Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—198

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Clay
Emerson
Gingrey
Hastings (WA)
Issa
Jones (NC)
Millender-McDonald
Murtha
Musgrave
Pickering

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1208

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF OUT OF ORDER CONSIDERATION OF CERTAIN AMENDMENTS ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HUNTER. Mr. Speaker, pursuant to section 4 of House Resolution 293, I am providing the requisite notice and request that the following amendments as printed in House Report 109–96 be considered out of order: Goode No. 20, Jo Ann Davis of Virginia No. 24, Davis of California No. 12, Hunter No. 1, Stearns No. 6, Bradley of New Hampshire No. 29, Woolsey No. 26.

The SPEAKER pro tempore. The gentleman's notice has been received.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The SPEAKER pro tempore. Pursuant to House Resolution 293 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1815.

The Chair designates the gentleman from Idaho (Mr. SIMPSON) as chairman of the Committee of the Whole, and requests the gentleman from Arkansas (Mr. BOOZMAN) to assume the chair temporarily.

□ 1212

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes, with Mr. BOOZMAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

This year, the Committee on Armed Services has put together a bill that is a true example of bipartisan cooperation, providing the men and women of the armed services with the best equipment, best training, and a benefit package that is worthy of their service and their sacrifice.

The National Defense Authorization Act For Fiscal Year 2006 provides $441 billion for the Department of Defense and the Department of Energy. The bill was voted out of committee by a vote of 61 to 1 and contains significant improvements in areas of military personnel, acquisition reform, responsible defense procurement strategies, and addresses a need for continuity in funding for our ongoing efforts in the global war on terror.

But before I get into any details, Mr. Chairman, I would like to thank the gentleman from Missouri (Mr. SKELTON), who has been my partner on this committee, for all the great work that he has done. I would also like to praise our subcommittee chairmen and ranking members. This bill is a culmination of their many hearings and oversight reviews.

Almost every member of this full committee has been to the war fighting theaters in Iraq and Afghanistan and gathered firsthand important information that has ultimately been reflected in this bill that we have put together. I want to thank all the members of the committee and all our great leaders on both the Democrat and Republican side, the chairmen of the subcommittees and the ranking members, for their work.

This year, Mr. Chairman, we have made taking care of our troops, both now and in the future, one of our top priorities. We can do all of these things in developing great weapons systems and facilities, but the only thing that really is important, the element that drives the security apparatus of the United States, is people. It is the men and women in uniform. To recognize these sacrifices, the committee has included a number of very well-deserved changes in our MILPER system, and it starts with this 3.1 percent pay raise across the board.

Incidentally, that pulls down this difference in pay on the outside in the domestic world and military pay. There has always been a differential. If you were a military technician in a certain area, you have historically made less money than your counterpart in the private world.

□ 1215

But we have pulled down that differential now to a very low rate, which is now about 4.6 percent. We have increased, in fact, military pay 25 percent over the last 4 years, and that has been the result of the great work of members of our committee, Mr. Chairman.

We have also increased the death gratuity to $100,000, and understanding that there is no way we can repay those who have lost their loved ones, this helps to bridge those very difficult times when that man or woman does not come back from the warfighting theaters.

We also provide additional increases in end strength. With this bill we have completed our end strength increase plan of 30,000 more soldiers for the Army and 4,000 for the Marine Corps.

But we also realize that there are a lot of other things we need to do, especially in the warfighting theaters. We have increased by $572 million our inventory of Humvees, $183 million for counter-rocket and mortar systems. Those are the systems that can take down those mortars and rockets that

are coming into the fire bases in Iraq and Afghanistan, inflicting in some cases egregious wounds on our personnel.

And we have put in an additional $45 million for these jamming devices to jam improvised explosive devices that the insurgents are using in the warfighting theaters. That is a place where the insurgents can stand back 300 or 400 yards from a roadway, wait for that Marine or Army convoy to line up on a lamppost, and by using a low-power device like a garage door opener, detonate an improvised explosive device, which may be an artillery shell next to that road, hurting the Americans. Jamming that capability, defeating that capability, is an important thing, and we have put a lot of money into that, Mr. Chairman.

These are a couple of examples I wanted to go over.

But I wanted to go to another area that is very important for our Nation's future and the future of our defense apparatus. We are paying a ton of money now for single systems. The future combat system for the Army is now projected to cost almost twice what we originally projected. The cost of the new destroyer, the DD(X), is going to be, according to projections, well over $3 billion.

