

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2863

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IN THE SENATE OF THE UNITED STATES

JUNE 21, 2005

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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

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:

6 TITLE I

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty, (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 for members of the Reserve Officers' Training Corps; and  
17 for payments pursuant to section 156 of Public Law 97-  
18 377, as amended (42 U.S.C. 402 note), and to the Depart-  
19 ment of Defense Military Retirement Fund,  
20 \$24,357,895,000.

21 MILITARY PERSONNEL, NAVY

22 For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; for  
4 members of the Reserve Officers' Training Corps; and for  
5 payments pursuant to section 156 of Public Law 97-377,  
6 as amended (42 U.S.C. 402 note), and to the Department  
7 of Defense Military Retirement Fund, \$19,417,696,000.

8           MILITARY PERSONNEL, MARINE CORPS

9           For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the Ma-  
14 rine Corps on active duty (except members of the Reserve  
15 provided for elsewhere); and for payments pursuant to sec-  
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
17 402 note), and to the Department of Defense Military Re-  
18 tirement Fund, \$7,839,813,000.

19           MILITARY PERSONNEL, AIR FORCE

20           For pay, allowances, individual clothing, subsistence,  
21 interest on deposits, gratuities, permanent change of sta-  
22 tion travel (including all expenses thereof for organiza-  
23 tional movements), and expenses of temporary duty travel  
24 between permanent duty stations, for members of the Air  
25 Force on active duty (except members of reserve compo-

1 nents provided for elsewhere), cadets, and aviation cadets;  
2 for members of the Reserve Officers' Training Corps; and  
3 for payments pursuant to section 156 of Public Law 97–  
4 377, as amended (42 U.S.C. 402 note), and to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$20,083,037,000.

7                   RESERVE PERSONNEL, ARMY

8           For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Army Re-  
10 serve on active duty under sections 10211, 10302, and  
11 3038 of title 10, United States Code, or while serving on  
12 active duty under section 12301(d) of title 10, United  
13 States Code, in connection with performing duty specified  
14 in section 12310(a) of title 10, United States Code, or  
15 while undergoing reserve training, or while performing  
16 drills or equivalent duty or other duty, and expenses au-  
17 thorized by section 16131 of title 10, United States Code;  
18 and for payments to the Department of Defense Military  
19 Retirement Fund, \$2,862,103,000.

20                   RESERVE PERSONNEL, NAVY

21           For pay, allowances, clothing, subsistence, gratuities,  
22 travel, and related expenses for personnel of the Navy Re-  
23 serve on active duty under section 10211 of title 10,  
24 United States Code, or while serving on active duty under  
25 section 12301(d) of title 10, United States Code, in con-

1 nection with performing duty specified in section 12310(a)  
2 of title 10, United States Code, or while undergoing re-  
3 serve training, or while performing drills or equivalent  
4 duty, and expenses authorized by section 16131 of title  
5 10, United States Code; and for payments to the Depart-  
6 ment of Defense Military Retirement Fund,  
7 \$1,486,061,000.

8           RESERVE PERSONNEL, MARINE CORPS

9       For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Marine  
11 Corps Reserve on active duty under section 10211 of title  
12 10, United States Code, or while serving on active duty  
13 under section 12301(d) of title 10, United States Code,  
14 in connection with performing duty specified in section  
15 12310(a) of title 10, United States Code, or while under-  
16 going reserve training, or while performing drills or equiv-  
17 alent duty, and for members of the Marine Corps platoon  
18 leaders class, and expenses authorized by section 16131  
19 of title 10, United States Code; and for payments to the  
20 Department of Defense Military Retirement Fund,  
21 \$472,392,000.

22           RESERVE PERSONNEL, AIR FORCE

23       For pay, allowances, clothing, subsistence, gratuities,  
24 travel, and related expenses for personnel of the Air Force  
25 Reserve on active duty under sections 10211, 10305, and

1 8038 of title 10, United States Code, or while serving on  
2 active duty under section 12301(d) of title 10, United  
3 States Code, in connection with performing duty specified  
4 in section 12310(a) of title 10, United States Code, or  
5 while undergoing reserve training, or while performing  
6 drills or equivalent duty or other duty, and expenses au-  
7 thorized by section 16131 of title 10, United States Code;  
8 and for payments to the Department of Defense Military  
9 Retirement Fund, \$1,225,360,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Army Na-  
13 tional Guard while on duty under section 10211, 10302,  
14 or 12402 of title 10 or section 708 of title 32, United  
15 States Code, or while serving on duty under section  
16 12301(d) of title 10 or section 502(f) of title 32, United  
17 States Code, in connection with performing duty specified  
18 in section 12310(a) of title 10, United States Code, or  
19 while undergoing training, or while performing drills or  
20 equivalent duty or other duty, and expenses authorized by  
21 section 16131 of title 10, United States Code; and for pay-  
22 ments to the Department of Defense Military Retirement  
23 Fund, \$4,359,704,000.

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under section 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund,  
14 \$2,028,215,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

## 18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance of the Army, as author-  
21 ized by law; and not to exceed \$11,478,000 can be used  
22 for emergencies and extraordinary expenses, to be ex-  
23 pended on the approval or authority of the Secretary of  
24 the Army, and payments may be made on his certificate  
25 of necessity for confidential military purposes,

1 \$22,432,727,000: *Provided*, That of funds made available  
2 under this heading, \$2,500,000 shall be available for Fort  
3 Baker, in accordance with the terms and conditions as  
4 provided under the heading “Operation and Maintenance,  
5 Army”, in Public Law 107–117.

6 OPERATION AND MAINTENANCE, NAVY

7 For expenses, not otherwise provided for, necessary  
8 for the operation and maintenance of the Navy and the  
9 Marine Corps, as authorized by law; and not to exceed  
10 \$6,003,000 can be used for emergencies and extraordinary  
11 expenses, to be expended on the approval or authority of  
12 the Secretary of the Navy, and payments may be made  
13 on his certificate of necessity for confidential military pur-  
14 poses, \$28,719,818,000.

15 OPERATION AND MAINTENANCE, MARINE CORPS

16 For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance of the Marine Corps,  
18 as authorized by law, \$3,123,766,000.

19 OPERATION AND MAINTENANCE, AIR FORCE

20 For expenses, not otherwise provided for, necessary  
21 for the operation and maintenance of the Air Force, as  
22 authorized by law; and not to exceed \$7,699,000 can be  
23 used for emergencies and extraordinary expenses, to be ex-  
24 pended on the approval or authority of the Secretary of  
25 the Air Force, and payments may be made on his certifi-



1 cate of necessity for confidential military purposes,  
2 \$28,659,373,000.

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE  
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, necessary  
6 for the operation and maintenance of activities and agen-  
7 cies of the Department of Defense (other than the military  
8 departments), as authorized by law, \$18,323,516,000:  
9 *Provided*, That not more than \$25,000,000 may be used  
10 for the Combatant Commander Initiative Fund authorized  
11 under section 166a of title 10, United States Code, and  
12 of which not to exceed \$40,000,000 can be used for emer-  
13 gencies and extraordinary expenses, to be expended on the  
14 approval or authority of the Secretary of Defense, and  
15 payments may be made on his certificate of necessity for  
16 confidential military purposes: *Provided further*, That not-  
17 withstanding any other provision of law, of the funds pro-  
18 vided in this Act for Civil Military programs under this  
19 heading, \$500,000 shall be available for a grant for Out-  
20 door Odyssey, Roaring Run, Pennsylvania, to support the  
21 Youth Development and Leadership program and Depart-  
22 ment of Defense STARBASE program: *Provided further*,  
23 That of the funds made available under this heading,  
24 \$5,000,000 is available for contractor support to coordi-  
25 nate a wind test demonstration project on an Air Force

1 installation using wind turbines manufactured in the  
2 United States that are new to the United States market  
3 and to execute the renewable energy purchasing plan: *Pro-*  
4 *vided further*, That none of the funds appropriated or oth-  
5 erwise made available by this Act may be used to plan  
6 or implement the consolidation of a budget or appropria-  
7 tions liaison office of the Office of the Secretary of De-  
8 fense, the office of the Secretary of a military department,  
9 or the service headquarters of one of the Armed Forces  
10 into a legislative affairs or legislative liaison office: *Pro-*  
11 *vided further*, That \$4,000,000, to remain available until  
12 expended, is available only for expenses relating to certain  
13 classified activities, and may be transferred as necessary  
14 by the Secretary to operation and maintenance appropria-  
15 tions or research, development, test and evaluation appro-  
16 priations, to be merged with and to be available for the  
17 same time period as the appropriations to which trans-  
18 ferred: *Provided further*, That any ceiling on the invest-  
19 ment item unit cost of items that may be purchased with  
20 operation and maintenance funds shall not apply to the  
21 funds described in the preceding proviso: *Provided further*,  
22 That the transfer authority provided under this heading  
23 is in addition to any other transfer authority provided else-  
24 where in this Act.

## 1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Army Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,791,212,000.

## 9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary  
11 for the operation and maintenance, including training, or-  
12 ganization, and administration, of the Navy Reserve; re-  
13 pair of facilities and equipment; hire of passenger motor  
14 vehicles; travel and transportation; care of the dead; re-  
15 cruiting; procurement of services, supplies, and equip-  
16 ment; and communications, \$1,178,607,000.

## 17 OPERATION AND MAINTENANCE, MARINE CORPS

## 18 RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Marine Corps Re-  
22 serve; repair of facilities and equipment; hire of passenger  
23 motor vehicles; travel and transportation; care of the dead;  
24 recruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$199,929,000.

## 1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Air Force Reserve;  
5 repair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$2,465,122,000.

## 9 OPERATION AND MAINTENANCE, ARMY NATIONAL

## 10 GUARD

11 For expenses of training, organizing, and admin-  
12 istering the Army National Guard, including medical and  
13 hospital treatment and related expenses in non-Federal  
14 hospitals; maintenance, operation, and repairs to struc-  
15 tures and facilities; hire of passenger motor vehicles; per-  
16 sonnel services in the National Guard Bureau; travel ex-  
17 penses (other than mileage), as authorized by law for  
18 Army personnel on active duty, for Army National Guard  
19 division, regimental, and battalion commanders while in-  
20 specting units in compliance with National Guard Bureau  
21 regulations when specifically authorized by the Chief, Na-  
22 tional Guard Bureau; supplying and equipping the Army  
23 National Guard as authorized by law; and expenses of re-  
24 pair, modification, maintenance, and issue of supplies and  
25 equipment (including aircraft), \$4,142,875,000.

## 1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For expenses of training, organizing, and admin-  
3 istering the Air National Guard, including medical and  
4 hospital treatment and related expenses in non-Federal  
5 hospitals; maintenance, operation, and repairs to struc-  
6 tures and facilities; transportation of things, hire of pas-  
7 senger motor vehicles; supplying and equipping the Air  
8 National Guard, as authorized by law; expenses for repair,  
9 modification, maintenance, and issue of supplies and  
10 equipment, including those furnished from stocks under  
11 the control of agencies of the Department of Defense;  
12 travel expenses (other than mileage) on the same basis as  
13 authorized by law for Air National Guard personnel on  
14 active Federal duty, for Air National Guard commanders  
15 while inspecting units in compliance with National Guard  
16 Bureau regulations when specifically authorized by the  
17 Chief, National Guard Bureau, \$4,547,515,000.

## 18 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

## 19 ACCOUNT

20 (INCLUDING TRANSFER OF FUNDS)

21 For expenses directly relating to Overseas Contin-  
22 gency Operations by United States military forces,  
23 \$20,000,000, to remain available until expended: *Pro-*  
24 *vided*, That the Secretary of Defense may transfer these  
25 funds only to military personnel accounts; operation and

1 maintenance accounts within this title; procurement ac-  
2 counts; research, development, test and evaluation ac-  
3 counts; and to working capital funds: *Provided further*,  
4 That the funds transferred shall be merged with and shall  
5 be available for the same purposes and for the same time  
6 period, as the appropriation to which transferred: *Pro-*  
7 *vided further*, That upon a determination that all or part  
8 of the funds transferred from this appropriation are not  
9 necessary for the purposes provided herein, such amounts  
10 may be transferred back to this appropriation: *Provided*  
11 *further*, That the transfer authority provided in this para-  
12 graph is in addition to any other transfer authority con-  
13 tained elsewhere in this Act.

14 UNITED STATES COURT OF APPEALS FOR THE ARMED  
15 FORCES

16 For salaries and expenses necessary for the United  
17 States Court of Appeals for the Armed Forces,  
18 \$11,236,000, of which not to exceed \$5,000 may be used  
19 for official representation purposes.

20 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

21 For expenses relating to the Overseas Humanitarian,  
22 Disaster, and Civic Aid programs of the Department of  
23 Defense (consisting of the programs provided under sec-  
24 tions 401, 402, 404, 2557, and 2561 of title 10, United

1 States Code), \$61,546,000, to remain available until Sep-  
2 tember 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  
7 secure transportation and storage of nuclear, chemical and  
8 other weapons; for establishing programs to prevent the  
9 proliferation of weapons, weapons components, and weap-  
10 on-related technology and expertise; for programs relating  
11 to the training and support of defense and military per-  
12 sonnel for demilitarization and protection of weapons,  
13 weapons components and weapons technology and exper-  
14 tise, and for defense and military contacts, \$415,549,000,  
15 to remain available until September 30, 2008.

16 TITLE III

17 PROCUREMENT

18 AIRCRAFT PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-  
20 tion, and modernization of aircraft, equipment, including  
21 ordnance, ground handling equipment, spare parts, and  
22 accessories therefor; specialized equipment and training  
23 devices; expansion of public and private plants, including  
24 the land necessary therefor, for the foregoing purposes,  
25 and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of  
2 title; and procurement and installation of equipment, ap-  
3 pliances, and machine tools in public and private plants;  
4 reserve plant and Government and contractor-owned  
5 equipment layaway; and other expenses necessary for the  
6 foregoing purposes, \$2,879,380,000, to remain available  
7 for obligation until September 30, 2008, of which  
8 \$203,500,000 shall be available for the Army National  
9 Guard and Army Reserve: *Provided*, That \$75,000,000 of  
10 the funds provided in this paragraph are available only  
11 for the purpose of acquiring four (4) HH-60L medical  
12 evacuation variant Blackhawk helicopters for the C/1-  
13 159th Aviation Regiment (Army Reserve): *Provided fur-*  
14 *ther*, That three (3) UH-60 Blackhawk helicopters in ad-  
15 dition to those referred to in the preceding proviso shall  
16 be available only for the C/1-159th Aviation Regiment  
17 (Army Reserve).

18                                   MISSILE PROCUREMENT, ARMY

19           For construction, procurement, production, modifica-  
20 tion, and modernization of missiles, equipment, including  
21 ordnance, ground handling equipment, spare parts, and  
22 accessories therefor; specialized equipment and training  
23 devices; expansion of public and private plants, including  
24 the land necessary therefor, for the foregoing purposes,  
25 and such lands and interests therein, may be acquired,



1 and construction prosecuted thereon prior to approval of  
2 title; and procurement and installation of equipment, ap-  
3 pliances, and machine tools in public and private plants;  
4 reserve plant and Government and contractor-owned  
5 equipment layaway; and other expenses necessary for the  
6 foregoing purposes, \$1,239,350,000, to remain available  
7 for obligation until September 30, 2008, of which  
8 \$150,000,000 shall be available for the Army National  
9 Guard and Army Reserve.

10       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
11   VEHICLES, ARMY

12       For construction, procurement, production, and  
13 modification of weapons and tracked combat vehicles,  
14 equipment, including ordnance, spare parts, and acces-  
15 sories therefor; specialized equipment and training devices;  
16 expansion of public and private plants, including the land  
17 necessary therefor, for the foregoing purposes, and such  
18 lands and interests therein, may be acquired, and con-  
19 struction prosecuted thereon prior to approval of title; and  
20 procurement and installation of equipment, appliances,  
21 and machine tools in public and private plants; reserve  
22 plant and Government and contractor-owned equipment  
23 layaway; and other expenses necessary for the foregoing  
24 purposes, \$1,670,949,000, to remain available for obliga-  
25 tion until September 30, 2008, of which \$614,800,000

1 shall be available for the Army National Guard and Army  
2 Reserve.

