contained in this Act that*  
12 *remain available at the end of the current fiscal year, and*  
13 *at the end of each fiscal year hereafter, as a result of energy*  
14 *cost savings realized by the Department of Defense shall re-*  
15 *main available for obligation for the next fiscal year to the*  
16 *extent, and for the purposes, provided in section 2865 of*  
17 *title 10, United States Code.*

18 *SEC. 8034. None of the funds in this Act may be used*  
19 *for research, development, test, evaluation, procurement or*  
20 *deployment of nuclear armed interceptors of a missile de-*  
21 *fense system.*

22 *SEC. 8035. None of the funds appropriated in this Act*  
23 *shall be used to study, demonstrate, or implement any plans*  
24 *privatizing, divesting or transferring of any Civil Works*  
25 *missions, functions, or responsibilities for the United States*

1 *Army Corps of Engineers to other government agencies*  
 2 *without specific direction in a subsequent Act of Congress.*

3       *SEC. 8036. The President shall include with each budg-*  
 4 *et for a fiscal year submitted to the Congress under section*  
 5 *1105 of title 31, and hereafter, United States Code, mate-*  
 6 *rials that shall identify clearly and separately the amounts*  
 7 *requested in the budget for appropriation for that fiscal*  
 8 *year for salaries and expenses related to administrative ac-*  
 9 *tivities of the Department of Defense, the military depart-*  
 10 *ments, and the defense agencies.*

11       *SEC. 8037. Notwithstanding any other provision of*  
 12 *law, funds available during the current fiscal year and*  
 13 *hereafter for “Drug Interdiction and Counter-Drug Activi-*  
 14 *ties, Defense” may be obligated for the Young Marines pro-*  
 15 *gram.*

16   *(INCLUDING TRANSFER OF FUNDS)*

17       *SEC. 8038. During the current fiscal year, amounts*  
 18 *contained in the Department of Defense Overseas Military*  
 19 *Facility Investment Recovery Account established by section*  
 20 *2921(c)(1) of the National Defense Authorization Act of*  
 21 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*  
 22 *available until expended for the payments specified by sec-*  
 23 *tion 2921(c)(2) of that Act.*

24       *SEC. 8039. (a) IN GENERAL.—Notwithstanding any*  
 25 *other provision of law, the Secretary of the Air Force may*  
 26 *convey at no cost to the Air Force, without consideration,*

1 *to Indian tribes located in the States of North Dakota,*  
2 *South Dakota, Montana, and Minnesota relocatable mili-*  
3 *tary housing units located at Grand Forks Air Force Base*  
4 *and Minot Air Force Base that are excess to the needs of*  
5 *the Air Force.*

6       **(b) PROCESSING OF REQUESTS.**—*The Secretary of the*  
7 *Air Force shall convey, at no cost to the Air Force, military*  
8 *housing units under subsection (a) in accordance with the*  
9 *request for such units that are submitted to the Secretary*  
10 *by the Operation Walking Shield Program on behalf of In-*  
11 *dian tribes located in the States of North Dakota, South*  
12 *Dakota, Montana, and Minnesota.*

13       **(c) RESOLUTION OF HOUSING UNIT CONFLICTS.**—*The*  
14 *Operation Walking Shield Program shall resolve any con-*  
15 *flicts among requests of Indian tribes for housing units*  
16 *under subsection (a) before submitting requests to the Sec-*  
17 *retary of the Air Force under subsection (b).*

18       **(d) INDIAN TRIBE DEFINED.**—*In this section, the term*  
19 *“Indian tribe” means any recognized Indian tribe included*  
20 *on the current list published by the Secretary of the Interior*  
21 *under section 104 of the Federally Recognized Indian Tribe*  
22 *Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25*  
23 *U.S.C. 479a–1).*

24       **SEC. 8040.** *During the current fiscal year, appropria-*  
25 *tions which are available to the Department of Defense for*

1 operation and maintenance may be used to purchase items  
2 having an investment item unit cost of not more than  
3 \$250,000.

4       *SEC. 8041. (a) During the current fiscal year, none*  
5 *of the appropriations or funds available to the Department*  
6 *of Defense Working Capital Funds shall be used for the pur-*  
7 *chase of an investment item for the purpose of acquiring*  
8 *a new inventory item for sale or anticipated sale during*  
9 *the current fiscal year or a subsequent fiscal year to cus-*  
10 *tomers of the Department of Defense Working Capital*  
11 *Funds if such an item would not have been chargeable to*  
12 *the Department of Defense Business Operations Fund dur-*  
13 *ing fiscal year 1994 and if the purchase of such an invest-*  
14 *ment item would be chargeable during the current fiscal*  
15 *year to appropriations made to the Department of Defense*  
16 *for procurement.*

17       *(b) The fiscal year 2007 budget request for the Depart-*  
18 *ment of Defense as well as all justification material and*  
19 *other documentation supporting the fiscal year 2007 De-*  
20 *partment of Defense budget shall be prepared and submitted*  
21 *to the Congress on the basis that any equipment which was*  
22 *classified as an end item and funded in a procurement ap-*  
23 *propriation contained in this Act shall be budgeted for in*  
24 *a proposed fiscal year 2007 procurement appropriation and*  
25 *not in the supply management business area or any other*

1 *area or category of the Department of Defense Working*  
2 *Capital Funds.*

3       *SEC. 8042. None of the funds appropriated by this Act*  
4 *for programs of the Central Intelligence Agency shall re-*  
5 *main available for obligation beyond the current fiscal year,*  
6 *except for funds appropriated for the Reserve for Contin-*  
7 *gencies, which shall remain available until September 30,*  
8 *2007: Provided, That funds appropriated, transferred, or*  
9 *otherwise credited to the Central Intelligence Agency Cen-*  
10 *tral Services Working Capital Fund during this or any*  
11 *prior or subsequent fiscal year shall remain available until*  
12 *expended: Provided further, That any funds appropriated*  
13 *or transferred to the Central Intelligence Agency for ad-*  
14 *vanced research and development acquisition, for agent op-*  
15 *erations, and for covert action programs authorized by the*  
16 *President under section 503 of the National Security Act*  
17 *of 1947, as amended, shall remain available until Sep-*  
18 *tember 30, 2007.*

19       *SEC. 8043. Notwithstanding any other provision of*  
20 *law, funds made available in this Act for the Defense Intel-*  
21 *ligence Agency may be used for the design, development, and*  
22 *deployment of General Defense Intelligence Program intel-*  
23 *ligence communications and intelligence information sys-*  
24 *tems for the Services, the Unified and Specified Commands,*  
25 *and the component commands.*

1        *SEC. 8044. Of the funds appropriated to the Depart-*  
2 *ment of Defense under the heading “Operation and Mainte-*  
3 *nance, Defense-Wide”, not less than \$10,000,000 shall be*  
4 *made available only for the mitigation of environmental*  
5 *impacts, including training and technical assistance to*  
6 *tribes, related administrative support, the gathering of in-*  
7 *formation, documenting of environmental damage, and de-*  
8 *veloping a system for prioritization of mitigation and cost*  
9 *to complete estimates for mitigation, on Indian lands re-*  
10 *sulting from Department of Defense activities.*

11        *SEC. 8045. (a) None of the funds appropriated in this*  
12 *Act may be expended by an entity of the Department of*  
13 *Defense unless the entity, in expending the funds, complies*  
14 *with the Buy American Act. For purposes of this subsection,*  
15 *the term “Buy American Act” means title III of the Act*  
16 *entitled “An Act making appropriations for the Treasury*  
17 *and Post Office Departments for the fiscal year ending June*  
18 *30, 1934, and for other purposes”, approved March 3, 1933*  
19 *(41 U.S.C. 10a et seq.).*

20        *(b) If the Secretary of Defense determines that a person*  
21 *has been convicted of intentionally affixing a label bearing*  
22 *a “Made in America” inscription to any product sold in*  
23 *or shipped to the United States that is not made in Amer-*  
24 *ica, the Secretary shall determine, in accordance with sec-*  
25 *tion 2410f of title 10, United States Code, whether the per-*

1 *son should be debarred from contracting with the Depart-*  
2 *ment of Defense.*

3 *(c) In the case of any equipment or products purchased*  
4 *with appropriations provided under this Act, it is the sense*  
5 *of the Congress that any entity of the Department of De-*  
6 *fense, in expending the appropriation, purchase only Amer-*  
7 *ican-made equipment and products, provided that Amer-*  
8 *ican-made equipment and products are cost-competitive,*  
9 *quality-competitive, and available in a timely fashion.*

10 *SEC. 8046. None of the funds appropriated by this Act*  
11 *shall be available for a contract for studies, analysis, or*  
12 *consulting services entered into without competition on the*  
13 *basis of an unsolicited proposal unless the head of the activ-*  
14 *ity responsible for the procurement determines—*

15 *(1) as a result of thorough technical evaluation,*  
16 *only one source is found fully qualified to perform the*  
17 *proposed work;*

18 *(2) the purpose of the contract is to explore an*  
19 *unsolicited proposal which offers significant scientific*  
20 *or technological promise, represents the product of*  
21 *original thinking, and was submitted in confidence*  
22 *by one source; or*

23 *(3) the purpose of the contract is to take advan-*  
24 *tage of unique and significant industrial accomplish-*  
25 *ment by a specific concern, or to insure that a new*



1        *product or idea of a specific concern is given finan-*  
2        *cial support: Provided, That this limitation shall not*  
3        *apply to contracts in an amount of less than*  
4        *\$25,000,000, contracts related to improvements of*  
5        *equipment that is in development or production, or*  
6        *contracts as to which a civilian official of the Depart-*  
7        *ment of Defense, who has been confirmed by the Sen-*  
8        *ate, determines that the award of such contract is in*  
9        *the interest of the national defense.*

10        *SEC. 8047. (a) Except as provided in subsection (b)*  
11        *and (c), none of the funds made available by this Act may*  
12        *be used—*

13                *(1) to establish a field operating agency; or*

14                *(2) to pay the basic pay of a member of the*  
15        *Armed Forces or civilian employee of the department*  
16        *who is transferred or reassigned from a headquarters*  
17        *activity if the member or employee's place of duty re-*  
18        *mains at the location of that headquarters.*

19        *(b) The Secretary of Defense or Secretary of a military*  
20        *department may waive the limitations in subsection (a),*  
21        *on a case-by-case basis, if the Secretary determines, and cer-*  
22        *tifies to the Committees on Appropriations of the House of*  
23        *Representatives and Senate that the granting of the waiver*  
24        *will reduce the personnel requirements or the financial re-*  
25        *quirements of the department.*

1       (c) *This section does not apply to—*

2               (1) *field operating agencies funded within the*  
3       *National Intelligence Program; or*

4               (2) *an Army field operating agency established*  
5       *to eliminate, mitigate, or counter the effects of impro-*  
6       *vised explosive devices, and, as determined by the Sec-*  
7       *retary of the Army, other similar threats.*

8       *SEC. 8048. Up to \$3,000,000 of the funds appropriated*  
9       *in Title II of this Act under the heading, “Operation and*  
10       *Maintenance, Army”, may be made available to contract*  
11       *with the Army Historical Foundation, a non profit organi-*  
12       *zation, for services required to solicit non-Federal donations*  
13       *to support construction and operation of the National Mu-*  
14       *seum of the United States Army at Fort Belvoir, Virginia:*  
15       *Provided, That notwithstanding any other provision of law,*  
16       *the Army is authorized to receive future payments in this*  
17       *or the subsequent fiscal year from any non-profit organiza-*  
18       *tion chartered to support the National Museum of the*  
19       *United States Army to reimburse amounts expended by the*  
20       *Army pursuant to this section: Provided further, That any*  
21       *reimbursements received pursuant to this section shall be*  
22       *merged with “Operation and Maintenance, Army” and*  
23       *shall be made available for the same purposes and for the*  
24       *same time period as that appropriation account.*

*(RESCISSIONS)*

1  
2       *SEC. 8049. Of the funds appropriated in Department*  
3 *of Defense Appropriations Acts, the following funds are*  
4 *hereby rescinded from the following accounts and programs*  
5 *in the specified amounts:*

6           *“Other Procurement, Army, 2005/2007”,*  
7       *\$68,500,000;*

8           *“Aircraft Procurement, Navy, 2005/2007”,*  
9       *\$104,800,000;*

10          *“Shipbuilding and Conversion, Navy, 2005/*  
11 *2009”, \$67,300,000;*

12          *“Other Procurement, Navy, 2005/2007”,*  
13       *\$43,000,000;*

14          *“Aircraft Procurement, Air Force, 2004/2006”,*  
15       *\$4,000,000;*

16          *“Aircraft Procurement, Air Force, 2005/2007”,*  
17       *\$20,000,000;*

18          *“Missile Procurement, Air Force, 2005/2007”,*  
19       *\$29,000,000;*

20          *“Research, Development, Test and Evaluation,*  
21 *Army, 2005/2006”, \$25,900,000;*

22          *“Research, Development, Test and Evaluation,*  
23 *Navy, 2005/2006”, \$70,900,000; and*

24          *“Research, Development, Test and Evaluation,*  
25 *Air Force, 2005/2006”, \$63,400,000.*

1        *SEC. 8050. None of the funds available in this Act may*  
2 *be used to reduce the authorized positions for military (ci-*  
3 *vilian) technicians of the Army National Guard, the Air*  
4 *National Guard, Army Reserve and Air Force Reserve for*  
5 *the purpose of applying any administratively imposed ci-*  
6 *vilian personnel ceiling, freeze, or reduction on military (ci-*  
7 *vilian) technicians, unless such reductions are a direct re-*  
8 *sult of a reduction in military force structure.*

9        *SEC. 8051. None of the funds appropriated or other-*  
10 *wise made available in this Act may be obligated or ex-*  
11 *pended for assistance to the Democratic People's Republic*  
12 *of North Korea unless specifically appropriated for that*  
13 *purpose.*

14        *SEC. 8052. During the current fiscal year and here-*  
15 *after, funds appropriated in this Act are available to com-*  
16 *pensate members of the National Guard for duty performed*  
17 *pursuant to a plan submitted by a Governor of a State and*  
18 *approved by the Secretary of Defense under section 112 of*  
19 *title 32, United States Code: Provided, That during the per-*  
20 *formance of such duty, the members of the National Guard*  
21 *shall be under State command and control: Provided fur-*  
22 *ther, That such duty shall be treated as full-time National*  
23 *Guard duty for purposes of sections 12602(a)(2) and (b)(2)*  
24 *of title 10, United States Code.*

1        *SEC. 8053. Funds appropriated in this Act for oper-*  
2 *ation and maintenance of the Military Departments, Com-*  
3 *batant Commands and Defense Agencies shall be available*  
4 *for reimbursement of pay, allowances and other expenses*  
5 *which would otherwise be incurred against appropriations*  
6 *for the National Guard and Reserve when members of the*  
7 *National Guard and Reserve provide intelligence or coun-*  
8 *terintelligence support to Combatant Commands, Defense*  
9 *Agencies and Joint Intelligence Activities, including the ac-*  
10 *tivities and programs included within the National Intel-*  
11 *ligence Program (NIP), the Joint Military Intelligence Pro-*  
12 *gram (JMIP), and the Tactical Intelligence and Related Ac-*  
13 *tivities (TIARA) aggregate: Provided, That nothing in this*  
14 *section authorizes deviation from established Reserve and*  
15 *National Guard personnel and training procedures.*

16        *SEC. 8054. During the current fiscal year, none of the*  
17 *funds appropriated in this Act may be used to reduce the*  
18 *civilian medical and medical support personnel assigned to*  
19 *military treatment facilities below the September 30, 2003*  
20 *level: Provided, That the Service Surgeons General may*  
21 *waive this section by certifying to the congressional defense*  
22 *committees that the beneficiary population is declining in*  
23 *some catchment areas and civilian strength reductions may*  
24 *be consistent with responsible resource stewardship and*  
25 *capitation-based budgeting.*

1           *SEC. 8055. Up to \$2,000,000 of the funds appropriated*  
 2 *under the heading, “Operation and Maintenance, Navy”*  
 3 *may be made available to contract for the installation, re-*  
 4 *pair, and maintenance of an on-base and adjacent off-base*  
 5 *wastewater/treatment facility and infrastructure critical to*  
 6 *base operations and the public health and safety of commu-*  
 7 *nity residents in the vicinity of the NCTAMS.*

8           *SEC. 8056. Notwithstanding any other provision of*  
 9 *law, that not more than 35 percent of funds provided in*  
 10 *this Act for environmental remediation may be obligated*  
 11 *under indefinite delivery/indefinite quantity contracts with*  
 12 *a total contract value of \$130,000,000 or higher.*

13           *SEC. 8057. (a) None of the funds available to the De-*  
 14 *partment of Defense for any fiscal year for drug interdic-*  
 15 *tion or counter-drug activities may be transferred to any*  
 16 *other department or agency of the United States except as*  
 17 *specifically provided in an appropriations law.*

18           *(b) None of the funds available to the Central Intel-*  
 19 *ligence Agency for any fiscal year for drug interdiction and*  
 20 *counter-drug activities may be transferred to any other de-*  
 21 *partment or agency of the United States except as specifi-*  
 22 *cally provided in an appropriations law.*

23   *(TRANSFER OF FUNDS)*

24           *SEC. 8058. Appropriations available under the head-*  
 25 *ing “Operation and Maintenance, Defense-Wide” for the*  
 26 *current fiscal year and hereafter for increasing energy and*

1 *water efficiency in Federal buildings may, during their pe-*  
2 *riod of availability, be transferred to other appropriations*  
3 *or funds of the Department of Defense for projects related*  
4 *to increasing energy and water efficiency, to be merged with*  
5 *and to be available for the same general purposes, and for*  
6 *the same time period, as the appropriation or fund to which*  
7 *transferred.*

8       *SEC. 8059. None of the funds appropriated by this Act*  
9 *may be used for the procurement of ball and roller bearings*  
10 *other than those produced by a domestic source and of do-*  
11 *mestic origin: Provided, That the Secretary of the military*  
12 *department responsible for such procurement may waive*  
13 *this restriction on a case-by-case basis by certifying in writ-*  
14 *ing to the Committees on Appropriations of the House of*  
15 *Representatives and the Senate, that adequate domestic*  
16 *supplies are not available to meet Department of Defense*  
17 *requirements on a timely basis and that such an acquisition*  
18 *must be made in order to acquire capability for national*  
19 *security purposes: Provided further, That this restriction*  
20 *shall not apply to the purchase of “commercial items”, as*  
21 *defined by section 4(12) of the Office of Federal Procure-*  
22 *ment Policy Act, except that the restriction shall apply to*  
23 *ball or roller bearings purchased as end items.*

24       *SEC. 8060. Notwithstanding any other provision of*  
25 *law, funds available to the Department of Defense shall be*

1 *made available to provide transportation of medical sup-*  
2 *plies and equipment, on a nonreimbursable basis, to Amer-*  
3 *ican Samoa, and funds available to the Department of De-*  
4 *fense shall be made available to provide transportation of*  
5 *medical supplies and equipment, on a nonreimbursable*  
6 *basis, to the Indian Health Service when it is in conjunc-*  
7 *tion with a civil-military project.*

8       *SEC. 8061. None of the funds in this Act may be used*  
9 *to purchase any supercomputer which is not manufactured*  
10 *in the United States, unless the Secretary of Defense cer-*  
11 *tifies to the congressional defense committees that such an*  
12 *acquisition must be made in order to acquire capability for*  
13 *national security purposes that is not available from*  
14 *United States manufacturers.*