So we see these escalating prices threatening our ability to buy enough systems, enough trucks, tanks, ships, planes, to provide the coverage that we need in power projection around the world. We are putting some very important disciplines into the acquisition process to make it more difficult for the private sector to increase these prices dramatically and for this combination of our own bureaucracy and the private sector to inadvertently allow their program costs to rise. So we are working to instill some fiscal discipline, Mr. Chairman, and that is manifested in this particular mark.

Finally, Mr. Chairman, let me just say that we have extraordinary people in the warfighting theaters today. These young men and women went in initially thinking they would see poison gas on the battlefield. They did not see that poison gas, but they have come up against things like IEDs, new ways of attacking that we did not anticipate, and that will continue to evolve as the insurgents search for new ways to attack Americans. And we have to have the flexibility and the agility to provide new systems and new types of operations to counter what we are going to see not only in Iraq and Afghanistan, but around the world in this global war against terrorism.

So we have given the tools to our troops today, and this is just part of the process, but we have initiated, with this bill, giving to our troops the tools that they need to get the job done. It has been a bipartisan effort, and the gentleman from Missouri has been a real partner in putting this bill together.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

First let me thank the gentleman from California (Mr. HUNTER), my friend and colleague, the chairman, for his leadership on this committee, for the by and large strong bipartisanship that we have had on this bill. I thank him and all the members on both sides of the aisle, the chairman, the subcommittee chairmen and ranking members. They have all worked so well and so hard.

This is a $440 billion bill, and it means so very much for the national security of our country.

So we again thank the gentleman from California (Mr. HUNTER) for his participation, for his friendship and for being a strong colleague in national defense.

I am pleased that this year's defense budget represents a real increase in defense spending over last year's level. The committee made good use of the money in recommending vital readiness, modernization, infrastructure improvements, which will keep our forces the best trained and best equipped in the world.

At this point, Mr. Chairman, I feel that I must say that I am so very proud of every man and every woman who wears the uniform of the United States. It is up to us, in the Constitution, to provide and maintain them, and, that is, from all of us who serve on this committee, it is a labor of love. Those young men and young women putting their hearts and souls, their bodies, their careers on the line for our country. So the least we can do at this moment is say a special thanks to them by passing an excellent bill which does help them in their duties.

I want to commend the gentleman from Arkansas (Mr. SNYDER), ranking member, and the gentleman from New York (Chairman Mr. MCHUGH) for increasing the Army and Marine Corps end-strength. I have been saying since 1995, Mr. Chairman, that we needed 40,000 more troops in the United States Army, and this year we are authorizing an additional 30,000 for the Army and an additional 4,000 for the United States Marines.

However, they are paid for out of the supplemental that we are authorizing. Nevertheless, it is happening. It should be paid for out of the base bill, but it is happening because they are stretched, they are strained.

I also want to commend the efforts to reform the purchase of Navy ships. If we are ever going to get to the point where we can afford to buy more than just a few ships a year, we are going to have to do things differently, and I think that buying the number of ships that we are doing, the additional three ships, is a major step in the right direction.

I do, however, want to raise two matters of concern. The bill authorizes almost $50 billion in fiscal year 2006 supplemental appropriations for the wars in Iraq and Afghanistan. These funds are separate and apart from the $440-plus billion we are authorizing. My concern is that the conflicts for which we are authorizing this additional money are mature enough that their costs are foreseeable and could and should be included in the base bill. In my view, budgeting in this fashion has adverse consequences.

Secondly, the ''emergency'' designation that goes along with supplemental appropriations hides the true extent of the Federal deficit. Although we may disagree on the practice of funding operations in the Iraq war and the Afghanistan conflict through supplemental appropriations, if we are going to go down this road, then we should not short-circuit the authorization process. And that is what we are doing. We are authorizing, as we should, rather than leave it up to the Committee on Appropriations; and I think that is a move in the right direction.

Finally, Mr. Chairman, let me say a word about the Hunter amendment. This deals with the women in uniform. At the outset I must say I am proud of every man and woman who wears the uniform and the duty that they perform.

In the Military Personnel Subcommittee, the amendment was adopted on a party-line vote, which had the effect of freezing out and causing to be closed some 21,950 positions. That was not a good move. That would be disruptive, not just to women; it would be disruptive to our national defense because so many of them are serving all over the globe in such superb fashion.

In the full committee, another amendment was adopted that was an attempt to codify Secretary Les Aspin's 1994 women issue language. It was not full and complete, and there were some serious problems with that, and the United States Army opposed that. That is the way the bill is at this moment.

I understand there is an amendment by the gentleman from California (Mr. HUNTER) that will wipe that out and that will call for a special way of counting notification to Congress and call for a study. Should that pass, it will wipe out the onerous language that is there that is causing a great deal of concern not just with women in the uniform, but those others who work with them and for them.