3           PROCUREMENT OF AMMUNITION, ARMY

4       For construction, procurement, production, and  
5 modification of ammunition, and accessories therefor; spe-  
6 cialized equipment and training devices; expansion of pub-  
7 lic and private plants, including ammunition facilities, au-  
8 thorized by section 2854 of title 10, United States Code,  
9 and the land necessary therefor, for the foregoing pur-  
10 poses, and such lands and interests therein, may be ac-  
11 quired, and construction prosecuted thereon prior to ap-  
12 proval of title; and procurement and installation of equip-  
13 ment, appliances, and machine tools in public and private  
14 plants; reserve plant and Government and contractor-  
15 owned equipment layaway; and other expenses necessary  
16 for the foregoing purposes, \$1,753,152,000, to remain  
17 available for obligation until September 30, 2008, of which  
18 \$119,000,000 shall be available for the Army National  
19 Guard and Army Reserve.

20           OTHER PROCUREMENT, ARMY

21       For construction, procurement, production, and  
22 modification of vehicles, including tactical, support, and  
23 non-tracked combat vehicles; the purchase of passenger  
24 motor vehicles for replacement only; communications and  
25 electronic equipment; other support equipment; spare

1 parts, ordnance, and accessories therefor; specialized  
2 equipment and training devices; expansion of public and  
3 private plants, including the land necessary therefor, for  
4 the foregoing purposes, and such lands and interests  
5 therein, may be acquired, and construction prosecuted  
6 thereon prior to approval of title; and procurement and  
7 installation of equipment, appliances, and machine tools  
8 in public and private plants; reserve plant and Govern-  
9 ment and contractor-owned equipment layaway; and other  
10 expenses necessary for the foregoing purposes,  
11 \$4,491,634,000, to remain available for obligation until  
12 September 30, 2008, of which \$765,400,000 shall be  
13 available for the Army National Guard and Army Reserve.

14 AIRCRAFT PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-  
16 tion, and modernization of aircraft, equipment, including  
17 ordnance, spare parts, and accessories therefor; specialized  
18 equipment; expansion of public and private plants, includ-  
19 ing the land necessary therefor, and such lands and inter-  
20 ests therein, may be acquired, and construction prosecuted  
21 thereon prior to approval of title; and procurement and  
22 installation of equipment, appliances, and machine tools  
23 in public and private plants; reserve plant and Govern-  
24 ment and contractor-owned equipment layaway,  
25 \$9,776,440,000, to remain available for obligation until

1 September 30, 2008, of which \$57,779,000 shall be avail-  
2 able for the Navy Reserve and the Marine Corps Reserve.

3 WEAPONS PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-  
5 tion, and modernization of missiles, torpedoes, other weap-  
6 ons, and related support equipment including spare parts,  
7 and accessories therefor; expansion of public and private  
8 plants, including the land necessary therefor, and such  
9 lands and interests therein, may be acquired, and con-  
10 struction prosecuted thereon prior to approval of title; and  
11 procurement and installation of equipment, appliances,  
12 and machine tools in public and private plants; reserve  
13 plant and Government and contractor-owned equipment  
14 layaway, \$2,596,781,000, to remain available for obliga-  
15 tion until September 30, 2008.

16 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
17 CORPS

18 For construction, procurement, production, and  
19 modification of ammunition, and accessories therefor; spe-  
20 cialized equipment and training devices; expansion of pub-  
21 lic and private plants, including ammunition facilities, au-  
22 thorized by section 2854 of title 10, United States Code  
23 and the land necessary therefor, for the foregoing pur-  
24 poses, and such lands and interests therein, may be ac-  
25 quired, and construction prosecuted thereon prior to ap-

1 proval of title; and procurement and installation of equip-  
2 ment, appliances, and machine tools in public and private  
3 plants; reserve plant and Government and contractor-  
4 owned equipment layaway; and other expenses necessary  
5 for the foregoing purposes, \$885,170,000, to remain avail-  
6 able for obligation until September 30, 2008, of which  
7 \$19,562,000 shall be available for the Navy Reserve and  
8 Marine Corps Reserve.

9 SHIPBUILDING AND CONVERSION, NAVY

10 For expenses necessary for the construction, acquisi-  
11 tion, or conversion of vessels as authorized by law, includ-  
12 ing armor and armament thereof, plant equipment, appli-  
13 ances, and machine tools and installation thereof in public  
14 and private plants; reserve plant and Government and con-  
15 tractor-owned equipment layaway; procurement of critical,  
16 long leadtime components and designs for vessels to be  
17 constructed or converted in the future; and expansion of  
18 public and private plants, including land necessary there-  
19 for, and such lands and interests therein, may be acquired,  
20 and construction prosecuted thereon prior to approval of  
21 title, as follows:

22 Carrier Replacement Program (AP), \$564,913,000.  
23 Virginia Class Submarine, \$1,637,698,000.  
24 Virginia Class Submarine (AP), \$763,786,000.  
25 SSGN Conversion, \$286,516,000.

1 CVN Refueling Overhauls, \$1,300,000,000.  
2 CVN Refueling Overhauls (AP), \$20,000,000.  
3 SSN Engineered Refueling Overhauls (AP),  
4 \$39,524,000.  
5 SSBN Engineered Refueling Overhauls,  
6 \$230,193,000.  
7 SSBN Engineered Refueling Overhauls (AP),  
8 \$62,248,000.  
9 DDG-51 Destroyer, \$1,550,000,000.  
10 DDG-51 Destroyer Modernization, \$50,000,000.  
11 Littoral Combat Ship, \$440,000,000.  
12 LHD-1, \$197,769,000.  
13 LPD-17, \$1,344,741,000.  
14 LHA-R (AP), \$200,447,000.  
15 Service Craft, \$46,000,000.  
16 LCAC Service Life Extension Program,  
17 \$100,000,000.  
18 Prior year shipbuilding costs, \$394,523,000.  
19 Outfitting, post delivery, conversions, and first des-  
20 tination transportation, \$385,000,000.  
21 In all: \$9,613,358,000, to remain available for obliga-  
22 tion until September 30, 2010: *Provided*, That additional  
23 obligations may be incurred after September 30, 2010, for  
24 engineering services, tests, evaluations, and other such  
25 budgeted work that must be performed in the final stage

1 of ship construction: *Provided further*, That none of the  
2 funds provided under this heading for the construction or  
3 conversion of any naval vessel to be constructed in ship-  
4 yards in the United States shall be expended in foreign  
5 facilities for the construction of major components of such  
6 vessel: *Provided further*, That none of the funds provided  
7 under this heading shall be used for the construction of  
8 any naval vessel in foreign shipyards.

#### 9 OTHER PROCUREMENT, NAVY

10 For procurement, production, and modernization of  
11 support equipment and materials not otherwise provided  
12 for, Navy ordnance (except ordnance for new aircraft, new  
13 ships, and ships authorized for conversion); the purchase  
14 of passenger motor vehicles for replacement only; expan-  
15 sion of public and private plants, including the land nec-  
16 essary therefor, and such lands and interests therein, may  
17 be acquired, and construction prosecuted thereon prior to  
18 approval of title; and procurement and installation of  
19 equipment, appliances, and machine tools in public and  
20 private plants; reserve plant and Government and con-  
21 tractor-owned equipment layaway, \$5,461,196,000, to re-  
22 main available for obligation until September 30, 2008,  
23 of which \$43,712,000 shall be available for the Navy Re-  
24 serve and Marine Corps Reserve.

## 1                   PROCUREMENT, MARINE CORPS

2           For expenses necessary for the procurement, manu-  
3   facture, and modification of missiles, armament, military  
4   equipment, spare parts, and accessories therefor; plant  
5   equipment, appliances, and machine tools, and installation  
6   thereof in public and private plants; reserve plant and  
7   Government and contractor-owned equipment layaway; ve-  
8   hicles for the Marine Corps, including the purchase of pas-  
9   senger motor vehicles for replacement only; and expansion  
10  of public and private plants, including land necessary  
11  therefor, and such lands and interests therein, may be ac-  
12  quired, and construction prosecuted thereon prior to ap-  
13  proval of title, \$1,426,405,000, to remain available for ob-  
14  ligation until September 30, 2008.

## 15                   AIRCRAFT PROCUREMENT, AIR FORCE

16          For construction, procurement, and modification of  
17  aircraft and equipment, including armor and armament,  
18  specialized ground handling equipment, and training de-  
19  vices, spare parts, and accessories therefor; specialized  
20  equipment; expansion of public and private plants, Gov-  
21  ernment-owned 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  
24  therein, may be acquired, and construction prosecuted  
25  thereon prior to approval of title; reserve plant and Gov-



1 ernment and contractor-owned equipment layaway; and  
2 other expenses necessary for the foregoing purposes in-  
3 cluding rents and transportation of things,  
4 \$12,424,298,000, to remain available for obligation until  
5 September 30, 2008, of which \$380,000,000 shall be  
6 available for the Air National Guard and Air Force Re-  
7 serve.

8                   MISSILE PROCUREMENT, AIR FORCE

9           For construction, procurement, and modification of  
10 missiles, spacecraft, rockets, and related equipment, in-  
11 cluding spare parts and accessories therefor, ground han-  
12 dling equipment, and training devices; expansion of public  
13 and private plants, Government-owned equipment and in-  
14 stallation thereof in such plants, erection of structures,  
15 and acquisition of land, for the foregoing purposes, and  
16 such lands and interests therein, may be acquired, and  
17 construction prosecuted thereon prior to approval of title;  
18 reserve plant and Government and contractor-owned  
19 equipment layaway; and other expenses necessary for the  
20 foregoing purposes including rents and transportation of  
21 things, \$5,062,949,000, to remain available for obligation  
22 until September 30, 2008.

23                   PROCUREMENT OF AMMUNITION, AIR FORCE

24           For construction, procurement, production, and  
25 modification of ammunition, and accessories therefor; spe-

1 cialized equipment and training devices; expansion of pub-  
2 lic and private plants, including ammunition facilities, au-  
3 thorized by section 2854 of title 10, United States Code,  
4 and the land necessary therefor, for the foregoing pur-  
5 poses, and such lands and interests therein, may be ac-  
6 quired, and construction prosecuted thereon prior to ap-  
7 proval of title; and procurement and installation of equip-  
8 ment, appliances, and machine tools in public and private  
9 plants; reserve plant and Government and contractor-  
10 owned equipment layaway; and other expenses necessary  
11 for the foregoing purposes, \$1,031,907,000, to remain  
12 available for obligation until September 30, 2008, of which  
13 \$164,800,000 shall be available for the Air National  
14 Guard and Air Force Reserve.

15                   OTHER PROCUREMENT, AIR FORCE

16       For procurement and modification of equipment (in-  
17 cluding ground guidance and electronic control equipment,  
18 and ground electronic and communication equipment),  
19 and supplies, materials, and spare parts therefor, not oth-  
20 erwise provided for; the purchase of passenger motor vehi-  
21 cles for replacement only; lease of passenger motor vehi-  
22 cles; and expansion of public and private plants, Govern-  
23 ment-owned equipment and installation thereof in such  
24 plants, erection of structures, and acquisition of land, for  
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted  
2 thereon, prior to approval of title; reserve plant and Gov-  
3 ernment and contractor-owned equipment layaway,  
4 \$13,737,214,000, to remain available for obligation until  
5 September 30, 2008, of which \$135,800,000 shall be  
6 available for the Air National Guard and Air Force Re-  
7 serve.

8                   PROCUREMENT, DEFENSE-WIDE

9           For expenses of activities and agencies of the Depart-  
10 ment of Defense (other than the military departments)  
11 necessary for procurement, production, and modification  
12 of equipment, supplies, materials, and spare parts there-  
13 for, not otherwise provided for; the purchase of passenger  
14 motor vehicles for replacement only; expansion of public  
15 and private plants, equipment, and installation thereof in  
16 such plants, erection of structures, and acquisition of land  
17 for the foregoing purposes, and such lands and interests  
18 therein, may be acquired, and construction prosecuted  
19 thereon prior to approval of title; reserve plant and Gov-  
20 ernment and contractor-owned equipment layaway,  
21 \$2,728,130,000, to remain available for obligation until  
22 September 30, 2008.

23                   DEFENSE PRODUCTION ACT PURCHASES

24           For activities by the Department of Defense pursuant  
25 to sections 108, 301, 302, and 303 of the Defense Produc-

1 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
2 2093), \$28,573,000, to remain available until expended.

3 TITLE IV

4 RESEARCH, DEVELOPMENT, TEST AND  
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 ARMY

8 For expenses necessary for basic and applied sci-  
9 entific research, development, test and evaluation, includ-  
10 ing maintenance, rehabilitation, lease, and operation of fa-  
11 cilities and equipment, \$10,827,174,000 (reduced by  
12 \$10,000,000) (increased by \$10,000,000), to remain avail-  
13 able for obligation until September 30, 2007.

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

15 NAVY

16 For expenses necessary for basic and applied sci-  
17 entific research, development, test and evaluation, includ-  
18 ing maintenance, rehabilitation, lease, and operation of fa-  
19 cilities and equipment, \$18,481,862,000, to remain avail-  
20 able for obligation until September 30, 2007: *Provided*,  
21 That funds appropriated in this paragraph which are  
22 available for the V-22 may be used to meet unique oper-  
23 ational requirements of the Special Operations Forces:  
24 *Provided further*, That funds appropriated in this para-  
25 graph shall be available for the Cobra Judy program.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 AIR FORCE

3 For expenses necessary for basic and applied sci-  
4 entific research, development, test and evaluation, includ-  
5 ing maintenance, rehabilitation, lease, and operation of fa-  
6 cilities and equipment, \$22,664,868,000, to remain avail-  
7 able for obligation until September 30, 2007.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
9 DEFENSE-WIDE

10 For expenses of activities and agencies of the Depart-  
11 ment of Defense (other than the military departments),  
12 necessary for basic and applied scientific research, devel-  
13 opment, test and evaluation; advanced research projects  
14 as may be designated and determined by the Secretary  
15 of Defense, pursuant to law; maintenance, rehabilitation,  
16 lease, and operation of facilities and equipment,  
17 \$19,514,530,000, to remain available for obligation until  
18 September 30, 2007.

19 OPERATIONAL TEST AND EVALUATION, DEFENSE

20 For expenses, not otherwise provided for, necessary  
21 for the independent activities of the Director, Operational  
22 Test and Evaluation, in the direction and supervision of  
23 operational test and evaluation, including initial oper-  
24 ational test and evaluation which is conducted prior to,  
25 and in support of, production decisions; joint operational

1 testing and evaluation; and administrative expenses in  
2 connection therewith, \$168,458,000, to remain available  
3 for obligation until September 30, 2007.

4 TITLE V

5 REVOLVING AND MANAGEMENT FUNDS

6 DEFENSE WORKING CAPITAL FUNDS

7 For the Defense Working Capital Funds,  
8 \$1,154,340,000.

9 NATIONAL DEFENSE SEALIFT FUND

10 For National Defense Sealift Fund programs,  
11 projects, and activities, and for expenses of the National  
12 Defense Reserve Fleet, as established by section 11 of the  
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
14 and for the necessary expenses to maintain and preserve  
15 a U.S.-flag merchant fleet to serve the national security  
16 needs of the United States, \$1,599,459,000, to remain  
17 available until expended: *Provided*, That none of the funds  
18 provided in this paragraph shall be used to award a new  
19 contract that provides for the acquisition of any of the  
20 following major components unless such components are  
21 manufactured in the United States: auxiliary equipment,  
22 including pumps, for all shipboard services; propulsion  
23 system components (that is; engines, reduction gears, and  
24 propellers); shipboard cranes; and spreaders for shipboard  
25 cranes: *Provided further*, That the exercise of an option

1 in a contract awarded through the obligation of previously  
2 appropriated funds shall not be considered to be the award  
3 of a new contract: *Provided further*, That the Secretary  
4 of the military department responsible for such procure-  
5 ment may waive the restrictions in the first proviso on  
6 a case-by-case basis by certifying in writing to the Com-  
7 mittees on Appropriations of the House of Representatives  
8 and the Senate that adequate domestic supplies are not  
9 available to meet Department of Defense requirements on  
10 a timely basis and that such an acquisition must be made  
11 in order to acquire capability for national security pur-  
12 poses.