15       *SEC. 8062. Notwithstanding any other provision of*  
16 *law, each contract awarded by the Department of Defense*  
17 *during the current fiscal year for construction or service*  
18 *performed in whole or in part in a State (as defined in*  
19 *section 381(d) of title 10, United States Code) which is not*  
20 *contiguous with another State and has an unemployment*  
21 *rate in excess of the national average rate of unemployment*  
22 *as determined by the Secretary of Labor, shall include a*  
23 *provision requiring the contractor to employ, for the pur-*  
24 *pose of performing that portion of the contract in such State*  
25 *that is not contiguous with another State, individuals who*



1 *are residents of such State and who, in the case of any craft*  
2 *or trade, possess or would be able to acquire promptly the*  
3 *necessary skills: Provided, That the Secretary of Defense*  
4 *may waive the requirements of this section, on a case-by-*  
5 *case basis, in the interest of national security.*

6 *SEC. 8063. None of the funds made available in this*  
7 *or any other Act may be used to pay the salary of any*  
8 *officer or employee of the Department of Defense who ap-*  
9 *proves or implements the transfer of administrative respon-*  
10 *sibilities or budgetary resources of any program, project,*  
11 *or activity financed by this Act to the jurisdiction of an-*  
12 *other Federal agency not financed by this Act without the*  
13 *express authorization of Congress: Provided, That this limi-*  
14 *tation shall not apply to transfers of funds expressly pro-*  
15 *vided for in Defense Appropriations Acts, or provisions of*  
16 *Acts providing supplemental appropriations for the De-*  
17 *partment of Defense.*

18 *SEC. 8064. (a) LIMITATION ON TRANSFER OF DE-*  
19 *FENSE ARTICLES AND SERVICES.—Notwithstanding any*  
20 *other provision of law, none of the funds available to the*  
21 *Department of Defense for the current fiscal year may be*  
22 *obligated or expended to transfer to another nation or an*  
23 *international organization any defense articles or services*  
24 *(other than intelligence services) for use in the activities de-*  
25 *scribed in subsection (b) unless the congressional defense*

1 *committees, the Committee on International Relations of*  
2 *the House of Representatives, and the Committee on For-*  
3 *ign Relations of the Senate are notified 15 days in advance*  
4 *of such transfer.*

5 (b) *COVERED ACTIVITIES.*—*This section applies to—*

6 (1) *any international peacekeeping or peace-en-*  
7 *forcement operation under the authority of chapter VI*  
8 *or chapter VII of the United Nations Charter under*  
9 *the authority of a United Nations Security Council*  
10 *resolution; and*

11 (2) *any other international peacekeeping, peace-*  
12 *enforcement, or humanitarian assistance operation.*

13 (c) *REQUIRED NOTICE.*—*A notice under subsection (a)*  
14 *shall include the following:*

15 (1) *A description of the equipment, supplies, or*  
16 *services to be transferred.*

17 (2) *A statement of the value of the equipment,*  
18 *supplies, or services to be transferred.*

19 (3) *In the case of a proposed transfer of equip-*  
20 *ment or supplies—*

21 (A) *a statement of whether the inventory re-*  
22 *quirements of all elements of the Armed Forces*  
23 *(including the reserve components) for the type*  
24 *of equipment or supplies to be transferred have*  
25 *been met; and*

1           (B) a statement of whether the items pro-  
2           posed to be transferred will have to be replaced  
3           and, if so, how the President proposes to provide  
4           funds for such replacement.

5           SEC. 8065. (a) The total amount appropriated or oth-  
6           erwise made available in title II of this Act is hereby re-  
7           duced by \$92,000,000 to limit excessive growth in the travel  
8           and transportation of persons.

9           (b) The Secretary of Defense shall allocate this reduc-  
10          tion proportionately to each budget activity, activity group,  
11          subactivity group, and each program, project, and activity  
12          within each applicable appropriation account.

13          SEC. 8066. None of the funds available to the Depart-  
14          ment of Defense under this Act shall be obligated or ex-  
15          pended to pay a contractor under a contract with the De-  
16          partment of Defense for costs of any amount paid by the  
17          contractor to an employee when—

18               (1) such costs are for a bonus or otherwise in ex-  
19               cess of the normal salary paid by the contractor to the  
20               employee; and

21               (2) such bonus is part of restructuring costs asso-  
22               ciated with a business combination.

23          SEC. 8067. None of the funds provided in this Act may  
24          be obligated to realign or relocate forces or operational as-  
25          sets from bases to be converted to enclave status until the

1 *Secretary of Defense certifies that he has sought new mis-*  
2 *sions for these bases as mandated by the 2005 Defense Base*  
3 *Closure and Realignment Commission: Provided, That the*  
4 *Secretary of Defense shall report his findings to the congres-*  
5 *sional defense committees not later than October 1, 2006.*

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8068. *During the current fiscal year, no more*  
8 *than \$30,000,000 of appropriations made in this Act under*  
9 *the heading “Operation and Maintenance, Defense-Wide”*  
10 *may be transferred to appropriations available for the pay*  
11 *of military personnel, to be merged with, and to be available*  
12 *for the same time period as the appropriations to which*  
13 *transferred, to be used in support of such personnel in con-*  
14 *nection with support and services for eligible organizations*  
15 *and activities outside the Department of Defense pursuant*  
16 *to section 2012 of title 10, United States Code.*

17 SEC. 8069. *During the current fiscal year, in the case*  
18 *of an appropriation account of the Department of Defense*  
19 *for which the period of availability for obligation has ex-*  
20 *pired or which has closed under the provisions of section*  
21 *1552 of title 31, United States Code, and which has a nega-*  
22 *tive unliquidated or unexpended balance, an obligation or*  
23 *an adjustment of an obligation may be charged to any cur-*  
24 *rent appropriation account for the same purpose as the ex-*  
25 *pired or closed account if—*

1           (1) *the obligation would have been properly*  
2 *chargeable (except as to amount) to the expired or*  
3 *closed account before the end of the period of avail-*  
4 *ability or closing of that account;*

5           (2) *the obligation is not otherwise properly*  
6 *chargeable to any current appropriation account of*  
7 *the Department of Defense; and*

8           (3) *in the case of an expired account, the obliga-*  
9 *tion is not chargeable to a current appropriation of*  
10 *the Department of Defense under the provisions of sec-*  
11 *tion 1405(b)(8) of the National Defense Authorization*  
12 *Act for Fiscal Year 1991, Public Law 101-510, as*  
13 *amended (31 U.S.C. 1551 note): Provided, That in*  
14 *the case of an expired account, if subsequent review*  
15 *or investigation discloses that there was not in fact a*  
16 *negative unliquidated or unexpended balance in the*  
17 *account, any charge to a current account under the*  
18 *authority of this section shall be reversed and re-*  
19 *corded against the expired account: Provided further,*  
20 *That the total amount charged to a current appro-*  
21 *priation under this section may not exceed an*  
22 *amount equal to 1 percent of the total appropriation*  
23 *for that account.*

24       *SEC. 8070. Notwithstanding section 12310(b) of title*  
25 *10, United States Code, a Reserve who is a member of the*

1 *National Guard serving on full-time National Guard duty*  
2 *under section 502(f) of Title 32 may perform duties in sup-*  
3 *port of the ground-based elements of the National Ballistic*  
4 *Missile Defense System.*

5 *SEC. 8071. (a) Notwithstanding any other provision*  
6 *of law, the Chief of the National Guard Bureau may permit*  
7 *the use of equipment of the National Guard Distance Learn-*  
8 *ing Project by any person or entity on a space-available,*  
9 *reimbursable basis. The Chief of the National Guard Bu-*  
10 *reau shall establish the amount of reimbursement for such*  
11 *use on a case-by-case basis.*

12 *(b) Amounts collected under subsection (a) shall be*  
13 *credited to funds available for the National Guard Distance*  
14 *Learning Project and be available to defray the costs associ-*  
15 *ated with the use of equipment of the project under that*  
16 *subsection. Such funds shall be available for such purposes*  
17 *without fiscal year limitation.*

18 *SEC. 8072. Using funds available by this Act or any*  
19 *other Act, the Secretary of the Air Force, pursuant to a*  
20 *determination under section 2690 of title 10, United States*  
21 *Code, may implement cost-effective agreements for required*  
22 *heating facility modernization in the Kaiserslautern Mili-*  
23 *tary Community in the Federal Republic of Germany: Pro-*  
24 *vided, That in the City of Kaiserslautern such agreements*  
25 *will include the use of United States anthracite as the base*

1 *load energy for municipal district heat to the United States*  
2 *Defense installations: Provided further, That at Landstuhl*  
3 *Army Regional Medical Center and Ramstein Air Base,*  
4 *furnished heat may be obtained from private, regional or*  
5 *municipal services, if provisions are included for the con-*  
6 *sideration of United States coal as an energy source.*

7       *SEC. 8073. None of the funds appropriated in title IV*  
8 *of this Act may be used to procure end-items for delivery*  
9 *to military forces for operational training, operational use*  
10 *or inventory requirements: Provided, That this restriction*  
11 *does not apply to end-items used in development, proto-*  
12 *typing, and test activities preceding and leading to accept-*  
13 *ance for operational use: Provided further, That this restric-*  
14 *tion does not apply to programs funded within the National*  
15 *Intelligence Program: Provided further, That the Secretary*  
16 *of Defense may waive this restriction on a case-by-case basis*  
17 *by certifying in writing to the Committees on Appropria-*  
18 *tions of the House of Representatives and the Senate that*  
19 *it is in the national security interest to do so.*

20       *SEC. 8074. None of the funds made available in this*  
21 *Act may be used to approve or license the sale of the F-*  
22 *22 advanced tactical fighter to any foreign government.*

23       *SEC. 8075. (a) The Secretary of Defense may, on a*  
24 *case-by-case basis, waive with respect to a foreign country*  
25 *each limitation on the procurement of defense items from*

1 *foreign sources provided in law if the Secretary determines*  
2 *that the application of the limitation with respect to that*  
3 *country would invalidate cooperative programs entered into*  
4 *between the Department of Defense and the foreign country,*  
5 *or would invalidate reciprocal trade agreements for the pro-*  
6 *curement of defense items entered into under section 2531*  
7 *of title 10, United States Code, and the country does not*  
8 *discriminate against the same or similar defense items pro-*  
9 *duced in the United States for that country.*

10 *(b) Subsection (a) applies with respect to—*

11 *(1) contracts and subcontracts entered into on or*  
12 *after the date of the enactment of this Act; and*

13 *(2) options for the procurement of items that are*  
14 *exercised after such date under contracts that are en-*  
15 *tered into before such date if the option prices are ad-*  
16 *justed for any reason other than the application of a*  
17 *waiver granted under subsection (a).*

18 *(c) Subsection (a) does not apply to a limitation re-*  
19 *garding construction of public vessels, ball and roller bear-*  
20 *ings, food, and clothing or textile materials as defined by*  
21 *section 11 (chapters 50–65) of the Harmonized Tariff*  
22 *Schedule and products classified under headings 4010,*  
23 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*  
24 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*  
25 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*



1        *SEC. 8076. (a) PROHIBITION.—None of the funds made*  
2 *available by this Act may be used to support any training*  
3 *program involving a unit of the security forces of a foreign*  
4 *country if the Secretary of Defense has received credible in-*  
5 *formation from the Department of State that the unit has*  
6 *committed a gross violation of human rights, unless all nec-*  
7 *essary corrective steps have been taken.*

8        *(b) MONITORING.—The Secretary of Defense, in con-*  
9 *sultation with the Secretary of State, shall ensure that prior*  
10 *to a decision to conduct any training program referred to*  
11 *in subsection (a), full consideration is given to all credible*  
12 *information available to the Department of State relating*  
13 *to human rights violations by foreign security forces.*

14        *(c) WAIVER.—The Secretary of Defense, after consulta-*  
15 *tion with the Secretary of State, may waive the prohibition*  
16 *in subsection (a) if he determines that such waiver is re-*  
17 *quired by extraordinary circumstances.*

18        *(d) REPORT.—Not more than 15 days after the exercise*  
19 *of any waiver under subsection (c), the Secretary of Defense*  
20 *shall submit a report to the congressional defense commit-*  
21 *tees describing the extraordinary circumstances, the purpose*  
22 *and duration of the training program, the United States*  
23 *forces and the foreign security forces involved in the train-*  
24 *ing program, and the information relating to human rights*  
25 *violations that necessitates the waiver.*

1        *SEC. 8077. (a) The Secretary of Defense, in coordina-*  
2 *tion with the Secretary of Health and Human Services,*  
3 *may carry out a program to distribute surplus dental and*  
4 *medical equipment of the Department of Defense, at no cost*  
5 *to the Department of Defense, to Indian Health Service fa-*  
6 *cilities and to federally-qualified health centers (within the*  
7 *meaning of section 1905(l)(2)(B) of the Social Security Act*  
8 *(42 U.S.C. 1396d(l)(2)(B))).*

9        *(b) In carrying out this provision, the Secretary of De-*  
10 *fense shall give the Indian Health Service a property dis-*  
11 *posal priority equal to the priority given to the Department*  
12 *of Defense and its twelve special screening programs in dis-*  
13 *tribution of surplus dental and medical supplies and equip-*  
14 *ment.*

15        *SEC. 8078. None of the funds appropriated or made*  
16 *available in this Act to the Department of the Navy shall*  
17 *be used to develop, lease or procure the T-AKE class of ships*  
18 *unless the main propulsion diesel engines and propulsors*  
19 *are manufactured in the United States by a domestically*  
20 *operated entity: Provided, That the Secretary of Defense*  
21 *may waive this restriction on a case-by-case basis by certi-*  
22 *fying in writing to the Committees on Appropriations of*  
23 *the House of Representatives and the Senate that adequate*  
24 *domestic supplies are not available to meet Department of*  
25 *Defense requirements on a timely basis and that such an*

1 *acquisition must be made in order to acquire capability for*  
2 *national security purposes or there exists a significant cost*  
3 *or quality difference.*

4       *SEC. 8079. None of the funds appropriated or other-*  
5 *wise made available by this or other Department of Defense*  
6 *Appropriations Acts may be obligated or expended for the*  
7 *purpose of performing repairs or maintenance to military*  
8 *family housing units of the Department of Defense, includ-*  
9 *ing areas in such military family housing units that may*  
10 *be used for the purpose of conducting official Department*  
11 *of Defense business.*

12       *SEC. 8080. Notwithstanding any other provision of*  
13 *law, funds appropriated in this Act under the heading “Re-*  
14 *search, Development, Test and Evaluation, Defense-Wide”*  
15 *for any new start advanced concept technology demonstra-*  
16 *tion project may only be obligated 30 days after a report,*  
17 *including a description of the project, the planned acquisi-*  
18 *tion and transition strategy and its estimated annual and*  
19 *total cost, has been provided in writing to the congressional*  
20 *defense committees: Provided, That the Secretary of Defense*  
21 *may waive this restriction on a case-by-case basis by certi-*  
22 *fying to the congressional defense committees that it is in*  
23 *the national interest to do so.*

24       *SEC. 8081. The Secretary of Defense shall provide a*  
25 *classified quarterly report, beginning 30 days after enact-*

1 *ment of this Act, to the House and Senate Appropriations*  
2 *Committees, Subcommittees on Defense on certain matters*  
3 *as directed in the classified annex accompanying this Act.*

4       *SEC. 8082. During the current fiscal year, refunds at-*  
5 *tributable to the use of the Government travel card, refunds*  
6 *attributable to the use of the Government Purchase Card*  
7 *and refunds attributable to official Government travel ar-*  
8 *ranged by Government Contracted Travel Management*  
9 *Centers may be credited to operation and maintenance, and*  
10 *research, development, test and evaluation accounts of the*  
11 *Department of Defense which are current when the refunds*  
12 *are received.*

13       *SEC. 8083. (a) REGISTERING FINANCIAL MANAGE-*  
14 *MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD*  
15 *CHIEF INFORMATION OFFICER.—None of the funds appro-*  
16 *priated in this Act may be used for a mission critical or*  
17 *mission essential financial management information tech-*  
18 *nology system (including a system funded by the defense*  
19 *working capital fund) that is not registered with the Chief*  
20 *Information Officer of the Department of Defense. A system*  
21 *shall be considered to be registered with that officer upon*  
22 *the furnishing to that officer of notice of the system, together*  
23 *with such information concerning the system as the Sec-*  
24 *retary of Defense may prescribe. A financial management*  
25 *information technology system shall be considered a mission*

1 *critical or mission essential information technology system*  
2 *as defined by the Under Secretary of Defense (Comptroller).*

3 (b) *CERTIFICATIONS AS TO COMPLIANCE WITH FINAN-*  
4 *CIAL MANAGEMENT MODERNIZATION PLAN.—*

5 (1) *During the current fiscal year, a financial*  
6 *management automated information system, a mixed*  
7 *information system supporting financial and non-fi-*  
8 *nancial systems, or a system improvement of more*  
9 *than \$1,000,000 may not receive Milestone A ap-*  
10 *proval, Milestone B approval, or full rate production,*  
11 *or their equivalent, within the Department of Defense*  
12 *until the Under Secretary of Defense (Comptroller)*  
13 *certifies, with respect to that milestone, that the sys-*  
14 *tem is being developed and managed in accordance*  
15 *with the Department's Financial Management Mod-*  
16 *ernization Plan. The Under Secretary of Defense*  
17 *(Comptroller) may require additional certifications,*  
18 *as appropriate, with respect to any such system.*

19 (2) *The Chief Information Officer shall provide*  
20 *the congressional defense committees timely notifica-*  
21 *tion of certifications under paragraph (1).*

22 (c) *CERTIFICATIONS AS TO COMPLIANCE WITH*  
23 *CLINGER-COHEN ACT.—*

24 (1) *During the current fiscal year, a major auto-*  
25 *mated information system may not receive Milestone*

1     *A approval, Milestone B approval, or full rate pro-*  
2     *duction approval, or their equivalent, within the De-*  
3     *partment of Defense until the Chief Information Offi-*  
4     *cer certifies, with respect to that milestone, that the*  
5     *system is being developed in accordance with the*  
6     *Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).*  
7     *The Chief Information Officer may require additional*  
8     *certifications, as appropriate, with respect to any*  
9     *such system.*

10           (2) *The Chief Information Officer shall provide*  
11     *the congressional defense committees timely notifica-*  
12     *tion of certifications under paragraph (1). Each such*  
13     *notification shall include, at a minimum, the funding*  
14     *baseline and milestone schedule for each system cov-*  
15     *ered by such a certification and confirmation that the*  
16     *following steps have been taken with respect to the*  
17     *system:*

18                   (A) *Business process reengineering.*

19                   (B) *An analysis of alternatives.*

20                   (C) *An economic analysis that includes a*  
21     *calculation of the return on investment.*

22                   (D) *Performance measures.*

23                   (E) *An information assurance strategy con-*  
24     *sistent with the Department's Global Informa-*  
25     *tion Grid.*

1       (d) *DEFINITIONS.*—*For purposes of this section:*

2               (1) *The term “Chief Information Officer” means*  
3 *the senior official of the Department of Defense des-*  
4 *ignated by the Secretary of Defense pursuant to sec-*  
5 *tion 3506 of title 44, United States Code.*

6               (2) *The term “information technology system”*  
7 *has the meaning given the term “information tech-*  
8 *nology” in section 5002 of the Clinger-Cohen Act of*  
9 *1996 (40 U.S.C. 1401).*