## 13 TITLE VI

### 14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 15 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

##### 16 ARMY

17 For expenses, not otherwise provided for, necessary  
18 for the destruction of the United States stockpile of lethal  
19 chemical agents and munitions in accordance with the pro-  
20 visions of section 1412 of the Department of Defense Au-  
21 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
22 struction of other chemical warfare materials that are not  
23 in the chemical weapon stockpile, \$1,355,827,000, of  
24 which \$1,191,514,000 shall be for Operation and mainte-  
25 nance; \$116,527,000 shall be for Procurement to remain

1 available until September 30, 2008; \$47,786,000 shall be  
2 for Research, development, test and evaluation to remain  
3 available until September 30, 2007; and not less than  
4 \$119,300,000 shall be for the Chemical Stockpile Emer-  
5 gency Preparedness Program, of which \$36,800,000 shall  
6 be for activities on military installations and \$82,500,000  
7 shall be to assist State and local governments.

8 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
9 DEFENSE

10 (INCLUDING TRANSFER OF FUNDS)

11 For drug interdiction and counter-drug activities of  
12 the Department of Defense, for transfer to appropriations  
13 available to the Department of Defense for military per-  
14 sonnel of the reserve components serving under the provi-  
15 sions of title 10 and title 32, United States Code; for Op-  
16 eration and maintenance; for Procurement; and for Re-  
17 search, development, test and evaluation, \$906,941,000:  
18 *Provided*, That the funds appropriated under this heading  
19 shall be available for obligation for the same time period  
20 and for the same purpose as the appropriation to which  
21 transferred: *Provided further*, That upon a determination  
22 that all or part of the funds transferred from this appro-  
23 priation are not necessary for the purposes provided here-  
24 in, such amounts may be transferred back to this appro-  
25 priation: *Provided further*, That the transfer authority pro-



1 vided under this heading is in addition to any other trans-  
2 fer authority contained elsewhere in this Act.

3 OFFICE OF THE INSPECTOR GENERAL

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

15 TITLE VII

16 RELATED AGENCIES

17 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
18 DISABILITY SYSTEM FUND

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

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

3 For necessary expenses of the Intelligence Commu-  
4 nity Management Account, \$376,844,000 of which  
5 \$27,454,000 for the Advanced Research and Development  
6 Committee shall remain available until September 30,  
7 2007: *Provided*, That of the funds appropriated under this  
8 heading, \$39,000,000 shall be transferred to the Depart-  
9 ment of Justice for the National Drug Intelligence Center  
10 to support the Department of Defense's counter-drug in-  
11 telligence responsibilities, and of the said amount,  
12 \$1,500,000 for Procurement shall remain available until  
13 September 30, 2008 and \$1,000,000 for Research, devel-  
14 opment, test and evaluation shall remain available until  
15 September 30, 2007: *Provided further*, That the National  
16 Drug Intelligence Center shall maintain the personnel and  
17 technical resources to provide timely support to law en-  
18 forcement authorities and the intelligence community by  
19 conducting document and computer exploitation of mate-  
20 rials collected in Federal, State, and local law enforcement  
21 activity associated with counter-drug, counter-terrorism,  
22 and national security investigations and operations.

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## TITLE VIII

### GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

*Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

4 SEC. 8004. No more than 20 percent of the appro-  
5 priations in this Act which are limited for obligation dur-  
6 ing the current fiscal year shall be obligated during the  
7 last 2 months of the fiscal year: *Provided*, That this sec-  
8 tion shall not apply to obligations for support of active  
9 duty training of reserve components or summer camp  
10 training of the Reserve Officers' Training Corps.

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of  
13 Defense that such action is necessary in the national inter-  
14 est, he may, with the approval of the Office of Manage-  
15 ment and Budget, transfer not to exceed \$4,000,000,000  
16 of working capital funds of the Department of Defense  
17 or funds made available in this Act to the Department  
18 of Defense for military functions (except military con-  
19 struction) between such appropriations or funds or any  
20 subdivision thereof, to be merged with and to be available  
21 for the same purposes, and for the same time period, as  
22 the appropriation or fund to which transferred: *Provided*,  
23 That such authority to transfer may not be used unless  
24 for higher priority items, based on unforeseen military re-  
25 quirements, than those for which originally appropriated  
26 and in no case where the item for which funds are re-

1 requested has been denied by the Congress: *Provided further*,  
2 That the Secretary of Defense shall notify the Congress  
3 promptly of all transfers made pursuant to this authority  
4 or any other authority in this Act: *Provided further*, That  
5 no part of the funds in this Act shall be available to pre-  
6 pare or present a request to the Committees on Appropria-  
7 tions for reprogramming of funds, unless for higher pri-  
8 ority items, based on unforeseen military requirements,  
9 than those for which originally appropriated and in no  
10 case where the item for which reprogramming is requested  
11 has been denied by the Congress: *Provided further*, That  
12 a request for multiple reprogrammings of funds using au-  
13 thority provided in this section must be made prior to  
14 June 30, 2006: *Provided further*, That transfers among  
15 military personnel appropriations shall not be taken into  
16 account for purposes of the limitation on the amount of  
17 funds that may be transferred under this section.

18 (TRANSFER OF FUNDS)

19 SEC. 8006. During the current fiscal year, cash bal-  
20 ances in working capital funds of the Department of De-  
21 fense established pursuant to section 2208 of title 10,  
22 United States Code, may be maintained in only such  
23 amounts as are necessary at any time for cash disburse-  
24 ments to be made from such funds: *Provided*, That trans-  
25 fers may be made between such funds: *Provided further*,  
26 That transfers may be made between working capital

1 funds and the “Foreign Currency Fluctuations, Defense”  
2 appropriation and the “Operation and Maintenance” ap-  
3 propriation accounts in such amounts as may be deter-  
4 mined by the Secretary of Defense, with the approval of  
5 the Office of Management and Budget, except that such  
6 transfers may not be made unless the Secretary of Defense  
7 has notified the Congress of the proposed transfer. Except  
8 in amounts equal to the amounts appropriated to working  
9 capital funds in this Act, no obligations may be made  
10 against a working capital fund to procure or increase the  
11 value of war reserve material inventory, unless the Sec-  
12 retary of Defense has notified the Congress prior to any  
13 such obligation.

14       SEC. 8007. Funds appropriated by this Act may not  
15 be used to initiate a special access program without prior  
16 notification 30 calendar days in session in advance to the  
17 congressional defense committees.

18       SEC. 8008. None of the funds provided in this Act  
19 shall be available to initiate: (1) a multiyear contract that  
20 employs economic order quantity procurement in excess of  
21 \$20,000,000 in any 1 year of the contract or that includes  
22 an unfunded contingent liability in excess of \$20,000,000;  
23 or (2) a contract for advance procurement leading to a  
24 multiyear contract that employs economic order quantity  
25 procurement in excess of \$20,000,000 in any 1 year, un-

1 less the congressional defense committees have been noti-  
2 fied at least 30 days in advance of the proposed contract  
3 award: *Provided*, That no part of any appropriation con-  
4 tained in this Act shall be available to initiate a multiyear  
5 contract for which the economic order quantity advance  
6 procurement is not funded at least to the limits of the  
7 Government's liability: *Provided further*, That no part of  
8 any appropriation contained in this Act shall be available  
9 to initiate multiyear procurement contracts for any sys-  
10 tems or component thereof if the value of the multiyear  
11 contract would exceed \$500,000,000 unless specifically  
12 provided in this Act: *Provided further*, That no multiyear  
13 procurement contract can be terminated without 10-day  
14 prior notification to the congressional defense committees:  
15 *Provided further*, That the execution of multiyear author-  
16 ity shall require the use of a present value analysis to de-  
17 termine lowest cost compared to an annual procurement:  
18 *Provided further*, That none of the funds provided in this  
19 Act may be used for a multiyear contract executed after  
20 the date of the enactment of this Act unless in the case  
21 of any such contract—

22           (1) the Secretary of Defense has submitted to  
23       Congress a budget request for full funding of units  
24       to be procured through the contract;

1           (2) cancellation provisions in the contract do  
2           not include consideration of recurring manufacturing  
3           costs of the contractor associated with the produc-  
4           tion of unfunded units to be delivered under the con-  
5           tract;

6           (3) the contract provides that payments to the  
7           contractor under the contract shall not be made in  
8           advance of incurred costs on funded units; and

9           (4) the contract does not provide for a price ad-  
10          justment based on a failure to award a follow-on  
11          contract.

12          Funds appropriated in title III of this Act may be  
13          used for a multiyear procurement contract as follows:

14          UH-60/MH-60 Helicopters.

15          Apache Block II Conversion.

16          Modernized Target Acquisition Designation Sight/  
17          Pilot Night Vision Sensor (MTADS/PNVS).

18          SEC. 8009. Within the funds appropriated for the op-  
19          eration and maintenance of the Armed Forces, funds are  
20          hereby appropriated pursuant to section 401 of title 10,  
21          United States Code, for humanitarian and civic assistance  
22          costs under chapter 20 of title 10, United States Code.  
23          Such funds may also be obligated for humanitarian and  
24          civic assistance costs incidental to authorized operations  
25          and pursuant to authority granted in section 401 of chap-



1 ter 20 of title 10, United States Code, and these obliga-  
2 tions shall be reported as required by section 401(d) of  
3 title 10, United States Code: *Provided*, That funds avail-  
4 able for operation and maintenance shall be available for  
5 providing humanitarian and similar assistance by using  
6 Civic Action Teams in the Trust Territories of the Pacific  
7 Islands and freely associated states of Micronesia, pursu-  
8 ant to the Compact of Free Association as authorized by  
9 Public Law 99–239: *Provided further*, That upon a deter-  
10 mination by the Secretary of the Army that such action  
11 is beneficial for graduate medical education programs con-  
12 ducted at Army medical facilities located in Hawaii, the  
13 Secretary of the Army may authorize the provision of med-  
14 ical services at such facilities and transportation to such  
15 facilities, on a nonreimbursable basis, for civilian patients  
16 from American Samoa, the Commonwealth of the North-  
17 ern Mariana Islands, the Marshall Islands, the Federated  
18 States of Micronesia, Palau, and Guam.

19 SEC. 8010. (a) During fiscal year 2006, the civilian  
20 personnel of the Department of Defense may not be man-  
21 aged on the basis of any end-strength, and the manage-  
22 ment of such personnel during that fiscal year shall not  
23 be subject to any constraint or limitation (known as an  
24 end-strength) on the number of such personnel who may  
25 be employed on the last day of such fiscal year.

1           (b) The fiscal year 2007 budget request for the De-  
2   partment of Defense as well as all justification material  
3   and other documentation supporting the fiscal year 2007  
4   Department of Defense budget request shall be prepared  
5   and submitted to the Congress as if subsections (a) and  
6   (b) of this provision were effective with regard to fiscal  
7   year 2007.

8           (c) Nothing in this section shall be construed to apply  
9   to military (civilian) technicians.

10          SEC. 8011. None of the funds appropriated in this  
11   or any other Act may be used to initiate a new installation  
12   overseas without 30-day advance notification to the Com-  
13   mittees on Appropriations.

14          SEC. 8012. None of the funds made available by this  
15   Act shall be used in any way, directly or indirectly, to in-  
16   fluence congressional action on any legislation or appro-  
17   priation matters pending before the Congress.

18          SEC. 8013. None of the funds appropriated by this  
19   Act shall be available for the basic pay and allowances of  
20   any member of the Army participating as a full-time stu-  
21   dent and receiving benefits paid by the Secretary of Vet-  
22   erans Affairs from the Department of Defense Education  
23   Benefits Fund when time spent as a full-time student is  
24   credited toward completion of a service commitment: *Pro-*  
25   *vided*, That this subsection shall not apply to those mem-

1 bers who have reenlisted with this option prior to October  
2 1, 1987: *Provided further*, That this subsection applies  
3 only to active components of the Army.

4 SEC. 8014. (a) LIMITATION ON CONVERSION TO  
5 CONTRACTOR PERFORMANCE.—None of the funds appro-  
6 priated by this Act shall be available to convert to con-  
7 tractor performance an activity or function of the Depart-  
8 ment of Defense that, on or after the date of the enact-  
9 ment of this Act, is performed by more than 10 Depart-  
10 ment of Defense civilian employees unless—

11 (1) the conversion is based on the result of a  
12 public-private competition that includes a most effi-  
13 cient and cost effective organization plan developed  
14 by such activity or function;

15 (2) the Competitive Sourcing Official deter-  
16 mines that, over all performance periods stated in  
17 the solicitation of offers for performance of the ac-  
18 tivity or function, the cost of performance of the ac-  
19 tivity or function by a contractor would be less costly  
20 to the Department of Defense by an amount that  
21 equals or exceeds the lesser of—

22 (A) 10 percent of the most efficient organi-  
23 zation's personnel-related costs for performance  
24 of that activity or function by Federal employ-  
25 ees; or

1 (B) \$10,000,000; and

2 (3) the contractor does not receive an advan-  
3 tage for a proposal that would reduce costs for the  
4 Department of Defense by—

5 (A) not making an employer-sponsored  
6 health insurance plan available to the workers  
7 who are to be employed in the performance of  
8 that activity or function under the contract; or

9 (B) offering to such workers an employ-  
10 sponsored health benefits plan that requires the  
11 employer to contribute less towards the pre-  
12 mium or subscription share than the amount  
13 that is paid by the Department of Defense for  
14 health benefits for civilian employees under  
15 chapter 89 of title 5, United States Code.

16 (b) EXCEPTIONS.—

17 (1) The Department of Defense, without regard  
18 to subsection (a) of this section or subsections (a),  
19 (b), or (c) of section 2461 of title 10, United States  
20 Code, and notwithstanding any administrative regu-  
21 lation, requirement, or policy to the contrary shall  
22 have full authority to enter into a contract for the  
23 performance of any commercial or industrial type  
24 function of the Department of Defense that—

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

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

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

17 (2) This section shall not apply to depot con-  
18 tracts or contracts for depot maintenance as pro-  
19 vided in sections 2469 and 2474 of title 10, United  
20 States Code.

21 (c) TREATMENT OF CONVERSION.—The conversion  
22 of any activity or function of the Department of Defense  
23 under the authority provided by this section shall be cred-  
24 ited toward any competitive or outsourcing goal, target,  
25 or measurement that may be established by statute, regu-

1 lation, or policy and is deemed to be awarded under the  
2 authority of, and in compliance with, subsection (h) of sec-  
3 tion 2304 of title 10, United States Code, for the competi-  
4 tion or outsourcing of commercial activities.

5 (TRANSFER OF FUNDS)

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

16 SEC. 8016. None of the funds in this Act may be  
17 available for the purchase by the Department of Defense  
18 (and its departments and agencies) of welded shipboard  
19 anchor and mooring chain 4 inches in diameter and under  
20 unless the anchor and mooring chain are manufactured  
21 in the United States from components which are substan-  
22 tially manufactured in the United States: *Provided*, That  
23 for the purpose of this section manufactured will include  
24 cutting, heat treating, quality control, testing of chain and  
25 welding (including the forging and shot blasting process):  
26 *Provided further*, That for the purpose of this section sub-

1 stantially all of the components of anchor and mooring  
2 chain shall be considered to be produced or manufactured  
3 in the United States if the aggregate cost of the compo-  
4 nents produced or manufactured in the United States ex-  
5 ceeds the aggregate cost of the components produced or  
6 manufactured outside the United States: *Provided further*,  
7 That when adequate domestic supplies are not available  
8 to meet Department of Defense requirements on a timely  
9 basis, the Secretary of the service responsible for the pro-  
10 curement may waive this restriction on a case-by-case  
11 basis by certifying in writing to the Committees on Appro-  
12 priations that such an acquisition must be made in order  
13 to acquire capability for national security purposes.

14 SEC. 8017. None of the funds available to the De-  
15 partment of Defense may be used to demilitarize or dis-  
16 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
17 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

18 SEC. 8018. No more than \$500,000 of the funds ap-  
19 propriated or made available in this Act shall be used dur-  
20 ing a single fiscal year for any single relocation of an orga-  
21 nization, unit, activity or function of the Department of  
22 Defense into or within the National Capital Region: *Pro-*  
23 *vided*, That the Secretary of Defense may waive this re-  
24 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-  
2 cation is required in the best interest of the Government.