10       *SEC. 8084. During the current fiscal year, none of the*  
11 *funds available to the Department of Defense may be used*  
12 *to provide support to another department or agency of the*  
13 *United States if such department or agency is more than*  
14 *90 days in arrears in making payment to the Department*  
15 *of Defense for goods or services previously provided to such*  
16 *department or agency on a reimbursable basis: Provided,*  
17 *That this restriction shall not apply if the department is*  
18 *authorized by law to provide support to such department*  
19 *or agency on a nonreimbursable basis, and is providing the*  
20 *requested support pursuant to such authority: Provided fur-*  
21 *ther, That the Secretary of Defense may waive this restric-*  
22 *tion on a case-by-case basis by certifying in writing to the*  
23 *Committees on Appropriations of the House of Representa-*  
24 *tives and the Senate that it is in the national security inter-*  
25 *est to do so.*

1        *SEC. 8085. None of the funds provided in this Act may*  
2 *be used to transfer to any nongovernmental entity ammuni-*  
3 *tion held by the Department of Defense that has a center-*  
4 *fire cartridge and a United States military nomenclature*  
5 *designation of “armor penetrator”, “armor piercing (AP)”,*  
6 *“armor piercing incendiary (API)”, or “armor-piercing in-*  
7 *cendiary-tracer (API-T)”, except to an entity performing*  
8 *demilitarization services for the Department of Defense*  
9 *under a contract that requires the entity to demonstrate to*  
10 *the satisfaction of the Department of Defense that armor*  
11 *piercing projectiles are either: (1) rendered incapable of*  
12 *reuse by the demilitarization process; or (2) used to manu-*  
13 *facture ammunition pursuant to a contract with the De-*  
14 *partment of Defense or the manufacture of ammunition for*  
15 *export pursuant to a License for Permanent Export of Un-*  
16 *classified Military Articles issued by the Department of*  
17 *State.*

18        *SEC. 8086. Notwithstanding any other provision of*  
19 *law, the Chief of the National Guard Bureau, or his des-*  
20 *ignee, may waive payment of all or part of the consider-*  
21 *ation that otherwise would be required under section 2667*  
22 *of title 10, United States Code, in the case of a lease of*  
23 *personal property for a period not in excess of 1 year to*  
24 *any organization specified in 32 U.S.C. 508(d), or any*  
25 *other youth, social, or fraternal non-profit organization as*



1 *may be approved by the Chief of the National Guard Bu-*  
2 *reau, or his designee, on a case-by-case basis.*

3       *SEC. 8087. None of the funds appropriated by this Act*  
4 *shall be used for the support of any nonappropriated funds*  
5 *activity of the Department of Defense that procures malt*  
6 *beverages and wine with nonappropriated funds for resale*  
7 *(including such alcoholic beverages sold by the drink) on*  
8 *a military installation located in the United States unless*  
9 *such malt beverages and wine are procured within that*  
10 *State, or in the case of the District of Columbia, within*  
11 *the District of Columbia, in which the military installation*  
12 *is located: Provided, That in a case in which the military*  
13 *installation is located in more than one State, purchases*  
14 *may be made in any State in which the installation is lo-*  
15 *cated: Provided further, That such local procurement re-*  
16 *quirements for malt beverages and wine shall apply to all*  
17 *alcoholic beverages only for military installations in States*  
18 *which are not contiguous with another State: Provided fur-*  
19 *ther, That alcoholic beverages other than wine and malt bev-*  
20 *erages, in contiguous States and the District of Columbia*  
21 *shall be procured from the most competitive source, price*  
22 *and other factors considered.*

23       *SEC. 8088. Up to \$2,500,000 of the funds appropriated*  
24 *under the heading "Operation and Maintenance, Navy" in*  
25 *this Act for the Pacific Missile Range Facility may be made*

1 *available to contract for the repair, maintenance, and oper-*  
2 *ation of adjacent off-base water, drainage, and flood control*  
3 *systems, electrical upgrade to support additional missions*  
4 *critical to base operations, and support for a range foot-*  
5 *print expansion to further guard against encroachment.*

6 *SEC. 8089. Funds available to the Department of De-*  
7 *fense for the Global Positioning System during the current*  
8 *fiscal year may be used to fund civil requirements associ-*  
9 *ated with the satellite and ground control segments of such*  
10 *system's modernization program.*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 8090. Of the amounts appropriated in this Act*  
13 *under the heading, "Operation and Maintenance, Army",*  
14 *\$147,900,000 shall remain available until expended: Pro-*  
15 *vided, That notwithstanding any other provision of law, the*  
16 *Secretary of Defense is authorized to transfer such funds*  
17 *to other activities of the Federal Government: Provided fur-*  
18 *ther, That the Secretary of Defense is authorized to enter*  
19 *into and carry out contracts for the acquisition of real*  
20 *property, construction, personal services, and operations re-*  
21 *lated to projects described in further detail in the Classified*  
22 *Annex accompanying the Department of Defense Appro-*  
23 *priations Act, 2006, consistent with the terms and condi-*  
24 *tions set forth therein: Provided further, That contracts en-*  
25 *tered into under the authority of this section may provide*  
26 *for such indemnification as the Secretary determines to be*

1 *necessary: Provided further, That projects authorized by*  
2 *this section shall comply with applicable Federal, State,*  
3 *and local law to the maximum extent consistent with the*  
4 *national security, as determined by the Secretary of De-*  
5 *fense.*

6 *SEC. 8091. Section 8106 of the Department of Defense*  
7 *Appropriations Act, 1997 (titles I through VIII of the mat-*  
8 *ter under subsection 101(b) of Public Law 104–208; 110*  
9 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*  
10 *to apply to disbursements that are made by the Department*  
11 *of Defense in fiscal year 2006.*

12 *SEC. 8092. Amounts appropriated in title II of this*  
13 *Act are hereby reduced by \$265,890,000 to reflect savings*  
14 *attributable to efficiencies and management improvements*  
15 *in the funding of miscellaneous or other contracts in the*  
16 *military departments, as follows:*

17 *(1) From “Operation and Maintenance, Army”,*  
18 *\$36,890,000.*

19 *(2) From “Operation and Maintenance, Navy”,*  
20 *\$79,000,000.*

21 *(3) From “Operation and Maintenance, Air*  
22 *Force”, \$150,000,000.*

23 *SEC. 8093. The total amount appropriated or other-*  
24 *wise made available in this Act is hereby reduced by*  
25 *\$100,000,000 to limit excessive growth in the procurement*

1 *of advisory and assistance services, to be distributed as fol-*  
2 *lows:*

3           *“Operation and Maintenance, Army”,*  
4           *\$37,000,000;*

5           *“Operation and Maintenance, Air Force”,*  
6           *\$6,000,000;*

7           *“Operation and Maintenance, Defense-Wide”,*  
8           *\$45,000,000; and*

9           *“Operation and Maintenance, Army Reserve”,*  
10          *\$12,000,000.*

11                           *(INCLUDING TRANSFER OF FUNDS)*

12          *SEC. 8094. Of the amounts appropriated in this Act*  
13 *under the heading “Research, Development, Test and Eval-*  
14 *uation, Defense-Wide”, \$143,600,000 shall be made avail-*  
15 *able for the Arrow missile defense program: Provided, That*  
16 *of this amount, \$70,000,000 shall be available for the pur-*  
17 *pose of producing Arrow missile components in the United*  
18 *States and Arrow missile components and missiles in Israel*  
19 *to meet Israel’s defense requirements, consistent with each*  
20 *nation’s laws, regulations and procedures, and \$10,000,000*  
21 *shall be available for the purpose of the initiation of a joint*  
22 *feasibility study and risk reduction activities designated the*  
23 *Short Range Ballistic Missile Defense (SRBMD) initiative:*  
24 *Provided further, That funds made available under this*  
25 *provision for production of missiles and missile components*  
26 *may be transferred to appropriations available for the pro-*

1 *curement of weapons and equipment, to be merged with and*  
2 *to be available for the same time period and the same pur-*  
3 *poses as the appropriation to which transferred: Provided*  
4 *further, That the transfer authority provided under this*  
5 *provision is in addition to any other transfer authority con-*  
6 *tained in this Act.*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 8095. Of the amounts appropriated in this Act*  
9 *under the heading “Shipbuilding and Conversion, Navy”,*  
10 *\$517,523,000 shall be available until September 30, 2006,*  
11 *to fund prior year shipbuilding cost increases: Provided,*  
12 *That upon enactment of this Act, the Secretary of the Navy*  
13 *shall transfer such funds to the following appropriations in*  
14 *the amounts specified: Provided further, That the amounts*  
15 *transferred shall be merged with and be available for the*  
16 *same purposes as the appropriations to which transferred:*

17 *To:*

18 *Under the heading, “Shipbuilding and Con-*  
19 *version, Navy, 1998/2006”:*

20 *New SSN, \$28,000,000.*

21 *Under the heading, “Shipbuilding and Con-*  
22 *version, Navy, 1999/2006”:*

23 *LPD–17 Amphibious Transport Dock*  
24 *Ship Program, \$95,000,000;*

25 *New SSN, \$72,000,000.*

1                    *Under the heading, “Shipbuilding and Con-*  
2                    *version, Navy, 2000/2006”:*

3                    *LPD–17 Amphibious Transport Dock*  
4                    *Ship Program, \$94,800,000.*

5                    *Under the heading, “Shipbuilding and Con-*  
6                    *version, Navy, 2001/2006”:*

7                    *Carrier Replacement Program,*  
8                    *\$145,023,000;*

9                    *New SSN, \$82,700,000.*

10            *SEC. 8096. The Secretary of the Navy may settle, or*  
11            *compromise, and pay any and all admiralty claims under*  
12            *section 7622 of title 10, United States Code arising out of*  
13            *the collision involving the U.S.S. GREENEVILLE and the*  
14            *EHIME MARU, in any amount and without regard to the*  
15            *monetary limitations in subsections (a) and (b) of that sec-*  
16            *tion: Provided, That such payments shall be made from*  
17            *funds available to the Department of the Navy for operation*  
18            *and maintenance.*

19            *SEC. 8097. None of the funds available to the Depart-*  
20            *ment of Defense may be obligated to modify command and*  
21            *control relationships to give Fleet Forces Command admin-*  
22            *istrative and operational control of U.S. Navy forces as-*  
23            *signed to the Pacific fleet: Provided, That the command and*  
24            *control relationships which existed on October 1, 2004, shall*

1 *remain in force unless changes are specifically authorized*  
2 *in a subsequent Act.*

3 *SEC. 8098. Notwithstanding any other provision of*  
4 *law or regulation, the Secretary of Defense may exercise the*  
5 *provisions of section 7403(g) of title 38, United States Code*  
6 *for occupations listed in section 7403(a)(2) of title 38,*  
7 *United States Code as well as the following:*

8 *Pharmacists, Audiologists, and Dental Hygien-*  
9 *ists.*

10 *(A) The requirements of section*  
11 *7403(g)(1)(A) of title 38, United States Code*  
12 *shall apply.*

13 *(B) The limitations of section 7403(g)(1)(B)*  
14 *of title 38, United States Code shall not apply.*

15 *SEC. 8099. Funds appropriated by this Act, or made*  
16 *available by the transfer of funds in this Act, for intelligence*  
17 *activities are deemed to be specifically authorized by the*  
18 *Congress for purposes of section 504 of the National Secu-*  
19 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2006*  
20 *until the enactment of the Intelligence Authorization Act*  
21 *for fiscal year 2006.*

22 *SEC. 8100. In addition to funds made available else-*  
23 *where in this Act, \$5,500,000 is hereby appropriated and*  
24 *shall remain available until expended to provide assistance,*  
25 *by grant or otherwise (such as, but not limited to, the provi-*

1 sion of funds for repairs, maintenance, construction, and/  
2 or for the purchase of information technology, text books,  
3 teaching resources), to public schools that have unusually  
4 high concentrations of special needs military dependents en-  
5 rolled: Provided, That in selecting school systems to receive  
6 such assistance, special consideration shall be given to  
7 school systems in States that are considered overseas assign-  
8 ments, and all schools within these school systems shall be  
9 eligible for assistance: Provided further, That up to 2 per-  
10 cent of the total appropriated funds under this section shall  
11 be available to support the administration and execution  
12 of the funds or program and/or events that promote the pur-  
13 pose of this appropriation (e.g. payment of travel and per  
14 diem of school teachers attending conferences or a meeting  
15 that promotes the purpose of this appropriation and/or con-  
16 sultant fees for on-site training of teachers, staff, or Joint  
17 Venture Education Forum (JVEF) Committee members):  
18 Provided further, That up to \$2,000,000 shall be available  
19 for the Department of Defense to establish a non-profit trust  
20 fund to assist in the public-private funding of public school  
21 repair and maintenance projects, or provide directly to  
22 non-profit organizations who in return will use these mon-  
23 ies to provide assistance in the form of repair, maintenance,  
24 or renovation to public school systems that have high con-  
25 centrations of special needs military dependents and are lo-



1 cated in States that are considered overseas assignments:  
2 Provided further, That to the extent a Federal agency pro-  
3 vides this assistance, by contract, grant, or otherwise, it  
4 may accept and expend non-Federal funds in combination  
5 with these Federal funds to provide assistance for the au-  
6 thorized purpose, if the non-Federal entity requests such as-  
7 sistance and the non-Federal funds are provided on a reim-  
8 bursable basis.

9       SEC. 8101. None of the funds in this Act may be used  
10 to initiate a new start program without prior written noti-  
11 fication to the Office of Secretary of Defense and the con-  
12 gressional defense committees.

13       SEC. 8102. The amounts appropriated in title II of  
14 this Act are hereby reduced by \$350,000,000 to reflect cash  
15 balance and rate stabilization adjustments in Department  
16 of Defense Working Capital Funds, as follows:

17           (1) From “Operation and Maintenance, Army”,  
18       \$100,000,000.

19           (2) From “Operation and Maintenance, Navy”,  
20       \$150,000,000.

21           (3) From “Operation and Maintenance, Air  
22       Force”, \$100,000,000.

23       SEC. 8103. FINANCING AND FIELDING OF KEY ARMY  
24 CAPABILITIES.—The Department of Defense and the De-  
25 partment of the Army shall make future budgetary and pro-

1 *gramming plans to fully finance the Non-Line of Sight Fu-*  
2 *ture Force cannon and resupply vehicle program (NLOS-*  
3 *C) in order to field this system in fiscal year 2010, con-*  
4 *sistent with the broader plan to field the Future Combat*  
5 *System (FCS) in fiscal year 2010: Provided, That if the*  
6 *Army is precluded from fielding the FCS program by fiscal*  
7 *year 2010, then the Army shall develop the NLOS-C inde-*  
8 *pendent of the broader FCS development timeline to achieve*  
9 *fielding by fiscal year 2010. In addition the Army will de-*  
10 *liver eight (8) combat operational pre-production NLOS-*  
11 *C systems by the end of calendar year 2008. These systems*  
12 *shall be in addition to those systems necessary for develop-*  
13 *mental and operational testing: Provided further, That the*  
14 *Army shall ensure that budgetary and programmatic plans*  
15 *will provide for no fewer than seven (7) Stryker Brigade*  
16 *Combat Teams.*

17 *SEC. 8104. Of the funds made available in this Act,*  
18 *not less than \$76,100,000 shall be available to maintain*  
19 *an attrition reserve force of 18 B-52 aircraft, of which*  
20 *\$3,900,000 shall be available from "Military Personnel, Air*  
21 *Force", \$44,300,000 shall be available from "Operation and*  
22 *Maintenance, Air Force", and \$27,900,000 shall be avail-*  
23 *able from "Aircraft Procurement, Air Force": Provided,*  
24 *That the Secretary of the Air Force shall maintain a total*  
25 *force of 94 B-52 aircraft, including 18 attrition reserve air-*

1 *craft, during fiscal year 2006: Provided further, That the*  
2 *Secretary of Defense shall include in the Air Force budget*  
3 *request for fiscal year 2007 amounts sufficient to maintain*  
4 *a B-52 force totaling 94 aircraft.*

5       *SEC. 8105. The Secretary of the Air Force is author-*  
6 *ized, using funds available under the heading “Operation*  
7 *and Maintenance, Air Force”, to complete a phased repair*  
8 *project, which repairs may include upgrades and additions,*  
9 *to the infrastructure of the operational ranges managed by*  
10 *the Air Force in Alaska: Provided, That the total cost of*  
11 *such phased projects shall not exceed \$32,000,000.*

12       *SEC. 8106. In addition to the amounts appropriated*  
13 *or otherwise made available elsewhere in this Act,*  
14 *\$12,850,000 is hereby appropriated to the Department of*  
15 *Defense, to remain available until September 30, 2006: Pro-*  
16 *vided, That the Secretary of Defense shall make grants in*  
17 *the amounts specified as follows: \$850,000 to the Fort Des*  
18 *Moines Memorial Park and Education Center; \$2,000,000*  
19 *to the American Civil War Center at Historic Tredegar;*  
20 *\$3,000,000 to the Museum of Flight, American Heroes Col-*  
21 *lection; \$1,000,000 to the National Guard Youth Founda-*  
22 *tion; \$3,000,000 to the United Services Organization;*  
23 *\$2,000,000 to the Dwight D. Eisenhower Memorial Com-*  
24 *mission; and \$1,000,000 to the Iraq Cultural Heritage As-*  
25 *sistance Project.*

*(TRANSFER OF FUNDS)*

1  
2       *SEC. 8107. The Secretary of Defense may transfer*  
3 *funds from any currently available Department of the Navy*  
4 *appropriation to any available Navy shipbuilding and con-*  
5 *version appropriation for the purpose of funding ship-*  
6 *building cost increases for any ship construction program,*  
7 *to be merged with and to be available for the same purposes*  
8 *and for the same time period as the appropriation to which*  
9 *transferred: Provided, That all transfers under this section*  
10 *shall be subject to the notification requirements applicable*  
11 *to transfers under section 8005 of this Act.*

12       *SEC. 8108. The budget of the President for fiscal year*  
13 *2007 submitted to the Congress pursuant to section 1105*  
14 *of title 31, United States Code shall include separate budget*  
15 *justification documents for costs of United States Armed*  
16 *Forces' participation in contingency operations for the*  
17 *Military Personnel accounts, the Operation and Mainte-*  
18 *nance accounts, and the Procurement accounts: Provided,*  
19 *That these documents shall include a description of the*  
20 *funding requested for each contingency operation, for each*  
21 *military service, to include all Active and Reserve compo-*  
22 *nents, and for each appropriations account: Provided fur-*  
23 *ther, That these documents shall include estimated costs for*  
24 *each element of expense or object class, a reconciliation of*  
25 *increases and decreases for each contingency operation, and*

1 programmatic data including, but not limited to, troop  
2 strength for each Active and Reserve component, and esti-  
3 mates of the major weapons systems deployed in support  
4 of each contingency: Provided further, That these documents  
5 shall include budget exhibits OP-5 and OP-32 (as defined  
6 in the Department of Defense Financial Management Regu-  
7 lation) for all contingency operations for the budget year  
8 and the two preceding fiscal years.

9       SEC. 8109. Of the amounts provided in title II of this  
10 Act under the heading, “Operation and Maintenance, De-  
11 fense-Wide”, \$20,000,000 is available for the Regional De-  
12 fense Counter-terrorism Fellowship Program, to fund the  
13 education and training of foreign military officers, min-  
14 istry of defense civilians, and other foreign security offi-  
15 cials, to include United States military officers and civilian  
16 officials whose participation directly contributes to the edu-  
17 cation and training of these foreign students.