3       SEC. 8019. In addition to the funds provided else-  
4 where in this Act, \$8,000,000 is appropriated only for in-  
5 centive payments authorized by section 504 of the Indian  
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
7 a prime contractor or a subcontractor at any tier that  
8 makes a subcontract award to any subcontractor or sup-  
9 plier as defined in 25 U.S.C. 1544 or a small business  
10 owned and controlled by an individual or individuals de-  
11 fined under 25 U.S.C. 4221(9) shall be considered a con-  
12 tractor for the purposes of being allowed additional com-  
13 pensation under section 504 of the Indian Financing Act  
14 of 1974 (25 U.S.C. 1544) whenever the prime contract  
15 or subcontract amount is over \$500,000 and involves the  
16 expenditure of funds appropriated by an Act making Ap-  
17 propriations for the Department of Defense with respect  
18 to any fiscal year: *Provided further*, That notwithstanding  
19 41 U.S.C. 430, this section shall be applicable to any De-  
20 partment of Defense acquisition of supplies or services, in-  
21 cluding any contract and any subcontract at any tier for  
22 acquisition of commercial items produced or manufac-  
23 tured, in whole or in part by any subcontractor or supplier  
24 defined in 25 U.S.C. 1544 or a small business owned and  
25 controlled by an individual or individuals defined under



1 25 U.S.C. 4221(9): *Provided further*, That businesses cer-  
2 tified as 8(a) by the Small Business Administration pursu-  
3 ant to section 8(a)(15) of Public Law 85–536, as amend-  
4 ed, shall have the same status as other program partici-  
5 pants under section 602 of Public Law 100–656, 102  
6 Stat. 3825 (Business Opportunity Development Reform  
7 Act of 1988) for purposes of contracting with agencies of  
8 the Department of Defense.

9       SEC. 8020. None of the funds appropriated by this  
10 Act shall be available to perform any cost study pursuant  
11 to the provisions of OMB Circular A–76 if the study being  
12 performed exceeds a period of 24 months after initiation  
13 of such study with respect to a single function activity or  
14 30 months after initiation of such study for a multi-func-  
15 tion activity.

16       SEC. 8021. Funds appropriated by this Act for the  
17 American Forces Information Service shall not be used for  
18 any national or international political or psychological ac-  
19 tivities.

20       SEC. 8022. Notwithstanding any other provision of  
21 law or regulation, the Secretary of Defense may adjust  
22 wage rates for civilian employees hired for certain health  
23 care occupations as authorized for the Secretary of Vet-  
24 erans Affairs by section 7455 of title 38, United States  
25 Code.

1        SEC. 8023. During the current fiscal year, the De-  
2        partment of Defense is authorized to incur obligations of  
3        not to exceed \$350,000,000 for purposes specified in sec-  
4        tion 2350j(c) of title 10, United States Code, in anticipa-  
5        tion of receipt of contributions, only from the Government  
6        of Kuwait, under that section: *Provided*, That upon re-  
7        ceipt, such contributions from the Government of Kuwait  
8        shall be credited to the appropriations or fund which in-  
9        curred such obligations.

10                                    (INCLUDING TRANSFER OF FUNDS)

11        SEC. 8024. (a) Of the funds made available in this  
12        Act, not less than \$33,767,000 shall be available for the  
13        Civil Air Patrol Corporation, of which—

14                    (1) \$24,376,000 shall be available from “Oper-  
15                    ation and Maintenance, Air Force” to support Civil  
16                    Air Patrol Corporation operation and maintenance,  
17                    readiness, counterdrug activities, and drug demand  
18                    reduction activities involving youth programs;

19                    (2) \$8,571,000 shall be available from “Aircraft  
20                    Procurement, Air Force”; and

21                    (3) \$820,000 shall be available from “Other  
22                    Procurement, Air Force” for vehicle procurement.

23        (b) The Secretary of the Air Force should waive reim-  
24        bursement for any funds used by the Civil Air Patrol for  
25        counter-drug activities in support of Federal, State, and  
26        local government agencies.

1        SEC. 8025. (a) None of the funds appropriated in this  
2 Act are available to establish a new Department of De-  
3 fense (department) federally funded research and develop-  
4 ment center (FFRDC), either as a new entity, or as a  
5 separate entity administrated by an organization man-  
6 aging another FFRDC, or as a nonprofit membership cor-  
7 poration consisting of a consortium of other FFRDCs and  
8 other non-profit entities.

9        (b) No member of a Board of Directors, Trustees,  
10 Overseers, Advisory Group, Special Issues Panel, Visiting  
11 Committee, or any similar entity of a defense FFRDC,  
12 and no paid consultant to any defense FFRDC, except  
13 when acting in a technical advisory capacity, may be com-  
14 pensated for his or her services as a member of such enti-  
15 ty, or as a paid consultant by more than one FFRDC in  
16 a fiscal year: *Provided*, That a member of any such entity  
17 referred to previously in this subsection shall be allowed  
18 travel expenses and per diem as authorized under the Fed-  
19 eral Joint Travel Regulations, when engaged in the per-  
20 formance of membership duties.

21        (c) Notwithstanding any other provision of law, none  
22 of the funds available to the department from any source  
23 during fiscal year 2006 may be used by a defense FFRDC,  
24 through a fee or other payment mechanism, for construc-  
25 tion of new buildings, for payment of cost sharing for

1 projects funded by Government grants, for absorption of  
2 contract overruns, or for certain charitable contributions,  
3 not to include employee participation in community service  
4 and/or development.

5 (d) Notwithstanding any other provision of law, of  
6 the funds available to the department during fiscal year  
7 2006, not more than 5,537 staff years of technical effort  
8 (staff years) may be funded for defense FFRDCs: *Pro-*  
9 *vided*, That this subsection shall not apply to staff years  
10 funded in the National Intelligence Program.

11 (e) The Secretary of Defense shall, with the submis-  
12 sion of the department's fiscal year 2007 budget request,  
13 submit a report presenting the specific amounts of staff  
14 years of technical effort to be allocated for each defense  
15 FFRDC during that fiscal year.

16 (f) Notwithstanding any other provision of this Act,  
17 the total amount appropriated in this Act for FFRDCs  
18 is hereby reduced by \$40,000,000.

19 SEC. 8026. None of the funds appropriated or made  
20 available in this Act shall be used to procure carbon, alloy  
21 or armor steel plate for use in any Government-owned fa-  
22 cility or property under the control of the Department of  
23 Defense which were not melted and rolled in the United  
24 States or Canada: *Provided*, That these procurement re-  
25 strictions shall apply to any and all Federal Supply Class

1 9515, American Society of Testing and Materials (ASTM)  
2 or American Iron and Steel Institute (AISI) specifications  
3 of carbon, alloy or armor steel plate: *Provided further,*  
4 That the Secretary of the military department responsible  
5 for the procurement may waive this restriction on a case-  
6 by-case basis by certifying in writing to the Committees  
7 on Appropriations of the House of Representatives and the  
8 Senate that adequate domestic supplies are not available  
9 to meet Department of Defense requirements on a timely  
10 basis and that such an acquisition must be made in order  
11 to acquire capability for national security purposes: *Pro-*  
12 *vided further,* That these restrictions shall not apply to  
13 contracts which are in being as of the date of the enact-  
14 ment of this Act.

15 SEC. 8027. For the purposes of this Act, the term  
16 “congressional defense committees” means the Armed  
17 Services Committee of the House of Representatives, the  
18 Armed Services Committee of the Senate, the Sub-  
19 committee on Defense of the Committee on Appropriations  
20 of the Senate, and the Subcommittee on Defense of the  
21 Committee on Appropriations of the House of Representa-  
22 tives.

23 SEC. 8028. During the current fiscal year, the De-  
24 partment of Defense may acquire the modification, depot  
25 maintenance and repair of aircraft, vehicles and vessels

1 as well as the production of components and other De-  
2 fense-related articles, through competition between De-  
3 partment of Defense depot maintenance activities and pri-  
4 vate firms: *Provided*, That the Senior Acquisition Execu-  
5 tive of the military department or Defense Agency con-  
6 cerned, with power of delegation, shall certify that success-  
7 ful bids include comparable estimates of all direct and in-  
8 direct costs for both public and private bids: *Provided fur-*  
9 *ther*, That Office of Management and Budget Circular A-  
10 76 shall not apply to competitions conducted under this  
11 section.

12 SEC. 8029. (a)(1) If the Secretary of Defense, after  
13 consultation with the United States Trade Representative,  
14 determines that a foreign country which is party to an  
15 agreement described in paragraph (2) has violated the  
16 terms of the agreement by discriminating against certain  
17 types of products produced in the United States that are  
18 covered by the agreement, the Secretary of Defense shall  
19 rescind the Secretary's blanket waiver of the Buy Amer-  
20 ican Act with respect to such types of products produced  
21 in that foreign country.

22 (2) An agreement referred to in paragraph (1) is any  
23 reciprocal defense procurement memorandum of under-  
24 standing, between the United States and a foreign country  
25 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products  
2 in that country.

3 (b) The Secretary of Defense shall submit to the Con-  
4 gress a report on the amount of Department of Defense  
5 purchases from foreign entities in fiscal year 2006. Such  
6 report shall separately indicate the dollar value of items  
7 for which the Buy American Act was waived pursuant to  
8 any agreement described in subsection (a)(2), the Trade  
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
10 international agreement to which the United States is a  
11 party.

12 (c) For purposes of this section, the term “Buy  
13 American Act” means title III of the Act entitled “An Act  
14 making appropriations for the Treasury and Post Office  
15 Departments for the fiscal year ending June 30, 1934,  
16 and for other purposes”, approved March 3, 1933 (41  
17 U.S.C. 10a et seq.).

18 SEC. 8030. Appropriations contained in this Act that  
19 remain available at the end of the current fiscal year, and  
20 at the end of each fiscal year hereafter, as a result of en-  
21 ergy cost savings realized by the Department of Defense  
22 shall remain available for obligation for the next fiscal  
23 year to the extent, and for the purposes, provided in sec-  
24 tion 2865 of title 10, United States Code.

1       SEC. 8031. The President shall include with each  
2 budget for a fiscal year submitted to the Congress under  
3 section 1105 of title 31, United States Code, materials  
4 that shall identify clearly and separately the amounts re-  
5 quested in the budget for appropriation for that fiscal year  
6 for salaries and expenses related to administrative activi-  
7 ties of the Department of Defense, the military depart-  
8 ments, and the defense agencies.

9       SEC. 8032. Notwithstanding any other provision of  
10 law, funds available during the current fiscal year and  
11 hereafter for “Drug Interdiction and Counter-Drug Activi-  
12 ties, Defense” may be obligated for the Young Marines  
13 program.

14                   (INCLUDING TRANSFER OF FUNDS)

15       SEC. 8033. During the current fiscal year, amounts  
16 contained in the Department of Defense Overseas Military  
17 Facility Investment Recovery Account established by sec-  
18 tion 2921(c)(1) of the National Defense Authorization Act  
19 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
20 be available until expended for the payments specified by  
21 section 2921(c)(2) of that Act.

22       SEC. 8034. (a) IN GENERAL.—Notwithstanding any  
23 other provision of law, the Secretary of the Air Force may  
24 convey at no cost to the Air Force, without consideration,  
25 to Indian tribes located in the States of North Dakota,  
26 South Dakota, Montana, and Minnesota relocatable mili-



1 tary housing units located at Grand Forks Air Force Base  
2 and Minot Air Force Base that are excess to the needs  
3 of the Air Force.

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

11 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—  
12 The Operation Walking Shield Program shall resolve any  
13 conflicts among requests of Indian tribes for housing units  
14 under subsection (a) before submitting requests to the  
15 Secretary of the Air Force under subsection (b).

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

22 SEC. 8035. During the current fiscal year, appropria-  
23 tions which are available to the Department of Defense  
24 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more  
2 than \$250,000.

3       SEC. 8036. (a) During the current fiscal year, none  
4 of the appropriations or funds available to the Department  
5 of Defense Working Capital Funds shall be used for the  
6 purchase of an investment item for the purpose of acquir-  
7 ing a new inventory item for sale or anticipated sale dur-  
8 ing the current fiscal year or a subsequent fiscal year to  
9 customers of the Department of Defense Working Capital  
10 Funds if such an item would not have been chargeable  
11 to the Department of Defense Business Operations Fund  
12 during fiscal year 1994 and if the purchase of such an  
13 investment item would be chargeable during the current  
14 fiscal year to appropriations made to the Department of  
15 Defense for procurement.

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

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

3       SEC. 8037. None of the funds appropriated by this  
4 Act for programs of the Central Intelligence Agency shall  
5 remain available for obligation beyond the current fiscal  
6 year, except for funds appropriated for the Reserve for  
7 Contingencies, which shall remain available until Sep-  
8 tember 30, 2007: *Provided*, That funds appropriated,  
9 transferred, or otherwise credited to the Central Intel-  
10 ligence Agency Central Services Working Capital Fund  
11 during this or any prior or subsequent fiscal year shall  
12 remain available until expended: *Provided further*, That  
13 any funds appropriated or transferred to the Central Intel-  
14 ligence Agency for advanced research and development ac-  
15 quisition, for agent operations, and for covert action pro-  
16 grams authorized by the President under section 503 of  
17 the National Security Act of 1947, as amended, shall re-  
18 main available until September 30, 2007.

19       SEC. 8038. Notwithstanding any other provision of  
20 law, funds made available in this Act for the Defense In-  
21 telligence Agency may be used for the design, develop-  
22 ment, and deployment of General Defense Intelligence  
23 Program intelligence communications and intelligence in-  
24 formation systems for the Services, the Unified and Speci-  
25 fied Commands, and the component commands.

1        SEC. 8039. Of the funds appropriated to the Depart-  
2 ment of Defense under the heading “Operation and Main-  
3 tenance, Defense-Wide”, not less than \$10,000,000 shall  
4 be 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. 8040. (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, com-  
14 plies with the Buy American Act. For purposes of this  
15 subsection, the term “Buy American Act” means title III  
16 of the Act entitled “An Act making appropriations for the  
17 Treasury and Post Office Departments for the fiscal year  
18 ending June 30, 1934, and for other purposes”, approved  
19 March 3, 1933 (41 U.S.C. 10a et seq.).

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

1 er the person should be debarred from contracting with  
2 the Department of Defense.

3 (c) In the case of any equipment or products pur-  
4 chased with appropriations provided under this Act, it is  
5 the sense of the Congress that any entity of the Depart-  
6 ment of Defense, in expending the appropriation, purchase  
7 only American-made equipment and products, provided  
8 that American-made equipment and products are cost-  
9 competitive, quality-competitive, and available in a timely  
10 fashion.

11 SEC. 8041. None of the funds appropriated by this  
12 Act shall be available for a contract for studies, analysis,  
13 or consulting services entered into without competition on  
14 the basis of an unsolicited proposal unless the head of the  
15 activity responsible for the procurement determines—

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

19 (2) the purpose of the contract is to explore an  
20 unsolicited proposal which offers significant sci-  
21 entific or technological promise, represents the prod-  
22 uct of original thinking, and was submitted in con-  
23 fidence by one source; or

24 (3) the purpose of the contract is to take ad-  
25 vantage of unique and significant industrial accom-

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

11      SEC. 8042. (a) Except as provided in subsection (b)  
12      and (c), none of the funds made available by this Act may  
13      be used—

14              (1) to establish a field operating agency; or

15              (2) to pay the basic pay of a member of the  
16      Armed Forces or civilian employee of the depart-  
17      ment who is transferred or reassigned from a head-  
18      quarters activity if the member or employee's place  
19      of duty remains at the location of that headquarters.

20      (b) The Secretary of Defense or Secretary of a mili-  
21      tary department may waive the limitations in subsection  
22      (a), on a case-by-case basis, if the Secretary determines,  
23      and certifies to the Committees on Appropriations of the  
24      House of Representatives and Senate that the granting

1 of the waiver will reduce the personnel requirements or  
2 the financial requirements of the department.

3 (c) This section does not apply to field operating  
4 agencies funded within the National Intelligence Program.

5 SEC. 8043. The Secretary of Defense, acting through  
6 the Office of Economic Adjustment of the Department of  
7 Defense, may use funds made available in this Act under  
8 the heading “Operation and Maintenance, Defense-Wide”  
9 to make grants and supplement other Federal funds in  
10 accordance with the guidance provided in the report of the  
11 Committee on Appropriations of the House of Representa-  
12 tives accompanying this Act, and the projects specified in  
13 such guidance shall be considered to be authorized by law.