18       SEC. 8110. None of the funds appropriated or made  
19 available in this Act shall be used to reduce or disestablish  
20 the operation of the 53rd Weather Reconnaissance Squad-  
21 ron of the Air Force Reserve, if such action would reduce  
22 the WC-130 Weather Reconnaissance mission below the lev-  
23 els funded in this Act: Provided, That the Air Force shall  
24 allow the 53rd Weather Reconnaissance Squadron to per-

1 *form other missions in support of national defense require-*  
2 *ments during the non-hurricane season.*

3       *SEC. 8111. None of the funds provided in this Act shall*  
4 *be available for integration of foreign intelligence informa-*  
5 *tion unless the information has been lawfully collected and*  
6 *processed during the conduct of authorized foreign intel-*  
7 *ligence activities: Provided, That information pertaining to*  
8 *United States persons shall only be handled in accordance*  
9 *with protections provided in the Fourth Amendment of the*  
10 *United States Constitution as implemented through Execu-*  
11 *tive Order No. 12333.*

12       *SEC. 8112. For purposes of section 612 of title 41,*  
13 *United States Code, any subdivision of appropriations*  
14 *made under the heading “Shipbuilding and Conversion,*  
15 *Navy” that is not closed at the time reimbursement is made*  
16 *shall be available to reimburse the Judgment Fund and*  
17 *shall be considered for the same purposes as any subdivision*  
18 *under the heading “Shipbuilding and Conversion, Navy”*  
19 *appropriations in the current fiscal year or any prior fiscal*  
20 *year.*

21                   *(TRANSFER OF FUNDS)*

22       *SEC. 8113. Upon enactment of this Act, the Secretary*  
23 *of Defense shall make the following transfer of funds: Pro-*  
24 *vided, That funds so transferred shall be merged with and*  
25 *shall be available for the same purpose and for the same*  
26 *time period as the appropriation to which transferred: Pro-*

1 *vided further, That the amounts shall be transferred between*  
2 *the following appropriations in the amounts specified:*

3 *From:*

4 *Under the heading, “Shipbuilding and Con-*  
5 *version, Navy, 2003/2007”:*

6 *For outfitting, post delivery, conver-*  
7 *sions, and first destination transportation,*  
8 *\$3,300,000;*

9 *Under the heading, “Shipbuilding and Con-*  
10 *version, Navy, 2004/2008”:*

11 *For outfitting, post delivery, conver-*  
12 *sions, and first destination transportation,*  
13 *\$6,100,000;*

14 *To:*

15 *Under the heading, “Shipbuilding and Con-*  
16 *version, Navy, 2003/2007”:*

17 *SSGN, \$3,300,000.*

18 *Under the heading, “Shipbuilding and Con-*  
19 *version, Navy, 2004/2008”:*

20 *SSGN, \$6,100,000.*

21 *SEC. 8114. None of the funds in this Act may be obli-*  
22 *gated for a classified program as described on page 18 of*  
23 *the compartmented annex to Volume IV of the Fiscal Year*  
24 *2006 National Intelligence Program justification book un-*

1 *less specifically authorized in the Intelligence Authorization*  
2 *Act for Fiscal Year 2006.*

3       *SEC. 8115. (a) The Director of the Office of Manage-*  
4 *ment and Budget shall, in coordination with the Secretary*  
5 *of Defense and the Secretary of Homeland Security, conduct*  
6 *a study on improving the response of the Federal Govern-*  
7 *ment to disasters.*

8       *(b) The study under subsection (a) shall—*

9           *(1) consider mechanisms for coordinating and*  
10 *expediting disaster response efforts;*

11           *(2) examine the role of the Department of De-*  
12 *fense in participating in disaster response efforts, in-*  
13 *cluding by providing planning, logistics, and relief*  
14 *and reconstruction assistance;*

15           *(3) consider the establishment of criteria for*  
16 *automatically triggering the participation of the De-*  
17 *partment of Defense in disaster response efforts; and*

18           *(4) assess the role of the United States Geological*  
19 *Survey in enhancing disaster preparation measures.*

20       *(c) Not later than May 1, 2006, the Director of the*  
21 *Office of Management and Budget shall submit to Congress*  
22 *a report on the study conducted under subsection (a),*  
23 *including—*

24           *(1) recommendations for improving the response*  
25 *of the Federal Government to disasters, including by*



1       *providing for greater participation by the Depart-*  
2       *ment of Defense in response efforts; and*

3               (2) *proposals for any legislation or regulations*  
4       *that the Director determines necessary to implement*  
5       *such recommendations.*

6       SEC. 8116. (a) *From the money in the Treasury not*  
7       *otherwise obligated or appropriated, there are appropriated*  
8       *to the Centers for Disease Control and Prevention*  
9       *\$3,913,000,000 for activities relating to the avian flu epi-*  
10       *demic during the fiscal year ending September 30, 2006,*  
11       *which shall be available until expended.*

12       (b) *Of the amount appropriated under subsection*  
13       (i) —

14               (1) *\$3,080,000,000 shall be for the stockpiling of*  
15       *antivirals and necessary medical supplies;*

16               (2) *\$33,000,000 shall be for global surveillance*  
17       *relating to avian flu;*

18               (3) *\$125,000,000 shall be to increase the national*  
19       *investment in domestic vaccine infrastructure includ-*  
20       *ing development and research;*

21               (4) *\$600,000,000 shall be for additional grants*  
22       *to state and local public health agencies for emergency*  
23       *preparedness, to increase funding for emergency pre-*  
24       *paredness centers, and to expand hospital surge ca-*  
25       *capacity;*

1           (5) \$75,000,000 shall be for risk communication  
2           and outreach to providers, businesses, and to the  
3           American public;

4           (c) The amount appropriated under subsection (a)—

5                 (1) is designated as an emergency requirement  
6                 pursuant to section 402 of H. Con. Res. 95 (109th  
7                 Congress); and

8                 (2) shall remain available until expended.

9           (d) This section shall take effect on the date of enact-  
10           ment of this Act.

11           SEC. 8117. *Nonreduction in pay while Federal em-*  
12           *ployee is performing active service in the uniformed services*  
13           *or National Guard. (a) SHORT TITLE.—This section may*  
14           *be cited as the “Reservists Pay Security Act of 2005”.*

15           (b) *IN GENERAL.—Subchapter IV of chapter 55 of title*  
16           *5, United States Code, is amended by adding at the end*  
17           *the following:*

18           **“§ 5538. *Nonreduction in pay while serving in the uni-***  
19                 ***formed services or National Guard***

20                 “(a) *An employee who is absent from a position of em-*  
21                 *ployment with the Federal Government in order to perform*  
22                 *active duty in the uniformed services pursuant to a call*  
23                 *or order to active duty under a provision of law referred*  
24                 *to in section 101(a)(13)(B) of title 10 shall be entitled, while*  
25                 *serving on active duty, to receive, for each pay period de-*

1 *scribed in subsection (b), an amount equal to the amount*  
2 *by which—*

3           “(1) *the amount of basic pay which would other-*  
4 *wise have been payable to such employee for such pay*  
5 *period if such employee’s civilian employment with*  
6 *the Government had not been interrupted by that*  
7 *service, exceeds (if at all)*

8           “(2) *the amount of pay and allowances which*  
9 *(as determined under subsection (d))—*

10                   “(A) *is payable to such employee for that*  
11 *service; and*

12                   “(B) *is allocable to such pay period.*

13           “(b)(1) *Amounts under this section shall be payable*  
14 *with respect to each pay period (which would otherwise*  
15 *apply if the employee’s civilian employment had not been*  
16 *interrupted)—*

17                   “(A) *during which such employee is entitled to*  
18 *reemployment rights under chapter 43 of title 38 with*  
19 *respect to the position from which such employee is*  
20 *absent (as referred to in subsection (a)); and*

21                   “(B) *for which such employee does not otherwise*  
22 *receive basic pay (including by taking any annual,*  
23 *military, or other paid leave) to which such employee*  
24 *is entitled by virtue of such employee’s civilian em-*  
25 *ployment with the Government.*

1       “(2) *For purposes of this section, the period during*  
2 *which an employee is entitled to reemployment rights under*  
3 *chapter 43 of title 38—*

4               “(A) *shall be determined disregarding the provi-*  
5 *sions of section 4312(d) of title 38; and*

6               “(B) *shall include any period of time specified*  
7 *in section 4312(e) of title 38 within which an em-*  
8 *ployee may report or apply for employment or reem-*  
9 *ployment following completion of service on active*  
10 *duty to which called or ordered as described in sub-*  
11 *section (a).*

12       “(c) *Any amount payable under this section to an em-*  
13 *ployee shall be paid—*

14               “(1) *by such employee’s employing agency;*

15               “(2) *from the appropriation or fund which*  
16 *would be used to pay the employee if such employee*  
17 *were in a pay status; and*

18               “(3) *to the extent practicable, at the same time*  
19 *and in the same manner as would basic pay if such*  
20 *employee’s civilian employment had not been inter-*  
21 *rupted.*

22       “(d) *The Office of Personnel Management shall, in con-*  
23 *sultation with Secretary of Defense, prescribe any regula-*  
24 *tions necessary to carry out the preceding provisions of this*  
25 *section.*

1       “(e)(1) *The head of each agency referred to in section*  
2 *2302(a)(2)(C)(ii) shall, in consultation with the Office, pre-*  
3 *scribe procedures to ensure that the rights under this section*  
4 *apply to the employees of such agency.*

5       “(2) *The Administrator of the Federal Aviation Ad-*  
6 *ministration shall, in consultation with the Office, prescribe*  
7 *procedures to ensure that the rights under this section apply*  
8 *to the employees of that agency.*

9       “(f) *For purposes of this section—*

10           “(1) *the terms ‘employee’, ‘Federal Government’,*  
11 *and ‘uniformed services’ have the same respective*  
12 *meanings as given them in section 4303 of title 38;*

13           “(2) *the term ‘employing agency’, as used with*  
14 *respect to an employee entitled to any payments*  
15 *under this section, means the agency or other entity*  
16 *of the Government (including an agency referred to in*  
17 *section 2302(a)(2)(C)(ii)) with respect to which such*  
18 *employee has reemployment rights under chapter 43*  
19 *of title 38; and*

20           “(3) *the term ‘basic pay’ includes any amount*  
21 *payable under section 5304.”.*

22       (c) *CLERICAL AMENDMENT.—The table of sections for*  
23 *chapter 55 of title 5, United States Code, is amended by*  
24 *inserting after the item relating to section 5537 the fol-*  
25 *lowing:*

“5538. *Nonreduction in pay while serving in the uniformed services or National Guard.*”.

1           (d) *EFFECTIVE DATE.*—*The amendments made by this*  
 2 *section shall apply with respect to pay periods (as described*  
 3 *in section 5538(b) of title 5, United States Code, as amend-*  
 4 *ed by this section) beginning on or after the date of enact-*  
 5 *ment of this Act.*

6           *SEC. 8118. Notwithstanding Section 101 of H.J. Res.*  
 7 *68, the Community Services Block Grant program shall be*  
 8 *funded at the same rate of operation as in Division F of*  
 9 *Public Law 108–447, through November 18, 2005.*

10          *SEC. 8119. APPLICATIONS FOR IMPACT AID PAY-*  
 11 *MENT.*—*Notwithstanding paragraphs (2) and (3) of section*  
 12 *8005(d) of the Elementary and Secondary Education Act*  
 13 *of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of*  
 14 *Education shall treat as timely filed, and shall process for*  
 15 *payment, an application under section 8002 or section 8003*  
 16 *of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from*  
 17 *a local educational agency—*

18                   (1) *that, for each of the fiscal years 2000 through*  
 19                   *2004, submitted an application by the date specified*  
 20                   *by the Secretary of Education under section 8005(c)*  
 21                   *of such Act for the fiscal year;*

22                   (2) *for which a reduction of more than*  
 23                   *\$1,000,000 was made under section 8005(d)(2) of*  
 24                   *such Act by the Secretary of Education as a result of*

1       *the agency's failure to file a timely application under*  
2       *section 8002 or 8003 of such Act for fiscal year 2005;*  
3       *and*

4             (3) *that submits an application for fiscal year*  
5       *2005 during the period beginning on February 2,*  
6       *2004, and ending on the date of enactment of this*  
7       *Act.*

8       *SEC. 8120. Of the amount appropriated by title III*  
9       *under the heading "OTHER PROCUREMENT, NAVY", up to*  
10       *\$3,000,000 may be made available for the Joint Aviation*  
11       *Technical Data Integration Program.*

12       *SEC. 8121. (a) RENAMING OF DEATH GRATUITY PAY-*  
13       *ABLE FOR DEATHS OF MEMBERS OF THE ARMED*  
14       *FORCES.—Subchapter II of chapter 75 of title 10, United*  
15       *States Code, is amended as follows:*

16             (1) *In section 1475(a), by striking "have a death*  
17       *gratuity paid" and inserting "have fallen hero com-*  
18       *ensation paid".*

19             (2) *In section 1476(a)—*

20                 (A) *in paragraph (1), by striking "a death*  
21       *gratuity" and inserting "fallen hero compensa-*  
22       *tion"; and*

23                 (B) *in paragraph (2), by striking "A death*  
24       *gratuity" and inserting "Fallen hero compensa-*  
25       *tion".*

1           (3) *In section 1477(a), by striking “A death gra-*  
2 *tuity” and inserting “Fallen hero compensation”.*

3           (4) *In section 1478(a), by striking “The death*  
4 *gratuity” and inserting “The amount of fallen hero*  
5 *compensation”.*

6           (5) *In section 1479(1), by striking “the death*  
7 *gratuity” and inserting “fallen hero compensation”.*

8           (6) *In section 1489—*

9                 (A) *in subsection (a), by striking “a gra-*  
10 *tuity” in the matter preceding paragraph (1)*  
11 *and inserting “fallen hero compensation”; and*

12                 (B) *in subsection (b)(2), by inserting “or*  
13 *other assistance” after “lesser death gratuity”.*

14         (b) *CLERICAL AMENDMENTS.—*

15           (1) *Such subchapter is further amended by strik-*  
16 *ing “**Death gratuity:**” each place it appears in*  
17 *the heading of sections 1475 through 1480 and 1489*  
18 *and inserting “**Fallen hero compensation:**”.*

19           (2) *The table of sections at the beginning of such*  
20 *subchapter is amended by striking “Death gratuity:”*  
21 *in the items relating to sections 1474 through 1480*  
22 *and 1489 and inserting “Fallen hero compensation:”.*

23         (c) *GENERAL REFERENCES.—Any reference to a death*  
24 *gratuity payable under subchapter II of chapter 75 of title*  
25 *10, United States Code, in any law, regulation, document,*



1 *paper, or other record of the United States shall be deemed*  
2 *to be a reference to fallen hero compensation payable under*  
3 *such subchapter, as amended by this section.*

4       *SEC. 8122. Of the amount appropriated by title IV*  
5 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
6 *EVALUATION, AIR FORCE”, up to \$3,000,000 may be used*  
7 *for research and development on the reliability of field pro-*  
8 *grammable gate arrays for space applications.*

9       *SEC. 8123. Of the amount appropriated by title IV*  
10 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
11 *EVALUATION, ARMY”, up to \$1,000,000 may be used for*  
12 *Chemical Biological Defense Material Test and Evaluation*  
13 *Initiative.*

14       *SEC. 8124. Of the amount appropriated by title IV*  
15 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
16 *EVALUATION, ARMY”, up to \$1,000,000 may be made avail-*  
17 *able for an environmental management and compliance in-*  
18 *formation system.*

19       *SEC. 8125. Of the amount appropriated by title IV*  
20 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
21 *EVALUATION, ARMY”, up to \$2,000,000 may be made avail-*  
22 *able for medical advanced technology for applied emergency*  
23 *hypothermia for advanced combat casualty life support.*

24       *SEC. 8126. (a) FINDINGS.—The Senate makes the fol-*  
25 *lowing findings:*

1           (1) *The Department of Defense Appropriations*  
2 *Act, 2004 (Public Law 108–87), the Department of*  
3 *Defense Appropriations Act, 2005 (Public Law 108–*  
4 *287), and the Emergency Supplemental Appropria-*  
5 *tions Act for Defense, the Global War on Terror, and*  
6 *Tsunami Relief, 2005 (Public Law 109–13) each con-*  
7 *tain a sense of the Senate provision urging the Presi-*  
8 *dent to provide in the annual budget requests of the*  
9 *President for a fiscal year under section 1105(a) of*  
10 *title 31, United States Code, an estimate of the cost*  
11 *of ongoing military operations in Iraq and Afghani-*  
12 *stan in such fiscal year.*

13           (2) *The budget for fiscal year 2006 submitted to*  
14 *Congress by the President on February 7, 2005, re-*  
15 *quests no funds for fiscal year 2006 for ongoing mili-*  
16 *tary operations in Iraq or Afghanistan.*

17           (3) *According to the Congressional Research*  
18 *Service, there exists historical precedent for including*  
19 *the cost of ongoing military operations in the annual*  
20 *budget requests of the President following initial*  
21 *funding for such operations by emergency or supple-*  
22 *mental appropriations Acts, including—*

23                   (A) *funds for Operation Noble Eagle, begin-*  
24 *ning in the budget request of President George*  
25 *W. Bush for fiscal year 2005;*

1           (B) funds for operations in Kosovo, begin-  
2           ning in the budget request of President George  
3           W. Bush for fiscal year 2001;

4           (C) funds for operations in Bosnia, begin-  
5           ning in budget request of President Clinton for  
6           fiscal year 1997;

7           (D) funds for operations in Southwest Asia,  
8           beginning in the budget request of President  
9           Clinton for fiscal year 1997;

10          (E) funds for operations in Vietnam, begin-  
11          ning in the budget request of President Johnson  
12          for fiscal year 1966; and

13          (F) funds for World War II, beginning in  
14          the budget request of President Roosevelt for fis-  
15          cal year 1943.

16          (4) In section 1024(b) of Emergency Supple-  
17          mental Appropriations Act for Defense, the Global  
18          War on Terror, and Tsunami Relief, 2005 (119 Stat.  
19          252), the Senate requested that the President submit  
20          to Congress, not later than September 1, 2005, an  
21          amendment to the budget of the President for fiscal  
22          year 2006 setting forth detailed cost estimates for on-  
23          going military operations overseas during such fiscal  
24          year.