14 (RESCISSIONS)

15 SEC. 8044. Of the funds appropriated in Department  
16 of Defense Appropriations Acts, the following funds are  
17 hereby rescinded from the following accounts and pro-  
18 grams in the specified amounts:

19 “Other Procurement, Army, 2005/2007”,  
20 \$60,500,000.

21 “Shipbuilding and Conversion, Navy, 2005/  
22 2011”, \$325,000,000.

23 “Aircraft Procurement, Air Force, 2005/2007”,  
24 \$10,000,000.

25 “Other Procurement, Air Force, 2005/2007”,  
26 \$3,400,000.

1           “Research, Development, Test and Evaluation,  
2           Army, 2005/2006”, \$21,600,000.

3           “Research, Development, Test and Evaluation,  
4           Navy, 2005/2006”, \$5,100,000.

5           “Research, Development, Test and Evaluation,  
6           Air Force, 2005/2006”, \$142,000,000.

7           “Research, Development, Test and Evaluation,  
8           Defense-Wide, 2005/2006”, \$65,950,000.

9           SEC. 8045. None of the funds available in this Act  
10          may be used to reduce the authorized positions for mili-  
11          tary (civilian) technicians of the Army National Guard,  
12          the Air National Guard, Army Reserve and Air Force Re-  
13          serve for the purpose of applying any administratively im-  
14          posed civilian personnel ceiling, freeze, or reduction on  
15          military (civilian) technicians, unless such reductions are  
16          a direct result of a reduction in military force structure.

17          SEC. 8046. None of the funds appropriated or other-  
18          wise made available in this Act may be obligated or ex-  
19          pended for assistance to the Democratic People’s Republic  
20          of North Korea unless specifically appropriated for that  
21          purpose.

22          SEC. 8047. Funds appropriated in this Act for oper-  
23          ation and maintenance of the Military Departments, Com-  
24          batant Commands and Defense Agencies shall be available  
25          for reimbursement of pay, allowances and other expenses



1 which would otherwise be incurred against appropriations  
2 for the National Guard and Reserve when members of the  
3 National Guard and Reserve provide intelligence or coun-  
4 terintelligence support to Combatant Commands, Defense  
5 Agencies and Joint Intelligence Activities, including the  
6 activities and programs included within the National Intel-  
7 ligence Program, the Joint Military Intelligence Program,  
8 and the Tactical Intelligence and Related Activities aggre-  
9 gate: *Provided*, That nothing in this section authorizes de-  
10 viation from established Reserve and National Guard per-  
11 sonnel and training procedures.

12 SEC. 8048. (a) None of the funds available to the  
13 Department of Defense for any fiscal year for drug inter-  
14 diction or counter-drug activities may be transferred to  
15 any other department or agency of the United States ex-  
16 cept as specifically provided in an appropriations law.

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

22 (TRANSFER OF FUNDS)

23 SEC. 8049. Appropriations available under the head-  
24 ing “Operation and Maintenance, Defense-Wide” for the  
25 current fiscal year and hereafter for increasing energy and  
26 water efficiency in Federal buildings may, during their pe-

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

7       SEC. 8050. None of the funds appropriated by this  
8 Act may be used for the procurement of ball and roller  
9 bearings other than those produced by a domestic source  
10 and of domestic origin: *Provided*, That the Secretary of  
11 the military department responsible for such procurement  
12 may waive this restriction on a case-by-case basis by certi-  
13 fying in writing to the Committees on Appropriations of  
14 the House of Representatives and the Senate, that ade-  
15 quate domestic supplies are not available to meet Depart-  
16 ment of Defense requirements on a timely basis and that  
17 such an acquisition must be made in order to acquire ca-  
18 pability for national security purposes: *Provided further*,  
19 That this restriction shall not apply to the purchase of  
20 “commercial items”, as defined by section 4(12) of the  
21 Office of Federal Procurement Policy Act, except that the  
22 restriction shall apply to ball or roller bearings purchased  
23 as end items.

24       SEC. 8051. None of the funds in this Act may be  
25 used to purchase any supercomputer which is not manu-

1 factured in the United States, unless the Secretary of De-  
2 fense certifies to the congressional defense committees  
3 that such an acquisition must be made in order to acquire  
4 capability for national security purposes that is not avail-  
5 able from United States manufacturers.

6       SEC. 8052. Notwithstanding any other provision of  
7 law, each contract awarded by the Department of Defense  
8 during the current fiscal year for construction or service  
9 performed in whole or in part in a State (as defined in  
10 section 381(d) of title 10, United States Code) which is  
11 not contiguous with another State and has an unemploy-  
12 ment rate in excess of the national average rate of unem-  
13 ployment as determined by the Secretary of Labor, shall  
14 include a provision requiring the contractor to employ, for  
15 the purpose of performing that portion of the contract in  
16 such State that is not contiguous with another State, indi-  
17 viduals who are residents of such State and who, in the  
18 case of any craft or trade, possess or would be able to  
19 acquire promptly the necessary skills: *Provided*, That the  
20 Secretary of Defense may waive the requirements of this  
21 section, on a case-by-case basis, in the interest of national  
22 security.

23       SEC. 8053. None of the funds made available in this  
24 or any other Act may be used to pay the salary of any  
25 officer or employee of the Department of Defense who ap-

1 proves or implements the transfer of administrative re-  
2 sponsibilities or budgetary resources of any program,  
3 project, or activity financed by this Act to the jurisdiction  
4 of another Federal agency not financed by this Act with-  
5 out the express authorization of Congress: *Provided*, That  
6 this limitation shall not apply to transfers of funds ex-  
7 pressly provided for in Defense Appropriations Acts, or  
8 provisions of Acts providing supplemental appropriations  
9 for the Department of Defense.

10       SEC. 8054. (a) LIMITATION ON TRANSFER OF DE-  
11 FENSE ARTICLES AND SERVICES.—Notwithstanding any  
12 other provision of law, none of the funds available to the  
13 Department of Defense for the current fiscal year may be  
14 obligated or expended to transfer to another nation or an  
15 international organization any defense articles or services  
16 (other than intelligence services) for use in the activities  
17 described in subsection (b) unless the congressional de-  
18 fense committees, the Committee on International Rela-  
19 tions of the House of Representatives, and the Committee  
20 on Foreign Relations of the Senate are notified 15 days  
21 in advance of such transfer.

22       (b) COVERED ACTIVITIES.—This section applies to—  
23           (1) any international peacekeeping or peace-en-  
24           forcement operation under the authority of chapter  
25           VI or chapter VII of the United Nations Charter

1 under the authority of a United Nations Security  
2 Council resolution; and

3 (2) any other international peacekeeping, peace-  
4 enforcement, or humanitarian assistance operation.

5 (c) REQUIRED NOTICE.—A notice under subsection  
6 (a) shall include the following:

7 (1) A description of the equipment, supplies, or  
8 services to be transferred.

9 (2) A statement of the value of the equipment,  
10 supplies, or services to be transferred.

11 (3) In the case of a proposed transfer of equip-  
12 ment or supplies—

13 (A) a statement of whether the inventory  
14 requirements of all elements of the Armed  
15 Forces (including the reserve components) for  
16 the type of equipment or supplies to be trans-  
17 ferred have been met; and

18 (B) a statement of whether the items pro-  
19 posed to be transferred will have to be replaced  
20 and, if so, how the President proposes to pro-  
21 vide funds for such replacement.

22 SEC. 8055. None of the funds available to the De-  
23 partment of Defense under this Act shall be obligated or  
24 expended to pay a contractor under a contract with the

1 Department of Defense for costs of any amount paid by  
2 the contractor to an employee when—

3 (1) such costs are for a bonus or otherwise in  
4 excess of the normal salary paid by the contractor  
5 to the employee; and

6 (2) such bonus is part of restructuring costs as-  
7 sociated with a business combination.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8056. During the current fiscal year, no more  
10 than \$30,000,000 of appropriations made in this Act  
11 under the heading “Operation and Maintenance, Defense-  
12 Wide” may be transferred to appropriations available for  
13 the pay of military personnel, to be merged with, and to  
14 be available for the same time period as the appropriations  
15 to which transferred, to be used in support of such per-  
16 sonnel in connection with support and services for eligible  
17 organizations and activities outside the Department of De-  
18 fense pursuant to section 2012 of title 10, United States  
19 Code.

20 SEC. 8057. During the current fiscal year, in the case  
21 of an appropriation account of the Department of Defense  
22 for which the period of availability for obligation has ex-  
23 pired or which has closed under the provisions of section  
24 1552 of title 31, United States Code, and which has a  
25 negative unliquidated or unexpended balance, an obliga-  
26 tion or an adjustment of an obligation may be charged

1 to any current appropriation account for the same purpose  
2 as the expired or closed account if—

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

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

10 (3) in the case of an expired account, the obli-  
11 gation is not chargeable to a current appropriation  
12 of the Department of Defense under the provisions  
13 of section 1405(b)(8) of the National Defense Au-  
14 thorization Act for Fiscal Year 1991, Public Law  
15 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
16 *vided*, That in the case of an expired account, if sub-  
17 sequent review or investigation discloses that there  
18 was not in fact a negative unliquidated or unex-  
19 pended balance in the account, any charge to a cur-  
20 rent account under the authority of this section shall  
21 be reversed and recorded against the expired ac-  
22 count: *Provided further*, That the total amount  
23 charged to a current appropriation under this sec-  
24 tion may not exceed an amount equal to 1 percent  
25 of the total appropriation for that account.

1        SEC. 8058. (a) Notwithstanding any other provision  
2 of law, the Chief of the National Guard Bureau may per-  
3 mit the use of equipment of the National Guard Distance  
4 Learning Project by any person or entity on a space-avail-  
5 able, reimbursable basis. The Chief of the National Guard  
6 Bureau shall establish the amount of reimbursement for  
7 such use on a case-by-case basis.

8        (b) Amounts collected under subsection (a) shall be  
9 credited to funds available for the National Guard Dis-  
10 tance Learning Project and be available to defray the costs  
11 associated with the use of equipment of the project under  
12 that subsection. Such funds shall be available for such  
13 purposes without fiscal year limitation.

14        SEC. 8059. Using funds available by this Act or any  
15 other Act, the Secretary of the Air Force, pursuant to a  
16 determination under section 2690 of title 10, United  
17 States Code, may implement cost-effective agreements for  
18 required heating facility modernization in the  
19 Kaiserslautern Military Community in the Federal Repub-  
20 lic of Germany: *Provided*, That in the City of  
21 Kaiserslautern such agreements will include the use of  
22 United States anthracite as the base load energy for mu-  
23 nicipal district heat to the United States Defense installa-  
24 tions: *Provided further*, That at Landstuhl Army Regional  
25 Medical Center and Ramstein Air Base, furnished heat



1 may be obtained from private, regional or municipal serv-  
2 ices, if provisions are included for the consideration of  
3 United States coal as an energy source.

4       SEC. 8060. None of the funds appropriated in title  
5 IV of this Act may be used to procure end-items for deliv-  
6 ery to military forces for operational training, operational  
7 use or inventory requirements: *Provided*, That this restric-  
8 tion does not apply to end-items used in development,  
9 prototyping, and test activities preceding and leading to  
10 acceptance for operational use: *Provided further*, That this  
11 restriction does not apply to programs funded within the  
12 National Intelligence Program: *Provided further*, That the  
13 Secretary of Defense may waive this restriction on a case-  
14 by-case basis by certifying in writing to the Committees  
15 on Appropriations of the House of Representatives and the  
16 Senate that it is in the national security interest to do  
17 so.

18       SEC. 8061. None of the funds made available in this  
19 Act may be used to approve or license the sale of the F/  
20 A-22 advanced tactical fighter to any foreign government.

21       SEC. 8062. (a) The Secretary of Defense may, on a  
22 case-by-case basis, waive with respect to a foreign country  
23 each limitation on the procurement of defense items from  
24 foreign sources provided in law if the Secretary determines  
25 that the application of the limitation with respect to that

1 country would invalidate cooperative programs entered  
2 into between the Department of Defense and the foreign  
3 country, or would invalidate reciprocal trade agreements  
4 for the procurement of defense items entered into under  
5 section 2531 of title 10, United States Code, and the  
6 country does not discriminate against the same or similar  
7 defense items produced in the United States for that coun-  
8 try.

9 (b) Subsection (a) applies with respect to—

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

12 (2) options for the procurement of items that  
13 are exercised after such date under contracts that  
14 are entered into before such date if the option prices  
15 are adjusted for any reason other than the applica-  
16 tion of a waiver granted under subsection (a).

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

1       SEC. 8063. (a) PROHIBITION.—None of the funds  
2 made available by this Act may be used to support any  
3 training program involving a unit of the security forces  
4 of a foreign country if the Secretary of Defense has re-  
5 ceived credible information from the Department of State  
6 that the unit has committed a gross violation of human  
7 rights, unless all necessary corrective steps have been  
8 taken.

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

16       (c) WAIVER.—The Secretary of Defense, after con-  
17 sultation with the Secretary of State, may waive the prohi-  
18 bition in subsection (a) if he determines that such waiver  
19 is required by extraordinary circumstances.

20       (d) REPORT.—Not more than 15 days after the exer-  
21 cise of any waiver under subsection (c), the Secretary of  
22 Defense shall submit a report to the congressional defense  
23 committees describing the extraordinary circumstances,  
24 the purpose and duration of the training program, the  
25 United States forces and the foreign security forces in-

1 volved in the training program, and the information relat-  
2 ing to human rights violations that necessitates the waiv-  
3 er.

4       SEC. 8064. None of the funds appropriated or made  
5 available in this Act to the Department of the Navy shall  
6 be used to develop, lease or procure the T-AKE class of  
7 ships unless the main propulsion diesel engines and  
8 propulsors are manufactured in the United States by a  
9 domestically operated entity: *Provided*, That the Secretary  
10 of Defense may waive this restriction on a case-by-case  
11 basis by certifying in writing to the Committees on Appro-  
12 priations of the House of Representatives and the Senate  
13 that adequate domestic supplies are not available to meet  
14 Department of Defense requirements on a timely basis  
15 and that such an acquisition must be made in order to  
16 acquire capability for national security purposes or there  
17 exists a significant cost or quality difference.

18       SEC. 8065. None of the funds appropriated or other-  
19 wise made available by this or other Department of De-  
20 fense Appropriations Acts may be obligated or expended  
21 for the purpose of performing repairs or maintenance to  
22 military family housing units of the Department of De-  
23 fense, including areas in such military family housing  
24 units that may be used for the purpose of conducting offi-  
25 cial Department of Defense business.

1        SEC. 8066. Notwithstanding any other provision of  
2 law, funds appropriated in this Act under the heading  
3 “Research, Development, Test and Evaluation, Defense-  
4 Wide” for any new start advanced concept technology  
5 demonstration project may only be obligated 30 days after  
6 a report, including a description of the project, the  
7 planned acquisition and transition strategy and its esti-  
8 mated annual and total cost, has been provided in writing  
9 to the congressional defense committees: *Provided*, That  
10 the Secretary of Defense may waive this restriction on a  
11 case-by-case basis by certifying to the congressional de-  
12 fense committees that it is in the national interest to do  
13 so.

14        SEC. 8067. The Secretary of Defense shall provide  
15 a classified quarterly report to the House and Senate Ap-  
16 propriations Committees, Subcommittees on Defense on  
17 certain matters as directed in the classified annex accom-  
18 panying this Act.

19        SEC. 8068. During the current fiscal year, refunds  
20 attributable to the use of the Government travel card, re-  
21 funds attributable to the use of the Government Purchase  
22 Card and refunds attributable to official Government trav-  
23 el arranged by Government Contracted Travel Manage-  
24 ment Centers may be credited to operation and mainte-  
25 nance, and research, development, test and evaluation ac-

1 counts of the Department of Defense which are current  
2 when the refunds are received.