1           (5) *The President has yet to submit such an*  
2 *amendment.*

3           (6) *The Department of Defense Appropriations*  
4 *Act, 2006, as reported to the Senate by the Committee*  
5 *on Appropriations of the Senate on September 28,*  
6 *2005, contains a bridge fund of \$50,000,000,000 for*  
7 *overseas contingency operations, but the determina-*  
8 *tion of that amount could not take into account any*  
9 *Administration estimate on the projected cost of such*  
10 *operations in fiscal year 2006.*

11           (7) *In February 2005, the Congressional Budget*  
12 *Office estimated that fiscal year 2006 cost of ongoing*  
13 *military operations in Iraq and Afghanistan could*  
14 *total \$85,000,000,000.*

15           (b) *SENSE OF SENATE.—It is the sense of the Senate*  
16 *that—*

17           (1) *any request for funds for a fiscal year after*  
18 *fiscal year 2006 for an ongoing military operation*  
19 *overseas, including operations in Afghanistan and*  
20 *Iraq, should be included in the annual budget of the*  
21 *President for such fiscal year as submitted to Con-*  
22 *gress under section 1105(a) of title 31, United States*  
23 *Code;*

24           (2) *the amendment to the budget of the President*  
25 *for fiscal year 2006, requested by the Senate to be*

1       *submitted to Congress not later than September 1,*  
2       *2005, by section 1024(b) of Emergency Supplemental*  
3       *Appropriations Act for Defense, the Global War on*  
4       *Terror, and Tsunami Relief, 2005, is necessary to de-*  
5       *scribe the anticipated use of the \$50,000,000,000*  
6       *bridge fund appropriated in this Act and set forth all*  
7       *additional appropriations that will be required for*  
8       *the fiscal year; and*

9               *(3) any funds provided for a fiscal year for on-*  
10       *going military operations overseas should be provided*  
11       *in appropriations Acts for such fiscal year through*  
12       *appropriations to specific accounts set forth in such*  
13       *appropriations Acts.*

14       *SEC. 8127. (a) REIMBURSEMENT FOR CERTAIN PRO-*  
15       *TECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY*  
16       *OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOY-*  
17       *MENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.—*

18               *(1) IN GENERAL.—Subject to subsections (d) and*  
19       *(e), the Secretary of Defense shall reimburse a mem-*  
20       *ber of the Armed Forces, or a person or entity referred*  
21       *to in paragraph (2), for the cost (including shipping*  
22       *cost) of any protective, safety, or health equipment*  
23       *that was purchased by such member, or such person*  
24       *or entity on behalf of such member, before or during*  
25       *the deployment of such member in Operation Noble*

1 *Eagle, Operation Enduring Freedom, or Operation*  
2 *Iraqi Freedom for the use of such member in connec-*  
3 *tion with such operation if the unit commander of*  
4 *such member certifies that such equipment was crit-*  
5 *ical to the protection, safety, or health of such mem-*  
6 *ber.*

7 (2) *COVERED PERSONS AND ENTITIES.*—A per-  
8 *son or entity referred to in this paragraph is a family*  
9 *member or relative of a member of the Armed Forces,*  
10 *a non-profit organization, or a community group.*

11 (3) *REGULATIONS NOT REQUIRED FOR REIM-*  
12 *BURSEMENT.*—Reimbursements may be made under  
13 *this subsection in advance of the promulgation by the*  
14 *Secretary of Defense of regulations, if any, relating to*  
15 *the administration of this section.*

16 (b) *PROTECTIVE EQUIPMENT REIMBURSEMENT*  
17 *FUND.*—

18 (1) *ESTABLISHMENT.*—There is hereby estab-  
19 *lished an account to be known as the “Protective*  
20 *Equipment Reimbursement Fund” (in this subsection*  
21 *referred to as the “Fund”).*

22 (2) *ELEMENTS.*—The Fund shall consist of  
23 *amounts deposited in the Fund from amounts avail-*  
24 *able for the Fund under subsection (f).*

1           (3) *AVAILABILITY.*—Amounts in the Fund shall  
2           be available directly to the unit commanders of mem-  
3           bers of the Armed Forces for the making of reimburse-  
4           ments for protective, safety, and health equipment  
5           under subsection (a).

6           (4) *DOCUMENTATION.*—Each person seeking re-  
7           imbursement under subsection (a) for protective, safe-  
8           ty, or health equipment purchased by or on behalf of  
9           a member of the Armed Forces shall submit to the  
10          unit commander of such member such documentation  
11          as is necessary to establish each of the following:

12                 (A) *The nature of such equipment, includ-*  
13                 *ing whether or not such equipment qualifies as*  
14                 *protective, safety, or health equipment under*  
15                 *subsection (c).*

16                 (B) *The cost of such equipment.*

17          (c) *COVERED PROTECTIVE, SAFETY, AND HEALTH*  
18 *EQUIPMENT.*—Protective, safety, and health equipment for  
19 *which reimbursement shall be made under subsection (a)*  
20 *shall include personal body armor, collective armor or pro-*  
21 *TECTIVE equipment (including armor or protective equipment*  
22 *for high mobility multi-purpose wheeled vehicles), and items*  
23 *provided through the Rapid Fielding Initiative of the*  
24 *Army, or equivalent programs of the other Armed Forces,*  
25 *such as the advanced (on-the-move) hydration system, the*

1 *advanced combat helmet, the close combat optics system, a*  
2 *Global Positioning System (GPS) receiver, a gun scope and*  
3 *a soldier intercommunication device.*

4 (d) *LIMITATION REGARDING AMOUNT OF REIMBURSE-*  
5 *MENT.—The amount of reimbursement provided under sub-*  
6 *section (a) per item of protective, safety, and health equip-*  
7 *ment purchased by or on behalf of any given member of*  
8 *the Armed Forces may not exceed the lesser of—*

9 (1) *the cost of such equipment (including ship-*  
10 *ping cost); or*

11 (2) *\$1,100.*

12 (e) *OWNERSHIP OF EQUIPMENT.—The Secretary shall*  
13 *identify the circumstances, if any, under which the United*  
14 *States shall assume title or ownership of protective, safety,*  
15 *or health equipment for which reimbursement is provided*  
16 *under subsection (a).*

17 (f) *FUNDING.—*

18 (1) *IN GENERAL.—Except as provided in para-*  
19 *graph (2), amounts for reimbursements under sub-*  
20 *section (a) shall be derived from any amounts author-*  
21 *ized to be appropriated by this Act.*

22 (2) *EXCEPTION.—Amounts authorized to be ap-*  
23 *propriated by this Act and available for the procure-*  
24 *ment of equipment for members of the Armed Forces*  
25 *deployed, or to be deployed, to Iraq or Afghanistan*



1        *may not be utilized for reimbursements under sub-*  
2        *section (a).*

3        *(g) REPEAL OF SUPERSEDED AUTHORITY.—Section*  
4        *351 of the Ronald W. Reagan National Defense Authoriza-*  
5        *tion Act for Fiscal Year 2005 (Public Law 108–375; 118.*  
6        *Stat. 1857) is repealed.*

7        *SEC. 8128. ENSURING TRANSPARENCY IN FEDERAL*  
8        *CONTRACTING.—(a) PUBLICATION OF INFORMATION ON*  
9        *FEDERAL CONTRACTOR MISCONDUCT.—The Secretary of*  
10        *Defense shall maintain a publicly-available website that*  
11        *provides information on instances of improper conduct by*  
12        *contractors entering into or carrying out Federal contracts,*  
13        *including instances in which contractors have been fined,*  
14        *paid penalties or restitution, settled, plead guilty to, or had*  
15        *judgments entered against them in connection with allega-*  
16        *tions of improper conduct.*

17        *(b) REPORTS ON FEDERAL NO-BID CONTRACTS RE-*  
18        *LATED TO IRAQ RECONSTRUCTION.—*

19                *(1) REPORTS REQUIRED.—Not later than 7 days*  
20        *after entering into a no-bid contract to procure prop-*  
21        *erty or services in connection with Iraq reconstruc-*  
22        *tion, the head of an executive agency shall submit to*  
23        *the Secretary of Defense a report on the contract.*

1           (2) *CONTENT.*—*Each report submitted under*  
2           *paragraph (1) shall include the following informa-*  
3           *tion:*

4                     (A) *The date the contract was awarded.*

5                     (B) *The contract number.*

6                     (C) *The name of the contractor.*

7                     (D) *The amounts awarded and obligated*  
8                     *under the contract.*

9                     (E) *The scope of work under the contract.*

10           (3) *PUBLICATION.*—*The Secretary of Defense*  
11           *shall maintain a publicly-available website that lists*  
12           *the information provided in reports submitted under*  
13           *paragraph (1).*

14           (4) *EXECUTIVE AGENCY DEFINED.*—*In this sub-*  
15           *section, the term “executive agency” has the meaning*  
16           *given such term in section 4 of the Office of Federal*  
17           *Procurement Policy Act (41 U.S.C. 403).*

18           *SEC. 8129. (a) PROHIBITION ON TRANSFER OF AU-*  
19           *THORITY ON TACTICAL UNMANNED AERIAL VEHICLES.*—  
20           *None of the funds appropriated by this Act may be used*  
21           *to transfer research and development, acquisition, or other*  
22           *program authority relating to current tactical unmanned*  
23           *aerial vehicles (TUAVs) from the Army.*

24           (i) *EXTENDED RANGE MULTI-PURPOSE UNMANNED*  
25           *AERIAL VEHICLES.*—*The Army shall retain responsibility*

1 *for and operational control of the Extended Range Multi-*  
2 *Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order*  
3 *to support the Secretary of Defense in matters relating to*  
4 *the employment of unmanned aerial vehicles.*

5       *SEC. 8130. Of the amount appropriated in title III*  
6 *under the heading “OTHER PROCUREMENT, NAVY”, up to*  
7 *\$2,000,000 may be made available for the Surface Sonar*  
8 *Dome Window Program.*

9       *SEC. 8131. Of the amount appropriated by title IV*  
10 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
11 *EVALUATION, ARMY”, up to \$700,000 may be used for Med-*  
12 *ical Countermeasures to Nerve Agents.*

13       *SEC. 8132. Of the amount appropriated by title IV*  
14 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
15 *EVALUATION, DEFENSE-WIDE”, up to \$5,000,000 may be*  
16 *used for High Performance Defense Manufacturing Tech-*  
17 *nology Research and Development.*

18       *SEC. 8133. Of the amount appropriated by title II*  
19 *under the heading “OPERATION AND MAINTENANCE,*  
20 *ARMY”, up to \$600,000 may be made available for removal*  
21 *of unexploded ordnance at Camp Wheeler, Georgia.*

22       *SEC. 8134. Of the amount appropriated by title IV*  
23 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
24 *EVALUATION, ARMY”, up to \$4,000,000 may be used for the*

1 *development of light-weight rigid-rod polyphenylene ammu-*  
2 *nitition.*

3       *SEC. 8135. Of the amounts appropriated by title VII*  
4 *under the heading “INTELLIGENCE COMMUNITY MANAGE-*  
5 *MENT ACCOUNT”, up to \$2,000,000 may be used for the Pat*  
6 *Roberts Intelligence Scholars Program.*

7       *SEC. 8136. Of the amount appropriated by title IV*  
8 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
9 *EVALUATION, ARMY”, up to \$1,000,000 may be used for*  
10 *Combat Vehicle and Automotive Technology*  
11 *(PE#0602601A) for the Multipurpose Utility Vehicle.*

12       *SEC. 8137. Of the amount appropriated by this title*  
13 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
14 *EVALUATION, NAVY”, up to \$3,000,000 may be available for*  
15 *land attack technology for the Millennium Gun System.*

16       *SEC. 8138. Of the amount appropriated by title IV*  
17 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
18 *EVALUATION, ARMY”, up to \$2,000,000 may be used for*  
19 *Moldable Armor.*

20       *SEC. 8139. PILOT PROJECT FOR CIVILIAN LINGUIST*  
21 *RESERVE CORPS.—(a) IN GENERAL.—The Secretary of De-*  
22 *fense, acting through the Chairman of the National Security*  
23 *Education Board, shall, during the 3-year period beginning*  
24 *on the date of enactment of this Act, carry out a pilot pro-*  
25 *gram to establish a civilian linguist reserve corps, com-*

1 *prised of United States citizens with advanced levels of pro-*  
2 *ficiency in foreign languages, who would be available, upon*  
3 *request from the President, to perform translation and other*  
4 *services or duties with respect foreign languages for the Fed-*  
5 *eral Government.*

6 (b) *IMPLEMENTATION.—In establishing the Civilian*  
7 *Linguist Reserve Corps, the Secretary, after reviewing the*  
8 *findings and recommendations contained in the report re-*  
9 *quired under section 325 of the Intelligence Authorization*  
10 *Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.*  
11 *2393), shall—*

12 (1) *identify several foreign languages in which*  
13 *proficiency by United States citizens is critical for*  
14 *the national security interests of the United States*  
15 *and the relative importance of such proficiency in*  
16 *each such language;*

17 (2) *identify United States citizens with advanced*  
18 *levels of proficiency in each foreign language identi-*  
19 *fied under paragraph (1) who would be available to*  
20 *perform the services and duties referred to in sub-*  
21 *section (a);*

22 (3) *cooperate with other Federal agencies with*  
23 *national security responsibilities to implement a pro-*  
24 *cedure for securing the performance of the services*

1        *and duties referred to in subsection (a) by the citizens*  
2        *identified under paragraph (2); and*

3            *(4) invite individuals identified under para-*  
4        *graph (2) to participate in the civilian linguist re-*  
5        *serve corps.*

6        *(c) CONTRACT AUTHORITY.—In establishing the civil-*  
7        *ian linguist reserve corps, the Secretary may enter into con-*  
8        *tracts with appropriate agencies or entities.*

9        *(d) FEASIBILITY STUDY.—During the course of the*  
10       *pilot program established under this section, the Secretary*  
11       *shall conduct a study of the best practices to be utilized in*  
12       *establishing the civilian linguist reserve corps, including*  
13       *practices regarding—*

14            *(1) administrative structure;*

15            *(2) languages that will be available;*

16            *(3) the number of language specialists needed for*  
17        *each language;*

18            *(4) the Federal agencies that may need language*  
19        *services;*

20            *(5) compensation and other operating costs;*

21            *(6) certification standards and procedures;*

22            *(7) security clearances;*

23            *(8) skill maintenance and training; and*

24            *(9) the use of private contractors to supply lan-*  
25        *guage specialists.*

1       (e) *REPORTS.*—

2             (1) *EVALUATION REPORTS.*—

3                 (A) *IN GENERAL.*—Not later than 1 year  
4                 after the date of enactment of this Act, and an-  
5                 nually thereafter for the next 2 years, the Sec-  
6                 retary shall submit to Congress an evaluation re-  
7                 port on the pilot project conducted under this  
8                 section.

9                 (B) *CONTENTS.*—Each report under sub-  
10                paragraph (A) shall contain information on the  
11                operation of the pilot project, the success of the  
12                pilot project in carrying out the objectives of the  
13                establishment of a civilian linguist reserve corps,  
14                and recommendations for the continuation or ex-  
15                pansion of the pilot project.

16             (2) *FINAL REPORT.*—Not later than 6 months  
17             after the completion of the pilot project, the Secretary  
18             shall submit to Congress a final report summarizing  
19             the lessons learned, best practices, and recommenda-  
20             tions for full implementation of a civilian linguist re-  
21             serve corps.

22             (f) *FUNDING.*—Of the amount appropriated under the  
23             heading “Operation and Maintenance, Defense-Wide” in  
24             title II, up to \$1,500,000 may be available to carry out  
25             the pilot program under this section.

1        *SEC. 8140. (a) FUNDING FOR PARTICIPATION OF VET*  
2 *CENTERS IN TRANSITION ASSISTANCE PROGRAMS.—Of the*  
3 *amounts appropriated or otherwise made available by this*  
4 *Act, up to \$5,000,000 may be used for the participation*  
5 *of Vet centers in the transition assistance programs of the*  
6 *Department of Defense for members of the Armed Forces.*

7        *(b) VET CENTERS DEFINED.—In this section, the term*  
8 *“Vet centers” means centers for the provision of readjust-*  
9 *ment counseling and related mental health services under*  
10 *section 1712A of title 38, United States Code.*

11        *SEC. 8141. Of the amount appropriated by title IV*  
12 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
13 *EVALUATION, AIR FORCE”, up to \$2,500,000 may be avail-*  
14 *able for advanced technology for IRCM component improve-*  
15 *ment.*

16        *SEC. 8142. Of the amount appropriated by title IV*  
17 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
18 *EVALUATION, ARMY” and available for demonstration and*  
19 *validation, up to \$5,000,000 may be available for the Plas-*  
20 *ma Energy Pyrolysis System (PEPS), Operational Gasifi-*  
21 *cation unit.*

22        *SEC. 8143. Of the amount appropriated by this Act*  
23 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
24 *EVALUATION, DEFENSE-WIDE”, up to \$5,000,000 may be*  
25 *available for the rapid mobilization of the New England*



1 *Manufacturing Supply Chain Initiative to meet Depart-*  
2 *ment of Defense supply shortages and surge demands for*  
3 *parts and equipment.*

4       *SEC. 8144. Of the amount appropriated by title IV*  
5 *under the heading “RESEARCH, DEVELOPMENT, TEST AND*  
6 *EVALUATION, NAVY”, up to \$1,000,000 may be made avail-*  
7 *able for Marine Corps assault vehicles for development of*  
8 *carbon fabric-based friction materials to optimize the cross-*  
9 *drive transmission brake system of the Expeditionary*  
10 *Fighting Vehicle.*

11       *SEC. 8145. Of the amount appropriated by title IV*  
12 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
13 *EVALUATION, NAVY, up to \$2,000,000 may be used for Pro-*  
14 *gram Element #0603235N for the Shipboard Automated*  
15 *Reconstruction Capability.*

16       *SEC. 8146. (a) BLAST INJURY PREVENTION, MITIGA-*  
17 *TION, AND TREATMENT INITIATIVE OF THE ARMY.—Of the*  
18 *amount appropriated by title IV under the heading “RE-*  
19 *SEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”,*  
20 *up to \$1,000,000 may be available for Program Element*  
21 *#63002A for far forward use of recombinant activated fac-*  
22 *tor VII.*

23       *SEC. 8147. Beginning with the fiscal year 2006 pro-*  
24 *gram year, the Secretary of the Air Force is strongly en-*  
25 *couraged to exercise the option on the existing multiyear*

1 *procurement contract for C-17 aircraft in order to enter*  
2 *into a multiyear contract for the procurement of 42 addi-*  
3 *tional C-17 aircraft.*

4       *SEC. 8148. DEPARTMENT OF DEFENSE TASK FORCE*  
5 *ON MENTAL HEALTH.—(a) REQUIREMENT TO ESTAB-*  
6 *LISH.—The Secretary of Defense shall establish within the*  
7 *Department of Defense a task force to examine matters re-*  
8 *lating to mental health and the Armed Forces.*

9       *(b) COMPOSITION.—*

10           *(1) MEMBERS.—The task force shall consist of*  
11 *not more than 14 members appointed by the Sec-*  
12 *retary of Defense from among individuals described*  
13 *in paragraph (2) who have demonstrated expertise in*  
14 *the area of mental health.*

15           *(2) RANGE OF MEMBERS.—The individuals ap-*  
16 *pointed to the task force shall include—*

17           *(A) at least one member of each of the*  
18 *Army, Navy, Air Force, and Marine Corps; and*

19           *(B) a number of persons from outside the*  
20 *Department of Defense equal to the total number*  
21 *of personnel from within the Department of De-*  
22 *fense (whether members of the Armed Forces or*  
23 *civilian personnel) who are appointed to the task*  
24 *force.*

1           (3) *INDIVIDUALS APPOINTED WITHIN DEPART-*  
2           *MENT OF DEFENSE.—At least one of the individuals*  
3           *appointed to the task force from within the Depart-*  
4           *ment of Defense shall be the surgeon general of an*  
5           *Armed Force or a designee of such surgeon general.*

6           (4) *INDIVIDUALS APPOINTED OUTSIDE DEPART-*  
7           *MENT OF DEFENSE.—(A) Individuals appointed to*  
8           *the task force from outside the Department of Defense*  
9           *may include officers or employees of other depart-*  
10          *ments or agencies of the Federal Government, officers*  
11          *or employees of State and governments, or individuals*  
12          *from the private sector.*

13          (B) *The individuals appointed to the task force*  
14          *from outside the Department of Defense shall*  
15          *include—*

16                 (i) *an officer or employee of the Department*  
17                 *of Veterans Affairs appointed by the Secretary of*  
18                 *Defense in consultation with the Secretary of*  
19                 *Veterans Affairs;*

20                 (ii) *an officer or employee of the Substance*  
21                 *Abuse and Mental Health Services Administra-*  
22                 *tion of the Department of Health and Human*  
23                 *Services appointed by the Secretary of Defense in*  
24                 *consultation with the Secretary of Health and*  
25                 *Human Services; and*

1                   (iii) at least two individuals who are rep-  
2                   resentatives of—

3                   (I) a mental health policy and advoca-  
4                   cacy organization; and

5                   (II) a national veterans service organi-  
6                   zation.

7                   (5) *DEADLINE FOR APPOINTMENT.*—All appoint-  
8                   ments of individuals to the task force shall be made  
9                   not later than 120 days after the date of the enact-  
10                  ment of this Act.

11                  (6) *CO-CHAIRS OF TASK FORCE.*—There shall be  
12                  two co-chairs of the task force. One of the co-chairs  
13                  shall be designated by the Secretary of the Defense at  
14                  the time of appointment from among the Department  
15                  of Defense personnel appointed to the task force. The  
16                  other co-chair shall be selected from among the mem-  
17                  bers appointed from outside the Department of De-  
18                  fense by members so appointed.

19                  (c) *LONG-TERM PLAN ON MENTAL HEALTH SERV-*  
20                  *ICES.*—

21                  (1) *IN GENERAL.*—Not later than 12 months  
22                  after the date on which all members of the task force  
23                  have been appointed, the task force shall submit to the  
24                  Secretary a long-term plan (referred to as a strategic  
25                  plan) on means by which the Department of Defense

1       *shall improve the efficacy of mental health services*  
2       *provided to members of Armed Forces by the Depart-*  
3       *ment of Defense.*

4               (2) *UTILIZATION OF OTHER EFFORTS.—In pre-*  
5       *paring the report, the task force shall take into con-*  
6       *sideration completed and ongoing efforts by the De-*  
7       *partment of Defense to improve the efficacy of mental*  
8       *health care provided to members of the Armed Forces*  
9       *by the Department.*

10              (3) *ELEMENTS.—The long-term plan shall in-*  
11       *clude an assessment of and recommendations (includ-*  
12       *ing recommendations for legislative or administrative*  
13       *action) for measures to improve the following:*

14                      (A) *The awareness of the prevalence of men-*  
15       *tal health conditions among members of the*  
16       *Armed Forces.*

17                      (B) *The efficacy of existing programs to*  
18       *prevent, identify, and treat mental health condi-*  
19       *tions among members of the Armed Forces, in-*  
20       *cluding programs for and with respect to for-*  
21       *ward-deployed troops.*

22                      (C) *The reduction or elimination of barriers*  
23       *to care, including the stigma associated with*  
24       *seeking help for mental health related conditions,*  
25       *and the enhancement of confidentiality for mem-*

1           *bers of the Armed Forces seeking care for such*  
2           *conditions.*

3           *(D) The adequacy of outreach, education,*  
4           *and support programs on mental health matters*  
5           *for families of members of the Armed Forces.*

6           *(E) The efficacy of programs and mecha-*  
7           *nisms for ensuring a seamless transition from*  
8           *care of members of the Armed Forces on active*  
9           *duty for mental health conditions through the*  
10          *Department of Defense to care for such condi-*  
11          *tions through the Department of Veterans Affairs*  
12          *after such members are discharged or released*  
13          *from military, naval, or air service.*

14          *(F) The availability of long-term follow-up*  
15          *and access to care for mental health conditions*  
16          *for members of the Individual Ready Reserve,*  
17          *and the Selective Reserve and for discharged,*  
18          *separated, or retired members of the Armed*  
19          *Forces.*

20          *(G) Collaboration among organizations in*  
21          *the Department of Defense with responsibility for*  
22          *or jurisdiction over the provision of mental*  
23          *health services.*

24          *(H) Coordination between the Department*  
25          *of Defense and civilian communities, including*

1           *local support organizations, with respect to men-*  
2           *tal health services.*

3           *(I) The scope and efficacy of curricula and*  
4           *training on mental health matters for com-*  
5           *manders in the Armed Forces.*

6           *(J) Such other matters as the task force con-*  
7           *siders appropriate.*

8           *(d) ADMINISTRATIVE MATTERS.—*

9           *(1) COMPENSATION.—Each member of the task*  
10          *force who is a member of the Armed Forces or a civil-*  
11          *ian officer or employee of the United States shall*  
12          *serve without compensation (other than compensation*  
13          *to which entitled as a member of the Armed Forces*  
14          *or an officer or employee of the United States, as the*  
15          *case may be). Other members of the task force shall*  
16          *be treated for purposes of section 3161 of title 5,*  
17          *United States Code, as having been appointed under*  
18          *subsection (b) of such section.*

19          *(2) OVERSIGHT.—The Under Secretary of De-*  
20          *fense for Personnel and Readiness shall oversee the ac-*  
21          *tivities of the task force.*

22          *(3) ADMINISTRATIVE SUPPORT.—The Wash-*  
23          *ington Headquarters Services of the Department of*  
24          *Defense shall provide the task force with personnel, fa-*  
25          *cilities, and other administrative support as nec-*

1        *essary for the performance of the duties of the task*  
2        *force.*

3            (4) *ACCESS TO FACILITIES.*—*The Under Sec-*  
4        *retary of Defense for Personnel and Readiness shall,*  
5        *in coordination with the Secretaries of the military*  
6        *departments, ensure appropriate access by the task*  
7        *force to military installations and facilities for pur-*  
8        *poses of the discharge of the duties of the task force.*

9        (e) *REPORT.*—

10            (1) *IN GENERAL.*—*The task force shall submit to*  
11        *the Secretary of Defense a report on its activities*  
12        *under this section. The report shall include—*

13            (A) *a description of the activities of the task*  
14        *force;*

15            (B) *the plan required by subsection (c); and*

16            (C) *such other matters relating to the activi-*  
17        *ties of the task force that the task force considers*  
18        *appropriate.*

19            (2) *TRANSMITTAL TO CONGRESS.*—*Not later than*  
20        *90 days after receipt of the report under paragraph*  
21        *(1), the Secretary shall transmit the report to the*  
22        *Committees on Armed Services and Veterans' Affairs*  
23        *of the Senate and the House of Representatives. The*  
24        *Secretary may include in the transmittal such com-*



1        *ments on the report as the Secretary considers appro-*  
2        *priate.*

3        *(f) TERMINATION.—The task force shall terminate 90*  
4        *days after the date on which the report of the task force*  
5        *is submitted to Congress under subsection (e)(2).*

6        *SEC. 8149. (a) ARMY PROGRAMS.—Of the amount ap-*  
7        *propriated by title IV under the heading “RESEARCH, DE-*  
8        *VELOPMENT, TEST, AND EVALUATION, ARMY”, up to an ad-*  
9        *ditional \$10,000,000 may be used for Program Element*  
10       *0601103A for University Research Initiatives.*

11       *(b) NAVY PROGRAMS.—Of the amount appropriated by*  
12       *title IV under the heading “RESEARCH, DEVELOPMENT,*  
13       *TEST, AND EVALUATION, NAVY”, up to an additional*  
14       *\$5,000,000 may be used for Program Element 0601103N*  
15       *for University Research Initiatives.*

16       *(c) AIR FORCE PROGRAMS.—Of the amount appro-*  
17       *priated by title IV under the heading “RESEARCH, DEVEL-*  
18       *OPMENT, TEST, AND EVALUATION, AIR FORCE”, up to an*  
19       *additional \$10,000,000 may be used for Program Element*  
20       *0601103F for University Research Initiatives.*

21       *(d) DEFENSE-WIDE ACTIVITIES.—Of the amount ap-*  
22       *propriated by title IV under the heading “RESEARCH, DE-*  
23       *VELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”—*

1           (A) up to an additional \$10,000,000 may be  
2           used for Program Element 0601120D8Z for the  
3           SMART National Defense Education Program; and

4           (B) up to an additional \$5,000,000 may be used  
5           for Program Element 0601101E for the Defense Ad-  
6           vanced Research Projects Agency University Research  
7           Program in Cybersecurity.

8           (e) SENSE OF SENATE.—It is the sense of the Senate  
9           that it should be a goal of the Department of Defense to  
10          allocate to basic research programs each fiscal year an  
11          amount equal to 15 percent of the funds available to the  
12          Department of Defense for science and technology in such  
13          fiscal year.

14          SEC. 8150. REPORT ON REVIEW AND IMPLEMENTATION  
15          OF COMPTROLLER GENERAL RECOMMENDATIONS ON TRAN-  
16          SITION ASSISTANCE FOR MEMBERS OF THE NATIONAL  
17          GUARD AND RESERVES.—(a) REPORT.—Not later than 30  
18          days after the date of the enactment of this Act, the Sec-  
19          retary of Defense shall submit to the congressional defense  
20          committees a report on the status of the review of, and ac-  
21          tions taken to implement, the recommendations of the  
22          Comptroller General of the United States in the report of  
23          the Comptroller General entitled “Military and Veterans  
24          Benefits: Enhanced Services Could Improve Transition As-  
25          sistance for Reserves and National Guard” (GAO 05–544).

1           (b) *PARTICULAR INFORMATION.*—*If the Secretary has*  
2 *determined in the course of the review described in sub-*  
3 *section (a) not to implement any recommendation of the*  
4 *Comptroller General described in that subsection, the report*  
5 *under that subsection shall include a justification of such*  
6 *determination.*

7           *SEC. 8151. Any limitation, directive, or earmarking*  
8 *contained in either the House of Representatives or Senate*  
9 *report accompanying H.R. 2863 shall also be included in*  
10 *the conference report or joint statement accompanying H.R.*  
11 *2863 in order to be considered as having been approved by*  
12 *both Houses of Congress.*

13           *SEC. 8152. (a) Not later than 180 days after the date*  
14 *of the enactment of this Act, the Secretary of Defense shall*  
15 *submit to the congressional defense committees a report on*  
16 *the use of ground source heat pumps at Department of De-*  
17 *fense facilities.*

18           (b) *The report required under subsection (a) shall*  
19 *include—*

20                   (1) *a description of the types of Department of*  
21 *Defense facilities that use ground source heat pumps;*

22                   (2) *an assessment of the applicability and cost-*  
23 *effectiveness of the use of ground source heat pumps*  
24 *at Department of Defense facilities in different geo-*  
25 *graphic regions of the United States; and*

1           (3) a description of the relative applicability of  
2           ground source heat pumps for purposes of new con-  
3           struction at, and retrofitting of, Department of De-  
4           fense facilities.

5           SEC. 8153. (a) Of the amount appropriated by title  
6           IV under the heading “RESEARCH, DEVELOPMENT, TEST  
7           AND EVALUATION, NAVY” up to \$1,500,000 may be avail-  
8           able for research within the High-Brightness Electron  
9           Source program.

10          SEC. 8154. UNIFORM STANDARDS FOR THE INTERRO-  
11          GATION OF PERSONS UNDER THE DETENTION OF THE DE-  
12          PARTMENT OF DEFENSE.—(a) IN GENERAL.—No person in  
13          the custody or under the effective control of the Department  
14          of Defense or under detention in a Department of Defense  
15          facility shall be subject to any treatment or technique of  
16          interrogation not authorized by and listed in the United  
17          States Army Field Manual on Intelligence Interrogation.

18          (b) APPLICABILITY.—Subsection (a) shall not apply to  
19          with respect to any person in the custody or under the effec-  
20          tive control of the Department of Defense pursuant to a  
21          criminal law or immigration law of the United States.

22          (c) CONSTRUCTION.—Nothing in this section shall be  
23          construed to affect the rights under the United States Con-  
24          stitution of any person in the custody or under the physical  
25          jurisdiction of the United States.

1        *SEC. 8155. PROHIBITION ON CRUEL, INHUMAN, OR DE-*  
2 *GRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER*  
3 *CUSTODY OR CONTROL OF THE UNITED STATES GOVERN-*  
4 *MENT.—(a) IN GENERAL.—No individual in the custody or*  
5 *under the physical control of the United States Government,*  
6 *regardless of nationality or physical location, shall be sub-*  
7 *ject to cruel, inhuman, or degrading treatment or punish-*  
8 *ment.*

9        *(b) CONSTRUCTION.—Nothing in this section shall be*  
10 *construed to impose any geographical limitation on the ap-*  
11 *plicability of the prohibition against cruel, inhuman, or de-*  
12 *grading treatment or punishment under this section.*

13        *(c) LIMITATION ON SUPERSEDURE.—The provisions of*  
14 *this section shall not be superseded, except by a provision*  
15 *of law enacted after the date of the enactment of this Act*  
16 *which specifically repeals, modifies, or supersedes the provi-*  
17 *sions of this section.*

18        *(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR*  
19 *PUNISHMENT DEFINED.—In this section, the term “cruel,*  
20 *inhuman, or degrading treatment or punishment” means*  
21 *the cruel, unusual, and inhumane treatment or punishment*  
22 *prohibited by the Fifth, Eighth, and Fourteenth Amend-*  
23 *ments to the Constitution of the United States, as defined*  
24 *in the United States Reservations, Declarations and Under-*  
25 *standings to the United Nations Convention Against Tor-*

1 *ture and Other Forms of Cruel, Inhuman or Degrading*  
2 *Treatment or Punishment done at New York, December 10,*  
3 *1984.*

4       *SEC. 8156. None of the funds appropriated or other-*  
5 *wise made available in this Act may be obligated or ex-*  
6 *pended during fiscal year 2006 for paying salaries and ex-*  
7 *penses or other costs associated with reimbursing or other-*  
8 *wise financially compensating the Government of*  
9 *Uzbekistan for services rendered to the United States at*  
10 *Karshi-Khanabad airbase in Uzbekistan.*

11       *SEC. 8157. SENSE OF THE SENATE REGARDING DEPOT*  
12 *MAINTENANCE.—(a) FINDINGS.—The Senate finds that—*

13             *(1) the Depot Maintenance Strategy and Master*  
14 *Plan of the Air Force reflects the essential require-*  
15 *ments for the Air Force to maintain a ready and con-*  
16 *trolled source of organic technical competence, thereby*  
17 *ensuring an effective and timely response to national*  
18 *defense contingencies and emergency requirements;*

19             *(2) since the publication of the Depot Mainte-*  
20 *nance Strategy and Master Plan of the Air Force in*  
21 *2002, the service has made great progress toward*  
22 *modernizing all 3 of its Depots, in order to maintain*  
23 *their status as “world class” maintenance repair and*  
24 *overhaul operations;*

1           (3) *1 of the indispensable components of the*  
2           *Depot Maintenance Strategy and Master Plan of the*  
3           *Air Force is the commitment of the Air Force to allo-*  
4           *cate \$150,000,000 a year over 6 years, beginning in*  
5           *fiscal year 2004, for recapitalization and investment,*  
6           *including the procurement of technologically advanced*  
7           *facilities and equipment, of our Nation's 3 Air Force*  
8           *depots; and*

9           (4) *the funds expended to date have ensured that*  
10          *transformation projects, such as the initial implemen-*  
11          *tation of "Lean" and "Six Sigma" production tech-*  
12          *niques, have achieved great success in dramatically*  
13          *reducing the time necessary to perform depot mainte-*  
14          *nance on aircraft.*

15          (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
16          *ate that—*

17               (1) *the Air Force should be commended for the*  
18               *implementation of its Depot Maintenance Strategy*  
19               *and Master Plan and, in particular, meeting its com-*  
20               *mitment to invest \$150,000,000 a year over 6 years,*  
21               *since fiscal year 2004, in the Nation's 3 Air Force*  
22               *Depots; and*

23               (2) *the Air Force should continue to fully fund*  
24               *its commitment of \$150,000,000 a year through fiscal*  
25               *year 2009 in investments and recapitalization*

1        *projects pursuant to the Depot Maintenance Strategy*  
2        *and Master Plan.*

3        *SEC. 8158. Of the amount appropriated by title III*  
4        *under the heading “PROCUREMENT OF WEAPONS AND*  
5        *TRACKED COMBAT VEHICLES, ARMY”, up to \$5,000,000*  
6        *may be used for the Arsenal Support Program Initiative*  
7        *for Watervliet Arsenal, New York.*

8        *SEC. 8159. Of the amount appropriated by title IV*  
9        *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
10       *EVALUATION, DEFENSE-WIDE”, up to \$4,000,000 may be*  
11       *used for Oral Anthrax/Plague Vaccine Development.*

12       *SEC. 8160. (a) The Secretary of the Navy may, subject*  
13       *to the terms and conditions of the Secretary, donate the*  
14       *World War II-era marine railway located at the United*  
15       *States Naval Academy, Annapolis, Maryland, to the Rich-*  
16       *ardson Maritime Heritage Center, Cambridge, Maryland.*

17       *(b) The marine railway donated under subsection (a)*  
18       *may not be used for commercial purposes.*

19       *SEC. 8161. The Secretary of Defense may present pro-*  
20       *motional materials, including a United States flag, to any*  
21       *member of an Active or Reserve component under the Sec-*  
22       *retary’s jurisdiction who, as determined by the Secretary,*  
23       *participates in Operation Enduring Freedom or Operation*  
24       *Iraqi Freedom, along with other recognition items in con-*  
25       *junction with any week-long national observation and day*



1 *of national celebration, if established by Presidential proc-*  
2 *lamation, for any such members returning from such oper-*  
3 *ations.*

4       *SEC. 8162. (a) IMPLEMENTATION OF LONG-RANGE*  
5 *WIRELESS CAPABILITIES.—Of the amount appropriated by*  
6 *title II under the heading “OPERATION AND MAINTENANCE,*  
7 *AIR FORCE”, up to \$10,000,000 may be used by the United*  
8 *States Northern Command for the purposes of imple-*  
9 *menting Long-Range Wireless telecommunications capabili-*  
10 *ties for the Gulf States and key entities within the Northern*  
11 *Command Area of Responsibility (AOR).*

12       *(b) IMPLEMENTATION OF LONG-RANGE WIRELESS CA-*  
13 *PABILITIES.—Of the amount appropriated or otherwise*  
14 *made available by title III under the heading “OTHER PRO-*  
15 *CUREMENT, AIR FORCE”, up to \$20,000,000 may be used*  
16 *by the United States Northern Command for the purposes*  
17 *of implementing IMT–2000 3G Standards Based Commu-*  
18 *nications Information Extension capabilities for the Gulf*  
19 *States and key entities within the Northern Command Area*  
20 *of Responsibility (AOR).*

21       *SEC. 8163. (a) SUBMISSION OF PROCEDURES FOR*  
22 *COMBATANT STATUS REVIEW TRIBUNALS AND ADMINIS-*  
23 *TRATIVE REVIEW BOARDS TO DETERMINE STATUS OF DE-*  
24 *TAINES AT GUANTANAMO BAY, CUBA.—Not later than 180*  
25 *days after the date of enactment of this Act the President*

1 *shall submit to the Congressional Defense Committees and*  
2 *committees on Judiciary in the House and Senate the pro-*  
3 *cedures for the Combatant Status Review Tribunals and a*  
4 *noticed administrative review boards in operation at Guan-*  
5 *tanamo Bay, Cuba, for determining the status of the detain-*  
6 *ees held at Guantanamo Bay, including whether any such*  
7 *detainee is a lawful enemy combatant or an unlawful*  
8 *enemy combatant.*