3       SEC. 8069. (a) REGISTERING FINANCIAL MANAGE-  
4 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD  
5 CHIEF INFORMATION OFFICER.—None of the funds ap-  
6 propriated in this Act may be used for a mission critical  
7 or mission essential financial management information  
8 technology system (including a system funded by the de-  
9 fense working capital fund) that is not registered with the  
10 Chief Information Officer of the Department of Defense.  
11 A system shall be considered to be registered with that  
12 officer upon the furnishing to that officer of notice of the  
13 system, together with such information concerning the  
14 system as the Secretary of Defense may prescribe. A fi-  
15 nancial management information technology system shall  
16 be considered a mission critical or mission essential infor-  
17 mation technology system as defined by the Under Sec-  
18 retary of Defense (Comptroller).

19       (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-  
20 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

21           (1) During the current fiscal year, a financial  
22 management automated information system, a mixed  
23 information system supporting financial and non-fi-  
24 nancial systems, or a system improvement of more  
25 than \$1,000,000 may not receive Milestone A ap-

1       proval, Milestone B approval, or full rate production,  
2       or their equivalent, within the Department of De-  
3       fense until the Under Secretary of Defense (Comp-  
4       troller) certifies, with respect to that milestone, that  
5       the system is being developed and managed in ac-  
6       cordance with the Department's Financial Manage-  
7       ment Modernization Plan. The Under Secretary of  
8       Defense (Comptroller) may require additional certifi-  
9       cations, as appropriate, with respect to any such sys-  
10      tem.

11               (2) The Chief Information Officer shall provide  
12      the congressional defense committees timely notifica-  
13      tion of certifications under paragraph (1).

14      (c) CERTIFICATIONS AS TO COMPLIANCE WITH  
15      CLINGER-COHEN ACT.—

16               (1) During the current fiscal year, a major  
17      automated information system may not receive Mile-  
18      stone A approval, Milestone B approval, or full rate  
19      production approval, or their equivalent, within the  
20      Department of Defense until the Chief Information  
21      Officer certifies, with respect to that milestone, that  
22      the system is being developed in accordance with the  
23      Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).  
24      The Chief Information Officer may require addi-

1 tional certifications, as appropriate, with respect to  
2 any such system.

3 (2) The Chief Information Officer shall provide  
4 the congressional defense committees timely notifica-  
5 tion of certifications under paragraph (1). Each  
6 such notification shall include, at a minimum, the  
7 funding baseline and milestone schedule for each  
8 system covered by such a certification and confirma-  
9 tion that the following steps have been taken with  
10 respect to the system:

11 (A) Business process reengineering.

12 (B) An analysis of alternatives.

13 (C) An economic analysis that includes a  
14 calculation of the return on investment.

15 (D) Performance measures.

16 (E) An information assurance strategy  
17 consistent with the Department's Global Infor-  
18 mation Grid.

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

20 (1) The term “Chief Information Officer”  
21 means the senior official of the Department of De-  
22 fense designated by the Secretary of Defense pursu-  
23 ant to section 3506 of title 44, United States Code.

24 (2) The term “information technology system”  
25 has the meaning given the term “information tech-



1 nology” in section 5002 of the Clinger-Cohen Act of  
2 1996 (40 U.S.C. 1401).

3 SEC. 8070. During the current fiscal year, none of  
4 the funds available to the Department of Defense may be  
5 used to provide support to another department or agency  
6 of the United States if such department or agency is more  
7 than 90 days in arrears in making payment to the Depart-  
8 ment of Defense for goods or services previously provided  
9 to such department or agency on a reimbursable basis:  
10 *Provided*, That this restriction shall not apply if the de-  
11 partment is authorized by law to provide support to such  
12 department or agency on a nonreimbursable basis, and is  
13 providing the requested support pursuant to such author-  
14 ity: *Provided further*, That the Secretary of Defense may  
15 waive this restriction on a case-by-case basis by certifying  
16 in writing to the Committees on Appropriations of the  
17 House of Representatives and the Senate that it is in the  
18 national security interest to do so.

19 SEC. 8071. None of the funds provided in this Act  
20 may be used to transfer to any nongovernmental entity  
21 ammunition held by the Department of Defense that has  
22 a center-fire cartridge and a United States military no-  
23 menclature designation of “armor penetrator”, “armor  
24 piercing (AP)”, “armor piercing incendiary (API)”, or  
25 “armor-piercing incendiary-tracer (API-T)”, except to an

1 entity performing demilitarization services for the Depart-  
2 ment of Defense under a contract that requires the entity  
3 to demonstrate to the satisfaction of the Department of  
4 Defense that armor piercing projectiles are either: (1) ren-  
5 dered incapable of reuse by the demilitarization process;  
6 or (2) used to manufacture ammunition pursuant to a con-  
7 tract with the Department of Defense or the manufacture  
8 of ammunition for export pursuant to a License for Per-  
9 manent Export of Unclassified Military Articles issued by  
10 the Department of State.

11       SEC. 8072. Notwithstanding any other provision of  
12 law, the Chief of the National Guard Bureau, or his des-  
13 ignee, may waive payment of all or part of the consider-  
14 ation that otherwise would be required under 10 U.S.C.  
15 2667, in the case of a lease of personal property for a  
16 period not in excess of 1 year to any organization specified  
17 in 32 U.S.C. 508(d), or any other youth, social, or fra-  
18 ternal non-profit organization as may be approved by the  
19 Chief of the National Guard Bureau, or his designee, on  
20 a case-by-case basis.

21       SEC. 8073. None of the funds appropriated by this  
22 Act shall be used for the support of any nonappropriated  
23 funds activity of the Department of Defense that procures  
24 malt beverages and wine with nonappropriated funds for  
25 resale (including such alcoholic beverages sold by the

1 drink) on a military installation located in the United  
2 States unless such malt beverages and wine are procured  
3 within that State, or in the case of the District of Colum-  
4 bia, within the District of Columbia, in which the military  
5 installation is located: *Provided*, That in a case in which  
6 the military installation is located in more than one State,  
7 purchases may be made in any State in which the installa-  
8 tion is located: *Provided further*, That such local procure-  
9 ment requirements for malt beverages and wine shall  
10 apply to all alcoholic beverages only for military installa-  
11 tions in States which are not contiguous with another  
12 State: *Provided further*, That alcoholic beverages other  
13 than wine and malt beverages, in contiguous States and  
14 the District of Columbia shall be procured from the most  
15 competitive source, price and other factors considered.

16       SEC. 8074. Funds available to the Department of De-  
17 fense for the Global Positioning System during the current  
18 fiscal year may be used to fund civil requirements associ-  
19 ated with the satellite and ground control segments of  
20 such system's modernization program.

21                   (INCLUDING TRANSFER OF FUNDS)

22       SEC. 8075. (a) Of the amounts appropriated in this  
23 Act under the heading, "Research, Development, Test and  
24 Evaluation, Defense-Wide", \$90,000,000 shall remain  
25 available until expended: *Provided*, That notwithstanding  
26 any other provision of law, the Secretary of Defense is

1 authorized to transfer such funds to other activities of the  
2 Federal Government.

3 (b) Of the amounts appropriated in this Act under  
4 the heading, “Operation and Maintenance, Army”,  
5 \$147,900,000 shall remain available until expended: *Pro-*  
6 *vided*, That notwithstanding any other provision of law,  
7 the Secretary of Defense is authorized to transfer such  
8 funds to other activities of the Federal Government: *Pro-*  
9 *vided further*, That the Secretary of Defense is authorized  
10 to enter into and carry out contracts for the acquisition  
11 of real property, construction, personal services, and oper-  
12 ations related to projects described in further detail in the  
13 Classified Annex accompanying the Department of De-  
14 fense Appropriations Act, 2006, consistent with the terms  
15 and conditions set forth therein: *Provided further*, That  
16 contracts entered into under the authority of this section  
17 may provide for such indemnification as the Secretary de-  
18 termines to be necessary: *Provided further*, That projects  
19 authorized by this section shall comply with applicable  
20 Federal, State, and local law to the maximum extent con-  
21 sistent with the national security, as determined by the  
22 Secretary of Defense.

23 SEC. 8076. Section 8106 of the Department of De-  
24 fense Appropriations Act, 1997 (titles I through VIII of  
25 the matter under subsection 101(b) of Public Law 104–

1 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-  
2 tinue in effect to apply to disbursements that are made  
3 by the Department of Defense in fiscal year 2006.

4 SEC. 8077. In addition to amounts provided else-  
5 where in this Act, \$2,500,000 is hereby appropriated to  
6 the Department of Defense, to remain available for obliga-  
7 tion until expended: *Provided*, That notwithstanding any  
8 other provision of law, these funds shall be available only  
9 for a grant to the Fisher House Foundation, Inc., only  
10 for the construction and furnishing of additional Fisher  
11 Houses to meet the needs of military family members  
12 when confronted with the illness or hospitalization of an  
13 eligible military beneficiary.

14 SEC. 8078. Amounts appropriated in title II of this  
15 Act are hereby reduced by \$264,630,000 to reflect savings  
16 attributable to efficiencies and management improvements  
17 in the funding of miscellaneous or other contracts in the  
18 military departments, as follows:

19 (1) From “Operation and Maintenance, Army”,  
20 \$12,734,000.

21 (2) From “Operation and Maintenance, Navy”,  
22 \$91,725,000.

23 (3) From “Operation and Maintenance, Marine  
24 Corps”, \$1,870,000.

1           (4) From “Operation and Maintenance, Air  
2           Force”, \$158,301,000.

3           SEC. 8079. The total amount appropriated or other-  
4 wise made available in this Act is hereby reduced by  
5 \$167,000,000 to limit excessive growth in the procure-  
6 ment of advisory and assistance services, to be distributed  
7 as follows:

8           “Operation and Maintenance, Army”, \$24,000,000.

9           “Operation and Maintenance, Navy”, \$19,000,000.

10          “Operation and Maintenance, Air Force”,  
11 \$74,000,000.

12          “Operation and Maintenance, Defense-Wide”,  
13 \$50,000,000.

14                           (INCLUDING TRANSFER OF FUNDS)

15          SEC. 8080. Of the amounts appropriated in this Act  
16 under the heading “Research, Development, Test and  
17 Evaluation, Defense-Wide”, \$77,616,000 shall be made  
18 available for the Arrow missile defense program: *Provided*,  
19 That of this amount, \$15,000,000 shall be available for  
20 the purpose of producing Arrow missile components in the  
21 United States and Arrow missile components and missiles  
22 in Israel to meet Israel’s defense requirements, consistent  
23 with each nation’s laws, regulations and procedures: *Pro-*  
24 *vided further*, That funds made available under this provi-  
25 sion 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  
2 and to be available for the same time period and the same  
3 purposes as the appropriation to which transferred: *Pro-*  
4 *vided further*, That the transfer authority provided under  
5 this provision is in addition to any other transfer authority  
6 contained in this Act.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8081. Of the amounts appropriated in this Act  
9 under the heading “Shipbuilding and Conversion, Navy”,  
10 \$394,523,000 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  
13 Navy shall transfer such funds to the following appropria-  
14 tions in the amounts specified: *Provided further*, That the  
15 amounts transferred shall be merged with and be available  
16 for the same purposes as the appropriations to which  
17 transferred:

18 To: Under the heading, “Shipbuilding and Conver-  
19 sion, Navy, 1998/2007”:

20 NSSN, \$28,000,000.

21 Under the heading, “Shipbuilding and Conver-  
22 sion, Navy, 1999/2009”:

23 LPD–17 Amphibious Transport Dock Ship,  
24 \$25,000,000; and

25 NSSN, \$72,000,000.

1 Under the heading, “Shipbuilding and Conver-  
2 sion, Navy, 2000/2009”:

3 LPD–17 Amphibious Transport Dock Ship,  
4 \$41,800,000.

5 Under the heading, “Shipbuilding and Conver-  
6 sion, Navy, 2001/2007”:

7 Carrier Replacement Program, \$145,023,000;  
8 and  
9 NSSN, \$82,700,000.

10 SEC. 8082. The Secretary of the Navy may settle,  
11 or compromise, and pay any and all admiralty claims  
12 under 10 U.S.C. 7622 arising out of the collision involving  
13 the U.S.S. GREENEVILLE and the EHIME MARU, in  
14 any amount and without regard to the monetary limita-  
15 tions in subsections (a) and (b) of that section: *Provided*,  
16 That such payments shall be made from funds available  
17 to the Department of the Navy for operation and mainte-  
18 nance.

19 SEC. 8083. Notwithstanding any other provision of  
20 law or regulation, the Secretary of Defense may exercise  
21 the provisions of 38 U.S.C. 7403(g) for occupations listed  
22 in 38 U.S.C. 7403(a)(2) as well as the following:

23 Pharmacists, Audiologists, and Dental Hygienists.

24 (A) The requirements of 38 U.S.C.  
25 7403(g)(1)(A) shall apply.



1           (B) The limitations of 38 U.S.C. 7403(g)(1)(B)  
2           shall not apply.

3           SEC. 8084. Funds appropriated by this Act, or made  
4           available by the transfer of funds in this Act, for intel-  
5           ligence activities are deemed to be specifically authorized  
6           by the Congress for purposes of section 504 of the Na-  
7           tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
8           year 2006 until the enactment of the Intelligence Author-  
9           ization Act for fiscal year 2006.

10          SEC. 8085. None of the funds in this Act may be  
11          used to initiate a new start program without prior written  
12          notification to the Office of Secretary of Defense and the  
13          congressional defense committees.

14          SEC. 8086. The amounts appropriated in title II of  
15          this Act are hereby reduced by \$250,000,000 to reflect  
16          cash balance and rate stabilization adjustments in Depart-  
17          ment of Defense Working Capital Funds, as follows:

18               (1) From “Operation and Maintenance, Army”,  
19               \$107,000,000.

20               (2) From “Operation and Maintenance, Air  
21               Force”, \$143,000,000.

22          SEC. 8087. (a) In addition to the amounts provided  
23          elsewhere in this Act, the amount of \$6,000,000 is hereby  
24          appropriated to the Department of Defense for “Oper-  
25          ation and Maintenance, Army National Guard”. Such

1 amount shall be made available to the Secretary of the  
2 Army only to make a grant in the amount of \$6,000,000  
3 to the entity specified in subsection (b) to facilitate access  
4 by veterans to opportunities for skilled employment in the  
5 construction industry.

6 (b) The entity referred to in subsection (a) is the  
7 Center for Military Recruitment, Assessment and Vet-  
8 erans Employment, a nonprofit labor-management co-op-  
9 eration committee provided for by section 302(c)(9) of the  
10 Labor-Management Relations Act, 1947 (29 U.S.C.  
11 186(c)(9)), for the purposes set forth in section 6(b) of  
12 the Labor Management Cooperation Act of 1978 (29  
13 U.S.C. 175a note).

14 SEC. 8088. FINANCING AND FIELDING OF KEY ARMY  
15 CAPABILITIES.—The Department of Defense and the De-  
16 partment of the Army shall make future budgetary and  
17 programming plans to fully finance the Non-Line of Sight  
18 Future Force cannon and resupply vehicle program  
19 (NLOS–C) in order to field this system in fiscal year  
20 2010, consistent with the broader plan to field the Future  
21 Combat System (FCS) in fiscal year 2010: *Provided*, That  
22 if the Army is precluded from fielding the FCS program  
23 by fiscal year 2010, then the Army shall develop the  
24 NLOS–C independent of the broader FCS development  
25 timeline to achieve fielding by fiscal year 2010. In addition

1 the Army will deliver eight (8) combat operational pre-  
2 production NLOS–C systems by the end of calendar year  
3 2008. These systems shall be in addition to those systems  
4 necessary for developmental and operational testing: *Pro-*  
5 *vided further*, That the Army shall ensure that budgetary  
6 and programmatic plans will provide for no fewer than  
7 seven (7) Stryker Brigade Combat Teams.

8       SEC. 8089. In addition to the amounts appropriated  
9 or otherwise made available elsewhere in this Act,  
10 \$14,400,000 is hereby appropriated to the Department of  
11 Defense, to remain available until September 30, 2006:  
12 *Provided*, That the Secretary of Defense shall make grants  
13 in the amounts specified as follows: \$4,500,000 to the In-  
14 trepid Sea-Air-Space Foundation; \$1,000,000 to the Pen-  
15 tagon Memorial Fund, Inc.; \$4,400,000 to the Center for  
16 Applied Science and Technologies at Jordan Valley Inno-  
17 vation Center; \$1,000,000 to the Vietnam Veterans Me-  
18 morial Fund for the Teach Vietnam initiative; \$500,000  
19 for the Westchester County World Trade Center Memo-  
20 rial; \$1,000,000 for the Women in Military Service for  
21 America Memorial Foundation; and \$2,000,000 to the  
22 Presidio Trust.