9       **(b) PROCEDURES.**—*The procedures submitted to Con-*  
10 *gress pursuant to subsection (a) shall ensure that—*

11               **(A)** *In making a determination of status*  
12 *under such procedures, the Combatant Status*  
13 *Review Tribunal and annual review boards may*  
14 *not consider statements derived from persons*  
15 *that, as determined by the Tribunals or boards,*  
16 *by the preponderance of the evidence, were ob-*  
17 *tained with undue coercion.*

18               **(B)** *The Designated Civilian Official shall*  
19 *be an officer of the United States Government*  
20 *whose appointment to office was made by the*  
21 *President, by and with the advise and consent of*  
22 *the Senate.*

23               **(C) MODIFICATION OF PROCEDURES.**—*The*  
24 *President shall submit to Congress any modifica-*  
25 *tion to the procedures submitted under subsection*

1           (a) *no less than 30 days before the date on which*  
2           *such modifications go into effect.*

3           SEC. 8164. (a) *ADDITIONAL AMOUNT FOR AIRCRAFT*  
4 *PROCUREMENT, AIR FORCE.—The amount appropriated*  
5 *under the heading “AIRCRAFT PROCUREMENT, AIR FORCE”*  
6 *is hereby increased by \$130,000,000.*

7           (b) *AVAILABILITY OF AMOUNT.—Of the amount appro-*  
8 *priated under the heading “AIRCRAFT PROCUREMENT, AIR*  
9 *FORCE”, as increased by subsection (a), \$130,000,000 shall*  
10 *be available for purposes as follows:*

11           (1) *Procurement of Predator air vehicles, initial*  
12 *spares, and RSP kits.*

13           (2) *Procurement of Containerized Dual Control*  
14 *Station Launch and Recovery Elements.*

15           (3) *Procurement of a Fixed Ground Control Sta-*  
16 *tion.*

17           (4) *Procurement of other upgrades to Predator*  
18 *Ground Control Stations, spares, and signals intel-*  
19 *ligence packages.*

20           (c) *OFFSET.—(1) The amount appropriated by title II*  
21 *for Operation and maintenance, Air Force is hereby re-*  
22 *duced by \$130,000,000.*

23           SEC. 8165. *SENSE OF SENATE ON TRANSFER OF*  
24 *FUNDS FOR INCREASED PERSONNEL STRENGTHS FOR THE*

1 *ARMY AND MARINE CORPS.—(a) FINDINGS.—The Senate*  
2 *makes the following findings:*

3           (1) *A long-term increase in the personnel end*  
4 *strengths for active duty personnel of the Army and*  
5 *the Marine Corps is necessary in order to carry out*  
6 *the current missions of the Army and the Marine*  
7 *Corps and to relieve current strains on Army and*  
8 *Marine Corps forces.*

9           (2) *The cost of the increase in such end strengths*  
10 *is foreseeable and should be included in the annual*  
11 *budget of the President for each fiscal year, as sub-*  
12 *mitted to Congress pursuant to section 1105 of title*  
13 *31, United States Code, in order to provide a full and*  
14 *honest accounting to the American people of the per-*  
15 *sonnel costs of the Army and the Marine Corps.*

16           (3) *The inclusion in the annual budget of the*  
17 *President for each fiscal year of the costs of an in-*  
18 *crease in such end strengths will permit the Army*  
19 *and Marine Corps to plan for and accommodate the*  
20 *additional troops contemplated by such increased end*  
21 *strengths without reducing other important programs.*

22           (b) *SENSE OF SENATE.—It is the sense of the Senate*  
23 *that the additional amounts to be required for increases in*  
24 *the personnel end strengths for active duty personnel of the*  
25 *Army and the Marine Corps for fiscal year 2006 should*

1 *be transferred from amounts appropriated by title IX for*  
2 *the Military Personnel, Army, Military Personnel, Marine*  
3 *Corps, Operation and Maintenance, Army, and Operation*  
4 *and Maintenance, Marine Corps, and Operation and Main-*  
5 *tenance, Defense-Wide, accounts to the amounts appro-*  
6 *priated for the applicable accounts in titles I and II.*

7       *SEC. 8166. Of the amount appropriated by title III*  
8 *under the heading “OTHER PROCUREMENT, AIR FORCE”,*  
9 *up to \$3,000,000 may be made available for the Laser*  
10 *Marksmanship Training System.*

11       *SEC. 8167. Of the amount appropriated by title IV*  
12 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
13 *EVALUATION, ARMY”, up to \$5,000,000 may be used for Me-*  
14 *dium Tactical Vehicle Modifications.*

15       *SEC. 8168. Section 8013 of the Department of Defense*  
16 *Appropriations Act, 1994 (Public Law 103–139; 107 Stat.*  
17 *1440) is amended by striking “the report to the President*  
18 *from the Defense Base Closure and Realignment Commis-*  
19 *sion, July 1991” and inserting “the reports to the President*  
20 *from the Defense Base Closure and Realignment Commis-*  
21 *sion, July 1991 and July 1993”.*

22       *SEC. 8169. Of the amount appropriated by title IV*  
23 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*  
24 *EVALUATION, ARMY”, up to \$1,000,000 may be used for In-*

1 *tegrated Starter/Alternator for Up-Armored High Mobility*  
2 *Multi-Wheeled Vehicles.*

3       *SEC. 8170. AVAILABILITY OF AMOUNT.—Of the amount*  
4 *appropriated by title II under the heading “OPERATION*  
5 *AND MAINTENANCE, DEFENSE-WIDE”, up to \$60,000,000*  
6 *may be made available as follows:*

7               *(A) Up to \$50,000,000 may be made avail-*  
8 *able for childcare services for families of members*  
9 *of the Armed Forces.*

10               *(B) Up to \$10,000,000 may be made avail-*  
11 *able for family assistance centers that primarily*  
12 *serve members of the Armed Forces and their*  
13 *families.*

14       *(b) NATIONAL GUARD COUNTERDRUG SUPPORT AC-*  
15 *TIVITIES.—*

16               *(1) AVAILABILITY OF AMOUNT.—Of the amount*  
17 *appropriated by title VI under the heading “DRUG*  
18 *INTERDICTION AND COUNTER-DRUG ACTIVITIES”, up*  
19 *to \$40,000,000 may be available for the purpose of*  
20 *National Guard counterdrug support activities.*

21               *(2) SUPPLEMENT NOT SUPPLANT.—The amount*  
22 *available under paragraph (2) for the purpose speci-*  
23 *fied in that paragraph is in addition to any other*  
24 *amounts available under title VI for that purpose.*

1        *SEC. 8171. Of the amount appropriated by title II*  
2 *under the heading “OPERATION AND MAINTENANCE, DE-*  
3 *FENSE-WIDE”, up to \$2,000,000 may be available for the*  
4 *establishment, in consultation with the Reach Out and*  
5 *Read National Center, of a pilot project on pediatric early*  
6 *literacy on military installations.*

7        *SEC. 8172. INCREASE IN RATE OF BASIC PAY OF THE*  
8 *ENLISTED MEMBER SERVING AS THE SENIOR ENLISTED*  
9 *ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF*  
10 *STAFF.—(a) INCREASE.—Footnote 2 to the table on En-*  
11 *listed Members in section 601(b) of the National Defense*  
12 *Authorization Act for Fiscal Year 2004 (Public Law 108-*  
13 *136; 37 U.S.C. 1009 note) is amended by striking “or Mas-*  
14 *ter Chief Petty Officer of the Coast Guard” and inserting*  
15 *“Master Chief Petty Officer of the Coast Guard, or Senior*  
16 *Enlisted Advisor for the Chairman of the Joint Chiefs of*  
17 *Staff”.*

18        *(b) PERSONAL MONEY ALLOWANCE.—*

19            *(1) ENTITLEMENT.—Section 414(c) of title 37,*  
20 *United States Code, is amended by striking “or the*  
21 *Master Chief Petty Officer of the Coast Guard” and*  
22 *inserting “the Master Chief Petty Officer of the Coast*  
23 *Guard, or the Senior Enlisted Advisor for the Chair-*  
24 *man of the Joint Chiefs of Staff”.*

1           (2) *EFFECTIVE DATE.*—*The amendment made by*  
2           *paragraph (1) shall take effect on April 1, 2005.*

3           *SEC. 8173. SUPPORT FOR YOUTH ORGANIZATIONS.*—

4           (a) *SHORT TITLE.*—*This Act may be cited as the “Support*  
5           *Our Scouts Act of 2005”.*

6           (b) *SUPPORT FOR YOUTH ORGANIZATIONS.*—

7           (1) *DEFINITIONS.*—*In this subsection—*

8                   (A) *the term “Federal agency” means each*  
9                   *department, agency, instrumentality, or other*  
10                   *entity of the United States Government; and*

11                   (B) *the term “youth organization”—*

12                           (i) *means any organization that is des-*  
13                           *ignated by the President as an organization*  
14                           *that is primarily intended to—*

15                                   (I) *serve individuals under the*  
16                                   *age of 21 years;*

17                                   (II) *provide training in citizen-*  
18                                   *ship, leadership, physical fitness, serv-*  
19                                   *ice to community, and teamwork; and*

20                                   (III) *promote the development of*  
21                                   *character and ethical and moral val-*  
22                                   *ues; and*

23                           (ii) *shall include—*

24                                   (I) *the Boy Scouts of America;*



- 1                    (II) *the Girl Scouts of the United*  
2                    *States of America;*  
3                    (III) *the Boys Clubs of America;*  
4                    (IV) *the Girls Clubs of America;*  
5                    (V) *the Young Men's Christian*  
6                    *Association;*  
7                    (VI) *the Young Women's Chris-*  
8                    *tian Association;*  
9                    (VII) *the Civil Air Patrol;*  
10                   (VIII) *the United States Olympic*  
11                    *Committee;*  
12                   (IX) *the Special Olympics;*  
13                   (X) *Campfire USA;*  
14                   (XI) *the Young Marines;*  
15                   (XII) *the Naval Sea Cadets Corps;*  
16                   (XIII) *4-H Clubs;*  
17                   (XIV) *the Police Athletic League;*  
18                   (XV) *Big Brothers—Big Sisters of*  
19                    *America; and*  
20                    (XVI) *National Guard Youth*  
21                    *Challenge.*

22                   (2) *IN GENERAL.—*

23                   (A) *SUPPORT FOR YOUTH ORGANIZA-*  
24                    *TIONS.—*

1           (i) *SUPPORT.*—No Federal law (in-  
2           cluding any rule, regulation, directive, in-  
3           struction, or order) shall be construed to  
4           limit any Federal agency from providing  
5           any form of support for a youth organiza-  
6           tion (including the Boy Scouts of America  
7           or any group officially affiliated with the  
8           Boy Scouts of America) that would result in  
9           that Federal agency providing less support  
10          to that youth organization (or any similar  
11          organization chartered under the chapter of  
12          title 36, United States Code, relating to that  
13          youth organization) than was provided dur-  
14          ing the preceding fiscal year. This clause  
15          shall be subject to the availability of appro-  
16          priations.

17          (ii) *YOUTH ORGANIZATIONS THAT*  
18          *CEASE TO EXIST.*—Clause (i) shall not  
19          apply to any youth organization that ceases  
20          to exist.

21          (iii) *WAIVERS.*—The head of a Federal  
22          agency may waive the application of clause  
23          (i) to any youth organization with respect  
24          to each conviction or investigation described

1                   under subclause (I) or (II) for a period of  
2                   not more than 2 fiscal years if—

3                   (I) any senior officer (including  
4                   any member of the board of directors)  
5                   of the youth organization is convicted  
6                   of a criminal offense relating to the of-  
7                   ficial duties of that officer or the youth  
8                   organization is convicted of a criminal  
9                   offense; or

10                  (II) the youth organization is the  
11                  subject of a criminal investigation re-  
12                  lating to fraudulent use or waste of  
13                  Federal funds.

14                  (B) *TYPES OF SUPPORT.*—Support de-  
15                  scribed under this paragraph shall include—

16                   (i) holding meetings, camping events,  
17                   or other activities on Federal property;

18                   (ii) hosting any official event of such  
19                   organization;

20                   (iii) loaning equipment; and

21                   (iv) providing personnel services and  
22                   logistical support.

23                  (c) *SUPPORT FOR SCOUT JAMBOREES.*—

24                   (1) *FINDINGS.*—Congress makes the following  
25                   findings:

1           (A) *Section 8 of article I of the Constitution*  
2 *of the United States commits exclusively to Con-*  
3 *gress the powers to raise and support armies,*  
4 *provide and maintain a Navy, and make rules*  
5 *for the government and regulation of the land*  
6 *and naval forces.*

7           (B) *Under those powers conferred by section*  
8 *8 of article I of the Constitution of the United*  
9 *States to provide, support, and maintain the*  
10 *Armed Forces, it lies within the discretion of*  
11 *Congress to provide opportunities to train the*  
12 *Armed Forces.*

13           (C) *The primary purpose of the Armed*  
14 *Forces is to defend our national security and*  
15 *prepare for combat should the need arise.*

16           (D) *One of the most critical elements in de-*  
17 *fending the Nation and preparing for combat is*  
18 *training in conditions that simulate the prepa-*  
19 *ration, logistics, and leadership required for de-*  
20 *fense and combat.*

21           (E) *Support for youth organization events*  
22 *simulates the preparation, logistics, and leader-*  
23 *ship required for defending our national security*  
24 *and preparing for combat.*

1           (F) For example, Boy Scouts of America's  
2           National Scout Jamboree is a unique training  
3           event for the Armed Forces, as it requires the  
4           construction, maintenance, and disassembly of a  
5           “tent city” capable of supporting tens of thou-  
6           sands of people for a week or longer. Camporees  
7           at the United States Military Academy for Girl  
8           Scouts and Boy Scouts provide similar training  
9           opportunities on a smaller scale.

10           (2) *SUPPORT.*—Section 2554 of title 10, United  
11           States Code, is amended by adding at the end the fol-  
12           lowing:

13           “(i)(1) The Secretary of Defense shall provide at least  
14           the same level of support under this section for a national  
15           or world Boy Scout Jamboree as was provided under this  
16           section for the preceding national or world Boy Scout Jam-  
17           boree.

18           “(2) The Secretary of Defense may waive paragraph  
19           (1), if the Secretary—

20           “(A) determines that providing the support sub-  
21           ject to paragraph (1) would be detrimental to the na-  
22           tional security of the United States; and

23           “(B) reports such a determination to the Con-  
24           gress in a timely manner, and before such support is  
25           not provided.”.

1       (d) *EQUAL ACCESS FOR YOUTH ORGANIZATIONS.*—  
2 *Section 109 of the Housing and Community Development*  
3 *Act of 1974 (42 U.S.C. 5309) is amended—*

4           (1) *in the first sentence of subsection (b) by in-*  
5 *serting “or (e)” after “subsection (a)”;* and

6           (2) *by adding at the end the following:*

7       “(e) *EQUAL ACCESS.*—

8           “(1) *DEFINITION.*—*In this subsection, the term*  
9 *‘youth organization’ means any organization de-*  
10 *scribed under part B of subtitle II of title 36, United*  
11 *States Code, that is intended to serve individuals*  
12 *under the age of 21 years.*

13           “(2) *IN GENERAL.*—*No State or unit of general*  
14 *local government that has a designated open forum,*  
15 *limited public forum, or nonpublic forum and that is*  
16 *a recipient of assistance under this chapter shall deny*  
17 *equal access or a fair opportunity to meet to, or dis-*  
18 *criminate against, any youth organization, including*  
19 *the Boy Scouts of America or any group officially af-*  
20 *filiated with the Boy Scouts of America, that wishes*  
21 *to conduct a meeting or otherwise participate in that*  
22 *designated open forum, limited public forum, or non-*  
23 *public forum.”.*

24       *SEC. 8174. (a) There are appropriated out of the Em-*  
25 *ployment Security Administration account of the Unem-*

1 *ployment Trust Fund, \$14,000,000 for authorized adminis-*  
 2 *trative expenses.*

3           (b) *From the money in the Treasury not other-*  
 4 *wise obligated or appropriated, there are appro-*  
 5 *priated to the Office of the Inspector General of the*  
 6 *Department of Health and Human Services*  
 7 *\$5,000,000 for oversight activities related to Hurri-*  
 8 *cane Katrina.*

9           (c) *The amounts appropriated under subsection*  
 10 *(a) and (b)—*

11                   (1) *are designated as an emergency require-*  
 12 *ments pursuant to section 402 of H. Con. Res.*  
 13 *95 (109th Congress); and*

14                   (2) *shall remain available until expended.*

15           **TITLE IX—ADDITIONAL WAR-RELATED**

16                           **APPROPRIATIONS**

17                                   **DEPARTMENT OF DEFENSE—MILITARY**

18   **MILITARY PERSONNEL**

19   **MILITARY PERSONNEL, ARMY**

20                   *For an additional amount for “Military Personnel,*  
 21 *Army”, \$5,009,420,000.*

22   **MILITARY PERSONNEL, NAVY**

23                   *For an additional amount for “Military Personnel,*  
 24 *Navy”, \$180,000.*

1            *MILITARY PERSONNEL, MARINE CORPS*

2            *For an additional amount for “Military Personnel,*  
3 *Marine Corps”, \$455,420,000.*

4            *MILITARY PERSONNEL, AIR FORCE*

5            *For an additional amount for “Military Personnel,*  
6 *Air Force”, \$372,480,000.*

7            *RESERVE PERSONNEL, ARMY*

8            *For an additional amount for “Reserve Personnel,*  
9 *Army”, \$121,500,000.*

10           *RESERVE PERSONNEL, NAVY*

11           *For an additional amount for “Reserve Personnel,*  
12 *Navy”, \$10,000,000.*

13           *NATIONAL GUARD PERSONNEL, ARMY*

14           *For an additional amount for “National Guard Per-*  
15 *sonnel, Army”, \$232,300,000.*

16           *NATIONAL GUARD PERSONNEL, AIR FORCE*

17           *For an additional amount for “National Guard Per-*  
18 *sonnel, Air Force”, \$5,300,000.*

19           *OPERATION AND MAINTENANCE*20           *OPERATION AND MAINTENANCE, ARMY*

21           *For an additional amount for “Operation and Mainte-*  
22 *nance, Army”, \$21,915,547,000.*

23           *OPERATION AND MAINTENANCE, NAVY*

24           *For an additional amount for “Operation and Mainte-*  
25 *nance, Navy”, \$1,806,400,000.*



1           *OPERATION AND MAINTENANCE, MARINE CORPS*

2           *For an additional amount for “Operation and Mainte-*  
3 *nance, Marine Corps”, \$1,275,800,000.*

4           *OPERATION AND MAINTENANCE, AIR FORCE*

5           *For an additional amount for “Operation and Mainte-*  
6 *nance, Air Force”, \$2,014,900,000.*

7           *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

8           *For an additional amount for “Operation and Mainte-*  
9 *nance, Defense-Wide”, \$980,000,000, of which up to*  
10 *\$195,000,000, to remain available until expended, may be*  
11 *used for payments to reimburse Pakistan, Jordan, and*  
12 *other key cooperating nations, for logistical, military, and*  
13 *other support provided, or to be provided, to United States*  
14 *military operations, notwithstanding any other provision*  
15 *of law: Provided, That such payments may be made in such*  
16 *amounts as the Secretary of Defense, with the concurrence*  
17 *of the Secretary of State, and in consultation with the Di-*  
18 *rector of the Office of Management and Budget, may deter-*  
19 *mine, in his discretion, based on documentation determined*  
20 *by the Secretary of Defense to adequately account for the*  
21 *support provided, and such determination is final and con-*  
22 *clusive upon the accounting officers of the United States,*  
23 *and 15 days following notification to the appropriate con-*  
24 *gressional committees: Provided further, That the Secretary*  
25 *of Defense shall provide quarterly reports to the congress-*