23       SEC. 8090. None of the funds appropriated in this  
24 Act under the heading “Overseas Contingency Operations  
25 Transfer Account” may be transferred or obligated for

1 Department of Defense expenses not directly related to the  
2 conduct of overseas contingencies: *Provided*, That the Sec-  
3 retary of Defense shall submit a report no later than 30  
4 days after the end of each fiscal quarter to the Committees  
5 on Appropriations of the Senate and House of Representa-  
6 tives that details any transfer of funds from the “Overseas  
7 Contingency Operations Transfer Account”: *Provided fur-*  
8 *ther*, That the report shall explain any transfer for the  
9 maintenance of real property, pay of civilian personnel,  
10 base operations support, and weapon, vehicle or equipment  
11 maintenance.

12 SEC. 8091. For purposes of section 1553(b) of title  
13 31, United States Code, any subdivision of appropriations  
14 made in this Act under the heading “Shipbuilding and  
15 Conversion, Navy” shall be considered to be for the same  
16 purpose as any subdivision under the heading “Ship-  
17 building and Conversion, Navy” appropriations in any  
18 prior fiscal year, and the 1 percent limitation shall apply  
19 to the total amount of the appropriation.

20 SEC. 8092. The budget of the President for fiscal  
21 year 2007 submitted to the Congress pursuant to section  
22 1105 of title 31, United States Code shall include separate  
23 budget justification documents for costs of United States  
24 Armed Forces’ participation in contingency operations for  
25 the Military Personnel accounts, the Operation and Main-

1 tenance accounts, and the Procurement accounts: *Pro-*  
2 *vided*, That these documents shall include a description  
3 of the funding requested for each contingency operation,  
4 for each military service, to include all Active and Reserve  
5 components, and for each appropriations account: *Pro-*  
6 *vided further*, That these documents shall include esti-  
7 mated costs for each element of expense or object class,  
8 a reconciliation of increases and decreases for each contin-  
9 gency operation, and programmatic data including, but  
10 not limited to, troop strength for each Active and Reserve  
11 component, and estimates of the major weapons systems  
12 deployed in support of each contingency: *Provided further*,  
13 That these documents shall include budget exhibits OP-  
14 5 and OP-32 (as defined in the Department of Defense  
15 Financial Management Regulation) for all contingency op-  
16 erations for the budget year and the two preceding fiscal  
17 years.

18       SEC. 8093. None of the funds in this Act may be  
19 used for research, development, test, evaluation, procure-  
20 ment or deployment of nuclear armed interceptors of a  
21 missile defense system.

22       SEC. 8094. Of the amounts provided in title II of this  
23 Act under the heading, “Operation and Maintenance, De-  
24 fense-Wide”, \$20,000,000 is available for the Regional  
25 Defense Counter-terrorism Fellowship Program, to fund

1 the education and training of foreign military officers,  
2 ministry of defense civilians, and other foreign security of-  
3 ficials, to include United States military officers and civil-  
4 ian officials whose participation directly contributes to the  
5 education and training of these foreign students.

6       SEC. 8095. None of the funds appropriated or made  
7 available in this Act shall be used to reduce or disestablish  
8 the operation of the 53rd Weather Reconnaissance Squad-  
9 ron of the Air Force Reserve, if such action would reduce  
10 the WC-130 Weather Reconnaissance mission below the  
11 levels funded in this Act: *Provided*, That the Air Force  
12 shall allow the 53rd Weather Reconnaissance Squadron to  
13 perform other missions in support of national defense re-  
14 quirements during the non-hurricane season.

15       SEC. 8096. None of the funds provided in this Act  
16 shall be available for integration of foreign intelligence in-  
17 formation unless the information has been lawfully col-  
18 lected and processed during the conduct of authorized for-  
19 eign intelligence activities: *Provided*, That information  
20 pertaining to United States persons shall only be handled  
21 in accordance with protections provided in the Fourth  
22 Amendment of the United States Constitution as imple-  
23 mented through Executive Order No. 12333.

24       SEC. 8097. (a) From within amounts made available  
25 in title II of this Act under the heading “Operation and

1 Maintenance, Army” \$4,500,000 is only for an additional  
2 amount for the project for which funds were appropriated  
3 in section 8103 of Public Law 106–79, for the same pur-  
4 poses, which shall remain available until expended: *Pro-*  
5 *vided*, That no funds in this or any other Act, nor non-  
6 appropriated funds, may be used to operate recreational  
7 facilities (such as the officers club, golf course, or bowling  
8 alleys) at Ft. Irwin, California, if such facilities provide  
9 services to Army officers of the grade O–7 or higher, until  
10 such time as the project in the previous proviso has been  
11 fully completed.

12 (b) From within amounts made available in title II  
13 of this Act under the heading “Operation and Mainte-  
14 nance, Marine Corps”, the Secretary of the Navy shall  
15 make a grant in the amount of \$2,000,000, notwith-  
16 standing any other provision of law, to the City of  
17 Twentynine Palms, California, for the widening of off-base  
18 Adobe Road, which is used by members of the Marine  
19 Corps stationed at the Marine Corps Air Ground Task  
20 Force Training Center, Twentynine Palms, California,  
21 and their dependents, and for construction of pedestrian  
22 and bike lanes for the road, to provide for the safety of  
23 the Marines stationed at the installation.

24 SEC. 8098. (a) At the time members of reserve com-  
25 ponents of the Armed Forces are called or ordered to ac-

1 tive duty under section 12302(a) of title 10, United States  
2 Code, each member shall be notified in writing of the ex-  
3 pected period during which the member will be mobilized.

4 (b) The Secretary of Defense may waive the require-  
5 ments of subsection (a) in any case in which the Secretary  
6 determines that it is necessary to do so to respond to a  
7 national security emergency or to meet dire operational  
8 requirements of the Armed Forces.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8099. The Secretary of the Navy may transfer  
11 funds from any available Department of the Navy appro-  
12 priation to any available Navy ship construction appro-  
13 priation for the purpose of liquidating necessary changes  
14 resulting from inflation, market fluctuations, or rate ad-  
15 justments for any ship construction program appropriated  
16 in law: *Provided*, That the Secretary may transfer not to  
17 exceed \$100,000,000 under the authority provided by this  
18 section: *Provided further*, That the funding transferred  
19 shall be available for the same time period as the appro-  
20 priation to which transferred: *Provided further*, That the  
21 Secretary may not transfer any funds until 30 days after  
22 the proposed transfer has been reported to the Committee  
23 on Appropriations of the Senate and the House of Rep-  
24 resentatives, unless sooner notified by the Committees  
25 that there is no objection to the proposed transfer: *Pro-*  
26 *vided further*, That the transfer authority provided by this



1 section is in addition to any other transfer authority con-  
2 tained elsewhere in this Act.

3 SEC. 8100. (a) The total amount appropriated or oth-  
4 erwise made available in title II of this Act is hereby re-  
5 duced by \$147,000,000 to limit excessive growth in the  
6 travel and transportation of persons.

7 (b) The Secretary of Defense shall allocate this re-  
8 duction proportionately to each budget activity, activity  
9 group, subactivity group, and each program, project, and  
10 activity within each applicable appropriation account.

11 SEC. 8101. Of the funds appropriated or otherwise  
12 made available in this Act, a reduction of \$176,500,000  
13 is hereby taken from title III, Procurement, from the fol-  
14 lowing accounts in the specified amounts:

15 "Missile Procurement, Army", \$9,000,000.

16 "Other Procurement, Army", \$112,500,000.

17 "Procurement, Marine Corps", \$55,000,000:

18 *Provided*, That within 30 days of enactment of this Act,  
19 the Secretary of the Army and the Secretary of the Navy  
20 shall provide a report to the House Committee on Appro-  
21 priations and the Senate Committee on Appropriations  
22 which describes the application of these reductions to pro-  
23 grams, projects or activities within these accounts.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8102. (a) THREE-YEAR EXTENSION.—During  
26 the current fiscal year and each of fiscal years 2007 and

1 2008, the Secretary of Defense may transfer not more  
2 than \$20,000,000 of unobligated balances remaining in  
3 the expiring RDT&E, Army, appropriation account to a  
4 current Research, Development, Test and Evaluation,  
5 Army, appropriation account to be used only for the con-  
6 tinuation of the Army Venture Capital Fund demonstra-  
7 tion.

8 (b) EXPIRING RDT&E, ARMY, ACCOUNT.—For pur-  
9 poses of this section, for any fiscal year, the expiring  
10 RDT&E, Army, account is the Research, Development,  
11 Test and Evaluation, Army, appropriation account that is  
12 then in its last fiscal year of availability for obligation be-  
13 fore the account closes under section 1552 of title 31,  
14 United States Code.

15 (c) ARMY VENTURE CAPITAL FUND DEMONSTRA-  
16 TION.—For purposes of this section, the Army Venture  
17 Capital Fund demonstration is the program for which  
18 funds were initially provided in section 8150 of the De-  
19 partment of Defense Appropriations Act, 2002 (division  
20 A of Public Law 107–117; 115 Stat. 2281), as extended  
21 and revised in section 8105 of Department of Defense Ap-  
22 propriations Act, 2003 (Public Law 107–248; 116 Stat.  
23 1562).

24 (d) ADMINISTRATIVE PROVISIONS.—The provisos in  
25 section 8105 of the Department of Defense Appropriations

1 Act, 2003 (Public Law 107–248; 116 Stat. 1562), shall  
2 apply with respect to amounts transferred under this sec-  
3 tion in the same manner as to amounts transferred under  
4 that section.

## 5 TITLE IX

### 6 ADDITIONAL APPROPRIATIONS

#### 7 MILITARY PERSONNEL

##### 8 MILITARY PERSONNEL, ARMY

9 For an additional amount for “Military Personnel,  
10 Army”, \$5,877,400,000: *Provided*, That the amount pro-  
11 vided under this heading is designated as making appro-  
12 priations for contingency operations related to the global  
13 war on terrorism pursuant to section 402 of H. Con. Res.  
14 95 (109th Congress), the concurrent resolution on the  
15 budget for fiscal year 2006.

##### 16 MILITARY PERSONNEL, NAVY

17 For an additional amount for “Military Personnel,  
18 Navy”, \$282,000,000: *Provided*, That the amount pro-  
19 vided under this heading is designated as making appro-  
20 priations for contingency operations related to the global  
21 war on terrorism pursuant to section 402 of H. Con. Res.  
22 95 (109th Congress), the concurrent resolution on the  
23 budget for fiscal year 2006.

## 1           MILITARY PERSONNEL, MARINE CORPS

2           For an additional amount for “Military Personnel,  
3 Marine Corps”, \$667,800,000: *Provided*, That the amount  
4 provided under this heading is designated as making ap-  
5 propriations for contingency operations related to the  
6 global war on terrorism pursuant to section 402 of H.  
7 Con. Res. 95 (109th Congress), the concurrent resolution  
8 on the budget for fiscal year 2006.

## 9           MILITARY PERSONNEL, AIR FORCE

10          For an additional amount for “Military Personnel,  
11 Air Force”, \$982,800,000: *Provided*, That the amount  
12 provided under this heading is designated as making ap-  
13 propriations for contingency operations related to the  
14 global war on terrorism pursuant to section 402 of H.  
15 Con. Res. 95 (109th Congress), the concurrent resolution  
16 on the budget for fiscal year 2006.

## 17           RESERVE PERSONNEL, ARMY

18          For an additional amount for “Reserve Personnel,  
19 Army”, \$138,755,000: *Provided*, That the amount pro-  
20 vided under this heading is designated as making appro-  
21 priations for contingency operations related to the global  
22 war on terrorism pursuant to section 402 of H. Con. Res.  
23 95 (109th Congress), the concurrent resolution on the  
24 budget for fiscal year 2006.

## 1 NATIONAL GUARD PERSONNEL, ARMY

2 For an additional amount for “National Guard Per-  
3 sonnel, Army”, \$67,000,000: *Provided*, That the amount  
4 provided under this heading is designated as making ap-  
5 propriations for contingency operations related to the  
6 global war on terrorism pursuant to section 402 of H.  
7 Con. Res. 95 (109th Congress), the concurrent resolution  
8 on the budget for fiscal year 2006.

## 9 OPERATION AND MAINTENANCE

## 10 OPERATION AND MAINTENANCE, ARMY

11 For an additional amount for “Operation and Main-  
12 tenance, Army”, \$20,398,450,000: *Provided*, That the  
13 amount provided under this heading is designated as mak-  
14 ing appropriations for contingency operations related to  
15 the global war on terrorism pursuant to section 402 of  
16 H. Con. Res. 95 (109th Congress), the concurrent resolu-  
17 tion on the budget for fiscal year 2006.

## 18 OPERATION AND MAINTENANCE, NAVY

19 For an additional amount for “Operation and Main-  
20 tenance, Navy”, \$1,907,800,000: *Provided*, That the  
21 amount provided under this heading is designated as mak-  
22 ing appropriations for contingency operations related to  
23 the global war on terrorism pursuant to section 402 of  
24 H. Con. Res. 95 (109th Congress), the concurrent resolu-  
25 tion on the budget for fiscal year 2006.

## 1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-  
3 tenance, Marine Corps”, \$1,827,150,000: *Provided*, That  
4 the amount provided under this heading is designated as  
5 making appropriations for contingency operations related  
6 to the global war on terrorism pursuant to section 402  
7 of H. Con. Res. 95 (109th Congress), the concurrent reso-  
8 lution on the budget for fiscal year 2006.

## 9 OPERATION AND MAINTENANCE, AIR FORCE

10 For an additional amount for “Operation and Main-  
11 tenance, Air Force”, \$3,559,900,000: *Provided*, That the  
12 amount provided under this heading is designated as mak-  
13 ing appropriations for contingency operations related to  
14 the global war on terrorism pursuant to section 402 of  
15 H. Con. Res. 95 (109th Congress), the concurrent resolu-  
16 tion on the budget for fiscal year 2006.

## 17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 For an additional amount for “Operation and Main-  
19 tenance, Defense-Wide”, \$826,000,000: *Provided*, That  
20 the amount provided under this heading is designated as  
21 making appropriations for contingency operations related  
22 to the global war on terrorism pursuant to section 402  
23 of H. Con. Res. 95 (109th Congress), the concurrent reso-  
24 lution on the budget for fiscal year 2006.

## 1 IRAQ FREEDOM FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Iraq Freedom Fund”,  
4 \$3,500,000,000, to remain available for transfer until  
5 September 30, 2007, only to support operations in Iraq  
6 or Afghanistan and classified activities: *Provided*, That the  
7 Secretary of Defense may transfer the funds provided  
8 herein to appropriations for military personnel; operation  
9 and maintenance; Overseas Humanitarian, Disaster, and  
10 Civic Aid; procurement; research, development, test and  
11 evaluation; and working capital funds: *Provided further*,  
12 That of the amounts provided under this heading, not less  
13 than \$2,500,000,000 shall be for classified programs,  
14 which shall be in addition to amounts provided for else-  
15 where in this Act: *Provided further*, That funds trans-  
16 ferred shall be merged with and be available for the same  
17 purposes and for the same time period as the appropria-  
18 tion or fund to which transferred: *Provided further*, That  
19 this transfer authority is in addition to any other transfer  
20 authority available to the Department of Defense: *Pro-*  
21 *vided further*, That upon a determination that all or part  
22 of the funds transferred from this appropriation are not  
23 necessary for the purposes provided herein, such amounts  
24 may be transferred back to this appropriation: *Provided*  
25 *further*, That the Secretary of Defense shall, not fewer

1 than 5 days prior to making transfers from this appropria-  
2 tion, notify the congressional defense committees in writ-  
3 ing of the details of any such transfer: *Provided further,*  
4 That the Secretary shall submit a report no later than  
5 30 days after the end of each fiscal quarter to the congres-  
6 sional defense committees summarizing the details of the  
7 transfer of funds from this appropriation: *Provided fur-*  
8 *ther,* That the amount provided under this heading is des-  
9 ignated as making appropriations for contingency oper-  
10 ations related to the global war on terrorism pursuant to  
11 section 402 of H. Con. Res. 95 (109th Congress), the con-  
12 current resolution on the budget for fiscal year 2006.

13 OPERATION AND MAINTENANCE, ARMY RESERVE

14 For an additional amount for “Operation and Main-  
15 tenance, Army Reserve”, \$35,700,000: *Provided,* That the  
16 amount provided under this heading is designated as mak-  
17 ing appropriations for contingency operations related to  
18 the global war on terrorism pursuant to section 402 of  
19 H. Con. Res. 95 (109th Congress), the concurrent resolu-  
20 tion on the budget for fiscal year 2006.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 RESERVE

23 For an additional amount for “Operation and Main-  
24 tenance, Marine Corps Reserve”, \$23,950,000: *Provided,*  
25 That the amount provided under this heading is des-



1 ignated as making appropriations for contingency oper-  
 2 ations related to the global war on terrorism pursuant to  
 3 section 402 of H. Con. Res. 95 (109th Congress), the con-  
 4 current resolution on the budget for fiscal year 2006.

5       OPERATION AND MAINTENANCE, ARMY NATIONAL  
 6    GUARD

7       For an additional amount for “Operation and Main-  
 8 tenance, Army National Guard”, \$159,500,000: *Provided*,  
 9 That the amount provided under this heading is des-  
 10 ignated as making appropriations for contingency oper-  
 11 ations related to the global war on terrorism pursuant to  
 12 section 402 of H. Con. Res. 95 (109th Congress), the con-  
 13 current resolution on the budget for fiscal year 2006.

14   PROCUREMENT

15       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
 16   VEHICLES, ARMY

17       For an additional amount for “Procurement of Weap-  
 18 ons and Tracked Combat Vehicles, Army”, \$455,427,000,  
 19 to remain available until September 30, 2008: *Provided*,  
 20 That the amount provided under this heading is des-  
 21 ignated as making appropriations for contingency oper-  
 22 ations related to the global war on terrorism pursuant to  
 23 section 402 of H. Con. Res. 95 (109th Congress), the con-  
 24 current resolution on the budget for fiscal year 2006.

## 1           PROCUREMENT OF AMMUNITION, ARMY

2           For an additional amount for “Procurement of Am-  
3 munition, Army”, \$13,900,000, to remain available until  
4 September 30, 2008: *Provided*, That the amount provided  
5 under this heading is designated as making appropriations  
6 for contingency operations related to the global war on ter-  
7 rorism pursuant to section 402 of H. Con. Res. 95 (109th  
8 Congress), the concurrent resolution on the budget for fis-  
9 cal year 2006.

## 10           OTHER PROCUREMENT, ARMY

11          For an additional amount for “Other Procurement,  
12 Army”, \$1,501,270,000, to remain available until Sep-  
13 tember 30, 2008: *Provided*, That of the amount provided  
14 in this paragraph, not less than \$200,370,000 shall be  
15 available only for the Army Reserve: *Provided further*,  
16 That the amount provided under this heading is des-  
17 ignated as making appropriations for contingency oper-  
18 ations related to the global war on terrorism pursuant to  
19 section 402 of H. Con. Res. 95 (109th Congress), the con-  
20 current resolution on the budget for fiscal year 2006.

## 21           WEAPONS PROCUREMENT, NAVY

22          For an additional amount for “Weapons Procure-  
23 ment, Navy”, \$81,696,000, to remain available until Sep-  
24 tember 30, 2008: *Provided*, That the amount provided  
25 under this heading is designated as making appropriations

1 for contingency operations related to the global war on ter-  
2 rorism pursuant to section 402 of H. Con. Res. 95 (109th  
3 Congress), the concurrent resolution on the budget for fis-  
4 cal year 2006.

5 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
6 CORPS

7 For an additional amount for “Procurement of Am-  
8 muniton, Navy and Marine Corps”, \$144,721,000, to re-  
9 main available until September 30, 2008: *Provided*, That  
10 the amount provided under this heading is designated as  
11 making appropriations for contingency operations related  
12 to the global war on terrorism pursuant to section 402  
13 of H. Con. Res. 95 (109th Congress), the concurrent reso-  
14 lution on the budget for fiscal year 2006.

15 OTHER PROCUREMENT, NAVY

16 For an additional amount for “Other Procurement,  
17 Navy”, \$48,800,000, to remain available until September  
18 30, 2008: *Provided*, That the amount provided under this  
19 heading is designated as making appropriations for contin-  
20 gency operations related to the global war on terrorism  
21 pursuant to section 402 of H. Con. Res. 95 (109th Con-  
22 gress), the concurrent resolution on the budget for fiscal  
23 year 2006.

## 1                   PROCUREMENT, MARINE CORPS

2           For an additional amount for “Procurement, Marine  
3 Corps”, \$389,900,000, to remain available until Sep-  
4 tember 30, 2008: *Provided*, That the amount provided  
5 under this heading is designated as making appropriations  
6 for contingency operations related to the global war on ter-  
7 rorism pursuant to section 402 of H. Con. Res. 95 (109th  
8 Congress), the concurrent resolution on the budget for fis-  
9 cal year 2006.

## 10                   AIRCRAFT PROCUREMENT, AIR FORCE

11          For an additional amount for “Aircraft Procurement,  
12 Air Force”, \$115,300,000, to remain available until Sep-  
13 tember 30, 2008: *Provided*, That the amount provided  
14 under this heading is designated as making appropriations  
15 for contingency operations related to the global war on ter-  
16 rorism pursuant to section 402 of H. Con. Res. 95 (109th  
17 Congress), the concurrent resolution on the budget for fis-  
18 cal year 2006.

## 19                   OTHER PROCUREMENT, AIR FORCE

20          For an additional amount for “Other Procurement,  
21 Air Force”, \$2,400,000, to remain available until Sep-  
22 tember 30, 2008: *Provided*, That the amount provided  
23 under this heading is designated as making appropriations  
24 for contingency operations related to the global war on ter-  
25 rorism pursuant to section 402 of H. Con. Res. 95 (109th

1 Congress), the concurrent resolution on the budget for fis-  
2 cal year 2006.

3                   PROCUREMENT, DEFENSE-WIDE

4       For an additional amount for “Procurement, De-  
5 fense-Wide”, \$103,900,000, to remain available until Sep-  
6 tember 30, 2008: *Provided*, That the amount provided  
7 under this heading is designated as making appropriations  
8 for contingency operations related to the global war on ter-  
9 rorism pursuant to section 402 of H. Con. Res. 95 (109th  
10 Congress), the concurrent resolution on the budget for fis-  
11 cal year 2006.

12                   RESEARCH, DEVELOPMENT, TEST AND  
13                   EVALUATION

14       RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
15                   NAVY

16       For an additional amount for “Research, Develop-  
17 ment, Test and Evaluation, Navy”, \$13,100,000, to re-  
18 main available until September 30, 2007: *Provided*, That  
19 the amount provided under this heading is designated as  
20 making appropriations for contingency operations related  
21 to the global war on terrorism pursuant to section 402  
22 of H. Con. Res. 95 (109th Congress), the concurrent reso-  
23 lution on the budget for fiscal year 2006.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
2 DEFENSE-WIDE

3 For an additional amount for “Research, Develop-  
4 ment, Test and Evaluation, Defense-Wide”, \$75,000,000,  
5 to remain available until September 30, 2007: *Provided*,  
6 That the amount provided under this heading is des-  
7 ignated as making appropriations for contingency oper-  
8 ations related to the global war on terrorism pursuant to  
9 section 402 of H. Con. Res. 95 (109th Congress), the con-  
10 current resolution on the budget for fiscal year 2006.

11 REVOLVING AND MANAGEMENT FUNDS

12 DEFENSE WORKING CAPITAL FUNDS

13 For an additional amount for “Defense Working  
14 Capital Funds”, \$2,055,000,000: *Provided*, That the  
15 amount provided under this heading is designated as mak-  
16 ing appropriations for contingency operations related to  
17 the global war on terrorism pursuant to section 402 of  
18 H. Con. Res. 95 (109th Congress), the concurrent resolu-  
19 tion on the budget for fiscal year 2006.

20 TITLE IX

21 GENERAL PROVISIONS

22 SEC. 9001. Appropriations provided in this title are  
23 available for obligation until September 30, 2006, unless  
24 otherwise so provided in this title.

1       SEC. 9002. Notwithstanding any other provision of  
2 law or of this Act, funds made available in this title are  
3 in addition to amounts provided elsewhere in this Act.

4                               (TRANSFER OF FUNDS)

5       SEC. 9003. Upon his determination that such action  
6 is necessary in the national interest, the Secretary of De-  
7 fense may transfer between appropriations up to  
8 \$2,500,000,000 of the funds made available to the De-  
9 partment of Defense in this title: *Provided*, That the Sec-  
10 retary shall notify the Congress promptly of each transfer  
11 made pursuant to the authority in this section: *Provided*  
12 *further*, That the authority provided in this section is in  
13 addition to any other transfer authority available to the  
14 Department of Defense and is subject to the same terms  
15 and conditions as the authority provided in section 8005  
16 of this Act: *Provided further*, That the amounts trans-  
17 ferred under the authority of this section are designated  
18 as making appropriations for contingency operations re-  
19 lated to the global war on terrorism pursuant to section  
20 402 of H. Con. Res. 95 (109th Congress), the concurrent  
21 resolution on the budget for fiscal year 2006.

22       SEC. 9004. Funds appropriated in this title, or made  
23 available by the transfer of funds in or pursuant to this  
24 title, for intelligence activities are deemed to be specifically  
25 authorized by the Congress for purposes of section 504  
26 of the National Security Act of 1947 (50 U.S.C. 414) dur-

1 ing fiscal year 2006 until the enactment of the Intelligence  
2 Authorization Act for fiscal year 2006.

3 SEC. 9005. None of the funds provided in this title  
4 may be used to finance programs or activities denied by  
5 Congress in fiscal years 2005 or 2006 appropriations to  
6 the Department of Defense or to initiate a procurement  
7 or research, development, test and evaluation new start  
8 program without prior written notification to the congress-  
9 sional defense committees.

10 SEC. 9006. Notwithstanding any other provision of  
11 law, funds made available in this title to the Department  
12 of Defense for operation and maintenance may be used  
13 by the Secretary of Defense, with the concurrence of the  
14 Secretary of State, to train, equip and provide related as-  
15 sistance only to military or security forces of Iraq and Af-  
16 ghanistan to enhance their capability to combat terrorism  
17 and to support United States military operations in Iraq  
18 and Afghanistan: *Provided*, That such assistance may in-  
19 clude the provision of equipment, supplies, services, train-  
20 ing, and funding: *Provided further*, That the authority to  
21 provide assistance under this section is in addition to any  
22 other authority to provide assistance to foreign nations:  
23 *Provided further*, That the Secretary of Defense shall no-  
24 tify the congressional defense committees, the Committee  
25 on International Relations of the House of Representa-



1 tives, and the Committee on Foreign Relations of the Sen-  
2 ate not less than 15 days before providing assistance  
3 under the authority of this section.

4 SEC. 9007. (a) FISCAL YEAR 2006 AUTHORITY.—  
5 During the current fiscal year, from funds made available  
6 to the Department of Defense for operation and mainte-  
7 nance pursuant to title IX, not to exceed \$500,000,000  
8 may be used by the Secretary of Defense to provide  
9 funds—

10 (1) for the Commanders' Emergency Response  
11 Program established by the Administrator of the Co-  
12 alition Provisional Authority for the purpose of ena-  
13 bling United States military commanders in Iraq to  
14 respond to urgent humanitarian relief and recon-  
15 struction requirements within their areas of respon-  
16 sibility by carrying out programs that will imme-  
17 diately assist the Iraqi people; and

18 (2) for a similar program to assist the people  
19 of Afghanistan.

20 (b) QUARTERLY REPORTS.—Not later than 15 days  
21 after the end of each fiscal year quarter, the Secretary  
22 of Defense shall submit to the congressional defense com-  
23 mittees a report regarding the source of funds and the  
24 allocation and use of funds during that quarter that were  
25 made available pursuant to the authority provided in this

1 section or under any other provision of law for the pur-  
2 poses stated in subsection (a).

3 (c) LIMITATION ON USE OF FUNDS.—Funds author-  
4 ized for the Commanders’ Emergency Response Program  
5 by this section may not be used to provide goods, services,  
6 or funds to national armies, national guard forces, border  
7 security forces, civil defense forces, infrastructure protec-  
8 tion forces, highway patrol units, police, special police, or  
9 intelligence or other security forces.

10 (d) SECRETARY OF DEFENSE GUIDANCE.—Not later  
11 than 90 days after the date of the enactment of this Act,  
12 the Secretary of Defense shall issue to the commander of  
13 the United States Central Command detailed guidance  
14 concerning the types of activities for which United States  
15 military commanders in Iraq may use funds under the  
16 Commanders’ Emergency Response Program to respond  
17 to urgent relief and reconstruction requirements and the  
18 terms under which such funds may be expended. The Sec-  
19 retary shall simultaneously provide a copy of that guid-  
20 ance to the congressional defense committees.

21 SEC. 9008. During the current fiscal year, funds  
22 available to the Department of Defense for operation and  
23 maintenance may be used, notwithstanding any other pro-  
24 vision of law, to provide supplies, services, transportation,  
25 including airlift and sealift, and other logistical support

1 to coalition forces supporting military and stability oper-  
2 ations in Iraq and Afghanistan: *Provided*, That the Sec-  
3 retary of Defense shall provide quarterly reports to the  
4 congressional defense committees regarding support pro-  
5 vided under this section.

6 SEC. 9009. Congress, consistent with international  
7 and United States law, reaffirms that torture of prisoners  
8 of war and detainees is illegal and does not reflect the  
9 policies of the United States Government or the values of  
10 the people of the United States.

11 SEC. 9010. The reporting requirements of section  
12 9010 of Public Law 108–287 regarding the military oper-  
13 ations of the Armed Forces and the reconstruction activi-  
14 ties of the Department of Defense in Iraq and Afghanistan  
15 shall apply to the funds appropriated in this Act.

16 SEC. 9011. The Secretary of Defense may present  
17 promotional materials, including a United States flag, to  
18 any member of an Active or Reserve component under the  
19 Secretary’s jurisdiction who, as determined by the Sec-  
20 retary, participates in Operation Enduring Freedom or  
21 Operation Iraqi Freedom.

22 SEC. 9012. SENSE OF CONGRESS AND REPORT CON-  
23 CERNING RELIGIOUS FREEDOM AND TOLERANCE AT  
24 UNITED STATES AIR FORCE ACADEMY. (a) SENSE OF  
25 CONGRESS.—It is the sense of Congress that—

1           (1) the expression of personal religious faith is  
2 welcome in the United States military;

3           (2) the military must be a place where there is  
4 freedom for religious expression for all faiths; and

5           (3) the Secretary of the Air Force and the De-  
6 partment of Defense Inspector General have under-  
7 taken several reviews of the issues of religious toler-  
8 ance at the Air Force Academy.

9           (b) REPORT.—

10           (1) RECOMMENDATIONS.—The Secretary of the  
11 Air Force, based upon the reviews referred in sub-  
12 section (a)(3), shall develop recommendations to  
13 maintain a positive climate of religious freedom and  
14 tolerance at the United States Air Force Academy.

15           (2) SECRETARY OF AIR FORCE REPORT.—Not  
16 later than 90 days after the date of the enactment  
17 of this Act, the Secretary shall submit to the con-  
18 gressional defense committees a report providing the  
19 recommendations developed pursuant to paragraph  
20 (1).

21           SEC. 9013. None of the funds made available in this  
22 Act may be used in contravention of the following laws  
23 enacted or regulations promulgated to implement the  
24 United Nations Convention Against Torture and Other

1 Cruel, Inhuman or Degrading Treatment or Punishment  
2 (done at New York on December 10, 1984):

3 (1) Section 2340A of title 18, United States  
4 Code.

5 (2) Section 2242 of the Foreign Affairs Reform  
6 and Restructuring Act of 1998 (division G of Public  
7 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231  
8 note) and any regulations prescribed thereto, includ-  
9 ing regulations under part 208 of title 8, Code of  
10 Federal Regulations, and part 95 of title 22, Code  
11 of Federal Regulations.

12 This Act may be cited as the “Department of Defense  
13 Appropriations Act, 2006”.

Passed the House of Representatives June 20, 2005.

Attest:

JEFF TRANDAHL,

*Clerk.*