1 *sional defense committees on the use of funds provided in*  
 2 *this paragraph.*

3 *OPERATION AND MAINTENANCE, ARMY RESERVE*

4 *For an additional amount for “Operation and Mainte-*  
 5 *nance, Army Reserve”, \$53,700,000.*

6 *OPERATION AND MAINTENANCE, NAVY RESERVE*

7 *For an additional amount for “Operation and Mainte-*  
 8 *nance, Navy Reserve”, \$9,400,000.*

9 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

10 *For an additional amount for “Operation and Mainte-*  
 11 *nance, Marine Corps Reserve”, \$27,950,000.*

12 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

13 *For an additional amount for “Operation and Mainte-*  
 14 *nance, Air Force Reserve”, \$7,000,000.*

15 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

16 *For an additional amount for “Operation and Mainte-*  
 17 *nance, Army National Guard”, \$201,300,000.*

18 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

19 *For an additional amount for “Operation and Mainte-*  
 20 *nance, Air National Guard”, \$13,400,000.*

21 *IRAQ FREEDOM FUND*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For an additional amount for “Iraq Freedom Fund”,*  
 24 *\$4,100,000,000, to remain available for transfer until Sep-*  
 25 *tember 30, 2006, only to support operations in Iraq or Af-*

1 *ghanistan and classified activities: Provided, That the Sec-*  
2 *retary of Defense may transfer the funds provided herein*  
3 *to appropriations for military personnel; operation and*  
4 *maintenance; Overseas Humanitarian, Disaster, and Civic*  
5 *Aid; procurement; research, development, test and evalua-*  
6 *tion; the Defense Health Program; and working capital*  
7 *funds: Provided further, That of the amounts provided*  
8 *under this heading, \$2,850,000,000 shall only be for classi-*  
9 *fied programs, described in further detail in the classified*  
10 *annex accompanying this Act: Provided further, That*  
11 *\$750,000,000 shall be available for the Joint IED Defeat*  
12 *Task Force: Provided further, That funds transferred shall*  
13 *be merged with and be available for the same purposes and*  
14 *for the same time period as the appropriation or fund to*  
15 *which transferred: Provided further, That this transfer au-*  
16 *thority is in addition to any other transfer authority avail-*  
17 *able to the Department of Defense: Provided further, That*  
18 *upon a determination that all or part of the funds trans-*  
19 *ferred from this appropriation are not necessary for the*  
20 *purposes provided herein, such amounts may be transferred*  
21 *back to this appropriation: Provided further, That the Sec-*  
22 *retary of Defense shall, not fewer than 5 days prior to mak-*  
23 *ing transfers from this appropriation, notify the congres-*  
24 *sional defense committees in writing of the details of any*  
25 *such transfer: Provided further, That the Secretary shall*

1 *submit a report no later than 30 days after the end of each*  
2 *fiscal quarter to the congressional defense committees sum-*  
3 *marizing the details of the transfer of funds from this ap-*  
4 *propriation.*

5 *PROCUREMENT*

6 *AIRCRAFT PROCUREMENT, ARMY*

7 *For an additional amount for “Aircraft Procurement,*  
8 *Army”, \$348,100,000, to remain available until September*  
9 *30, 2008.*

10 *MISSILE PROCUREMENT, ARMY*

11 *For an additional amount for “Missile Procurement,*  
12 *Army”, \$80,000,000, to remain available until September*  
13 *30, 2008.*

14 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

15 *VEHICLES, ARMY*

16 *For an additional amount for “Procurement of Weap-*  
17 *ons and Tracked Combat Vehicles, Army”, \$910,700,000, to*  
18 *remain available until September 30, 2008.*

19 *PROCUREMENT OF AMMUNITION, ARMY*

20 *For an additional amount for “Procurement of Am-*  
21 *munition, Army”, \$335,780,000, to remain available until*  
22 *September 30, 2008.*

1                    *OTHER PROCUREMENT, ARMY*

2            *For an additional amount for “Other Procurement,*  
3 *Army”, \$3,916,000,000, to remain available until Sep-*  
4 *tember 30, 2008.*

5                    *AIRCRAFT PROCUREMENT, NAVY*

6            *For an additional amount for “Aircraft Procurement,*  
7 *Navy”, \$151,537,000, to remain available until September*  
8 *30, 2008.*

9                    *WEAPONS PROCUREMENT, NAVY*

10          *For an additional amount for “Weapons Procurement,*  
11 *Navy”, \$56,700,000, to remain available until September*  
12 *30, 2008.*

13                  *PROCUREMENT OF AMMUNITION, NAVY AND MARINE*14    *CORPS*

15          *For an additional amount for “Procurement of Am-*  
16 *munition, Navy and Marine Corps”, \$48,485,000, to re-*  
17 *main available until September 30, 2008.*

18                    *OTHER PROCUREMENT, NAVY*

19          *For an additional amount for “Other Procurement,*  
20 *Navy”, \$116,048,000, to remain available until September*  
21 *30, 2008.*

22                    *PROCUREMENT, MARINE CORPS*

23          *For an additional amount for “Procurement, Marine*  
24 *Corps”, \$2,303,700,000, to remain available until Sep-*  
25 *tember 30, 2008.*

1            *AIRCRAFT PROCUREMENT, AIR FORCE*

2            *For an additional amount for “Aircraft Procurement,*  
3 *Air Force”, \$118,058,000, to remain available until Sep-*  
4 *tember 30, 2008.*

5            *MISSILE PROCUREMENT, AIR FORCE*

6            *For an additional amount for “Missile Procurement,*  
7 *Air Force”, \$17,000,000, to remain available until Sep-*  
8 *tember 30, 2008.*

9            *OTHER PROCUREMENT, AIR FORCE*

10          *For an additional amount for “Other Procurement,*  
11 *Air Force”, \$17,500,000, to remain available until Sep-*  
12 *tember 30, 2008.*

13          *PROCUREMENT, DEFENSE-WIDE*

14          *For an additional amount for “Procurement, Defense-*  
15 *Wide”, \$132,075,000, to remain available until September*  
16 *30, 2008.*

17          *NATIONAL GUARD AND RESERVE EQUIPMENT*

18          *For an additional amount for “NATIONAL GUARD AND*  
19 *RESERVE EQUIPMENT”, \$1,300,000,000, to remain avail-*  
20 *able until expended: Provided, That the amount available*  
21 *under this heading shall be available for homeland security*  
22 *and homeland security response equipment; Provided fur-*  
23 *ther, That the amount provided under this heading is des-*  
24 *ignated as an emergency requirement pursuant to section*

1 402 of the conference report to accompany S. Con. Res. 95  
2 (109th Congress).

3           *RESEARCH, DEVELOPMENT, TEST AND*  
4                                 *EVALUATION*

5 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*

6         *For an additional amount for “Research, Develop-*  
7 *ment, Test and Evaluation, Army”, \$72,000,000, to remain*  
8 *available until September 30, 2007.*

9 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*  
10                                 *FORCE*

11         *For an additional amount for “Research, Develop-*  
12 *ment, Test and Evaluation, Air Force”, \$17,800,000, to re-*  
13 *main available until September 30, 2007.*

14         *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*  
15                                 *DEFENSE-WIDE*

16         *For an additional amount for “Research, Develop-*  
17 *ment, Test and Evaluation, Defense-Wide”, \$2,500,000, to*  
18 *remain available until September 30, 2007.*

19           *REVOLVING AND MANAGEMENT FUNDS*  
20                                 *DEFENSE WORKING CAPITAL FUNDS*

21         *For an additional amount for “Defense Working Cap-*  
22 *ital Funds”, \$2,716,400,000.*

1    *OTHER DEPARTMENT OF DEFENSE PROGRAMS*  
2    *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*  
3                                    *DEFENSE*

4           *For an additional amount for “Drug Interdiction and*  
5 *Counter-drug Activities, Defense”, \$27,620,000.*

6                                    *GENERAL PROVISIONS, TITLE IX*

7           *SEC. 9001. Appropriations provided in this title are*  
8 *available for obligation until September 30, 2006, unless*  
9 *otherwise so provided in this title.*

10          *SEC. 9002. Notwithstanding any other provision of*  
11 *law or of this Act, funds made available in this title are*  
12 *in addition to amounts provided elsewhere in this Act.*

13                                    *(TRANSFER OF FUNDS)*

14          *SEC. 9003. Upon his determination that such action*  
15 *is necessary in the national interest, the Secretary of De-*  
16 *fense may transfer between appropriations up to*  
17 *\$2,500,000,000 of the funds made available to the Depart-*  
18 *ment of Defense in this title: Provided, That the Secretary*  
19 *shall notify the Congress promptly of each transfer made*  
20 *pursuant to the authority in this section: Provided further,*  
21 *That the authority provided in this section is in addition*  
22 *to any other transfer authority available to the Department*  
23 *of Defense and is subject to the same terms and conditions*  
24 *as the authority provided in section 8005 of this Act.*

25          *SEC. 9004. Funds appropriated in this title, or made*  
26 *available by the transfer of funds in or pursuant to this*



1 *title, for intelligence activities are deemed to be specifically*  
2 *authorized by the Congress for purposes of section 504 of*  
3 *the National Security Act of 1947 (50 U.S.C. 414).*

4       *SEC. 9005. None of the funds provided in this title may*  
5 *be used to finance programs or activities denied by Congress*  
6 *in fiscal years 2005 and 2006 appropriations to the De-*  
7 *partment of Defense or to initiate a procurement or re-*  
8 *search, development, test and evaluation new start program*  
9 *without prior written notification to the congressional de-*  
10 *fense committees.*

11       *SEC. 9006. Notwithstanding any other provision of*  
12 *law, from funds made available in this title to the Depart-*  
13 *ment of Defense for operation and maintenance, not to ex-*  
14 *ceed \$500,000,000 may be used by the Secretary of Defense,*  
15 *with the concurrence of the Secretary of State, to train,*  
16 *equip and provide related assistance only to the New Iraqi*  
17 *Army and the Afghan National Army to enhance their ca-*  
18 *pability to combat terrorism and to support U.S. military*  
19 *operations in Iraq and Afghanistan: Provided, That such*  
20 *assistance may include the provision of equipment, sup-*  
21 *plies, services, training and funding: Provided further, That*  
22 *the authority to provide assistance under this section is in*  
23 *addition to any other authority to provide assistance to for-*  
24 *eign nations: Provided further, That the Secretary of De-*  
25 *fense shall notify the congressional defense committees, the*

1 *Committee on International Relations of the House of Rep-*  
2 *resentatives, and the Committee on Foreign Relations of the*  
3 *Senate not less than 15 days before providing assistance*  
4 *under the authority of this section.*

5       *SEC. 9007. (a) From funds made available in this title*  
6 *to the Department of Defense, not to exceed \$500,000,000*  
7 *may be used, notwithstanding any other provision of law,*  
8 *to fund the Commander's Emergency Response Program,*  
9 *for the purpose of enabling military commanders in Iraq*  
10 *to respond to urgent humanitarian relief and reconstruction*  
11 *requirements within their areas of responsibility by car-*  
12 *rying out programs that will immediately assist the Iraqi*  
13 *people, and to fund a similar program to assist the people*  
14 *of Afghanistan.*

15       *(b) QUARTERLY REPORTS.—Not later than 15 days*  
16 *after the end of each fiscal year quarter (beginning with*  
17 *the first quarter of fiscal year 2006), the Secretary of De-*  
18 *fense shall submit to the congressional defense committees*  
19 *a report regarding the source of funds and the allocation*  
20 *and use of funds during that quarter that were made avail-*  
21 *able pursuant to the authority provided in this section or*  
22 *under any other provision of law for the purposes of the*  
23 *programs under subsection (a).*

24       *SEC. 9008. Amounts provided in this title for oper-*  
25 *ations in Iraq and Afghanistan may be used by the Depart-*

1 *ment of Defense for the purchase of heavy and light armored*  
2 *vehicles for force protection purposes, notwithstanding price*  
3 *or other limitations specified elsewhere in this Act, or any*  
4 *other provision of law: Provided, That the Secretary of De-*  
5 *fense shall submit a report in writing no later than 30 days*  
6 *after the end of each fiscal quarter notifying the congres-*  
7 *sional defense committees of any purchase described in this*  
8 *section, including the cost, purposes, and quantities of vehi-*  
9 *cles purchased.*

10       *SEC. 9009. During the current fiscal year, funds avail-*  
11 *able to the Department of Defense for operation and mainte-*  
12 *nance may be used, notwithstanding any other provision*  
13 *of law, to provide supplies, services, transportation, includ-*  
14 *ing airlift and sealift, and other logistical support to coal-*  
15 *ition forces supporting military and stability operations in*  
16 *Iraq and Afghanistan: Provided, That the Secretary of De-*  
17 *fense shall provide quarterly reports to the congressional de-*  
18 *fense committees regarding support provided under this sec-*  
19 *tion.*

20       *SEC. 9010. (a) Not later than 60 days after the date*  
21 *of the enactment of this Act and every 90 days thereafter*  
22 *through the end of fiscal year 2006, the Secretary of Defense*  
23 *shall set forth in a report to Congress a comprehensive set*  
24 *of performance indicators and measures for progress toward*  
25 *military and political stability in Iraq.*

1       (b) *The report shall include performance standards*  
2 *and goals for security, economic, and security force training*  
3 *objectives in Iraq together with a notional timetable for*  
4 *achieving these goals.*

5       (c) *In specific, the report requires, at a minimum, the*  
6 *following:*

7           (1) *With respect to stability and security in*  
8 *Iraq, the following:*

9                   (A) *Key measures of political stability, in-*  
10 *cluding the important political milestones that*  
11 *must be achieved over the next several years.*

12                   (B) *The primary indicators of a stable secu-*  
13 *rity environment in Iraq, such as number of en-*  
14 *gagements per day, numbers of trained Iraqi*  
15 *forces, and trends relating to numbers and types*  
16 *of ethnic and religious-based hostile encounters.*

17                   (C) *An assessment of the estimated strength*  
18 *of the insurgency in Iraq and the extent to which*  
19 *it is composed of non-Iraqi fighters.*

20                   (D) *A description of all militias operating*  
21 *in Iraq, including the number, size, equipment*  
22 *strength, military effectiveness, sources of sup-*  
23 *port, legal status, and efforts to disarm or re-*  
24 *integrate each militia.*

1           (E) *Key indicators of economic activity that*  
2           *should be considered the most important for de-*  
3           *termining the prospects of stability in Iraq,*  
4           *including—*

5                     (i) *unemployment levels;*

6                     (ii) *electricity, water, and oil produc-*  
7                     *tion rates; and*

8                     (iii) *hunger and poverty levels.*

9           (F) *The criteria the Administration will use*  
10           *to determine when it is safe to begin with-*  
11           *drawing United States forces from Iraq.*

12           (2) *With respect to the training and performance*  
13           *of security forces in Iraq, the following:*

14                     (A) *The training provided Iraqi military*  
15                     *and other Ministry of Defense forces and the*  
16                     *equipment used by such forces.*

17                     (B) *Key criteria for assessing the capabili-*  
18                     *ties and readiness of the Iraqi military and*  
19                     *other Ministry of Defense forces, goals for achiev-*  
20                     *ing certain capability and readiness levels (as*  
21                     *well as for recruiting, training, and equipping*  
22                     *these forces), and the milestones and notional*  
23                     *timetable for achieving these goals.*

24                     (C) *The operational readiness status of the*  
25                     *Iraqi military forces, including the type, num-*

1           *ber, size, and organizational structure of Iraqi*  
2           *battalions that are—*

3                     *(i)       capable       of       conducting*  
4                     *counterinsurgency operations independ-*  
5                     *ently;*

6                     *(ii)       capable       of       conducting*  
7                     *counterinsurgency operations with the sup-*  
8                     *port of United States or coalition forces; or*

9                     *(iii)       not       ready       to       conduct*  
10                    *counterinsurgency operations.*

11                    *(D) The rates of absenteeism in the Iraqi*  
12                    *military forces and the extent to which insur-*  
13                    *gents have infiltrated such forces.*

14                    *(E) The training provided Iraqi police and*  
15                    *other Ministry of Interior forces and the equip-*  
16                    *ment used by such forces.*

17                    *(F) Key criteria for assessing the capabili-*  
18                    *ties and readiness of the Iraqi police and other*  
19                    *Ministry of Interior forces, goals for achieving*  
20                    *certain capability and readiness levels (as well*  
21                    *as for recruiting, training, and equipping), and*  
22                    *the milestones and notional timetable for achiev-*  
23                    *ing these goals, including—*

1           (i) the number of police recruits that  
2           have received classroom training and the  
3           duration of such instruction;

4           (ii) the number of veteran police offi-  
5           cers who have received classroom instruction  
6           and the duration of such instruction;

7           (iii) the number of police candidates  
8           screened by the Iraqi Police Screening Serv-  
9           ice, the number of candidates derived from  
10          other entry procedures, and the success rates  
11          of those groups of candidates;

12          (iv) the number of Iraqi police forces  
13          who have received field training by inter-  
14          national police trainers and the duration of  
15          such instruction; and

16          (v) attrition rates and measures of ab-  
17          senteeism and infiltration by insurgents.

18          (G) The estimated total number of Iraqi  
19          battalions needed for the Iraqi security forces to  
20          perform duties now being undertaken by coal-  
21          ition forces, including defending the borders of  
22          Iraq and providing adequate levels of law and  
23          order throughout Iraq.

1           (H) *The effectiveness of the Iraqi military*  
2           *and police officer cadres and the chain of com-*  
3           *mand.*

4           (I) *The number of United States and coal-*  
5           *ition advisors needed to support the Iraqi secu-*  
6           *rity forces and associated ministries.*

7           (J) *An assessment, in a classified annex if*  
8           *necessary, of United States military require-*  
9           *ments, including planned force rotations,*  
10          *through the end of calendar year 2006.*

11          *SEC. 9011. Congress, consistent with international and*  
12          *United States law, reaffirms that torture of prisoners of war*  
13          *and detainees is illegal and does not reflect the policies of*  
14          *the United States Government or the values of the people*  
15          *of the United States.*

16          *SEC. 9012. Supervision and administration costs asso-*  
17          *ciated with a construction project funded with appropria-*  
18          *tions available for operation and maintenance, and exe-*  
19          *cuted in direct support of the Global War on Terrorism only*  
20          *in Iraq and Afghanistan, may be obligated at the time a*  
21          *construction contract is awarded: Provided, That for the*  
22          *purpose of this section, supervision and administration*  
23          *costs include all in-house Government cost.*

24          *SEC. 9013. Amounts appropriated or otherwise made*  
25          *available in this title are designated as making appropria-*



1 *tions for contingency operations related to the global war*  
2 *on terrorism pursuant to section 402 of H. Con. Res. 95*  
3 *(109th Congress), the concurrent resolution on the budget*  
4 *for fiscal year 2006.*

5 *This Act may be cited as the “Department of Defense*  
6 *Appropriations Act, 2006”.*

Attest:

*Secretary.*

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2863**

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**AMENDMENT**