The process in this regard has been, I think, unfair to Democrats. So as a matter of fact, we have come out on the issue regarding women. If the new Hunter amendment is adopted, possibly those two amendments are behind us and we do not have to worry about their being concerned; and that is the major victory in this issue of personnel.

I feel constrained to mention that the committee adopted an amendment that would have extended TRICARE coverage to Reservists. Unfortunately, the provision was technically defective, and the Committee on Rules had the opportunity to right that wrong,

and they did not do so. So we look forward to discussing that at a later time. The gentleman from Mississippi (Mr. TAYLOR), I am sure, will address that situation.

By and large, this is a good bill. We have worked hard on it. The subcommittees have worked hard on it. And so often we have serious problems, as we have with the issue regarding the women in uniform, but I do not want those issues to detract from the fact that this is a solid piece of legislation that helps fight the war against terrorism and helps fight against the insurgency in Iraq and also funds the men and women in the performance of their duties all over this globe.

So I will say that we have a tremendous military that we should be very proud of.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON), who is the vice chairman of the full committee and the chairman of the Tactical Air and Land Forces Subcommittee, and who has done a great job in putting his package together in terms of modernizing our forces.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I, first of all, want to thank my distinguished chairman and the ranking member for their work.

Let me say this at the outset. I cannot tell the Members how proud I am to serve on this committee. Every day that I serve in this institution, I am happy that we work so well together. But this committee, I think, sets the entire example for the entire Congress. Democrats and Republicans, we work together.

I think the best evidence of that is, we had a vote out of committee of 61 of the 62 members coming together, and where we had areas of disagreement, we have been able to work those out. What a real credit and testimony to this Congress and those 62 members who are on this committee and to our leader.

The chairman has done a fantastic job. He has done what many said was the impossible, and I applaud him for that, under extremely difficult circumstances.

The gentleman from Missouri (Mr. SKELTON) has been a tireless advocate for what is right for our military, and I applaud him for that. To the gentleman from Hawaii (Mr. ABERCROMBIE), my ranking member, I thank him. He is a great American and it is great to work with him.

And I want to add a special amount of praise to our new staff director, who is sitting here for the first time at the table. I look forward to what I know is going to be an extremely productive relationship with a real professional who is going help us in our job.

Mr. Chairman, in my part of the bill in the Tactical Air and Land Forces Subcommittee, we had some difficult decisions to make. I had $10 billion of requests for plus-ups that I could not meet, that the services wanted, that Members came to me for. It was impossible. We did the best that we could.

And again this committee did what we did last year. It was this committee that called for additional funding to up-armor our Humvees and take care of the troops that were in harm's way. It was this committee that led the White House last year in getting that first $25 billion supplemental.

This weekend, I will take a bipartisan delegation back to Iraq, and we will spend Memorial Day in theater with the troops seeing the visible examples that we have helped provide to allow our military to be so capable and so successful. And that was our primary focus in the defense bill this year, how best to support our military and civilian personnel in the war against terrorism.

The second thing that we did, and it was difficult, was accountability for DOD programs. And that is not easy. We have services each wanting their own individual platforms while accomplishing the same objective. We put language in this that says they cannot do that. We cannot afford to have the exact same helicopter for the Army that meets the exact same need of the Marine Corps. Why do we not come together with one platform for both? This committee took that action, and I am proud to say that is a part of our recommendation.

We also said that in the case of new technology and new programs, we want to see the technology before we buy it. What disappointed me was that some of the contractors and some of my good friends in this body tried to mischaracterize the language we put in the bill on the Presidential helicopter.

□ 1230

Our language on the Presidential helicopter was not to score a point against or for any contractor or any region of the country. I fully support the decision of the Navy and the Marine Corps and the down-select that they made. And it is not about ''Buy America'' or not buying America. It is about what is the best helicopter to meet the needs of our President. But I would say we have to have closer control over the dollar amount going into this program.

We also had to make a difficult decision, as my chairman outlined, on Future Combat Systems. We cut the program by $400 million; but it was the right decision to make financially, to make sure that we are protecting the taxpayers' interest as well as giving the warfighter the best technology. We made a number of other changes in terms of the overall purchasing of our major platforms. I will not go into them. I will submit them all for the RECORD.

In closing, I want to say again how proud I am to serve with a Democrat and Republican who truly understand how to lead, to work together, and in the end to do what is best for our warfighters. I thank my distinguished chairman and ranking member and the gentleman from Hawaii (Mr. ABERCROMBIE), as my own subcommittee ranking member, for their cooperation on this final product. It is deserving of a ''yes'' vote from every Member of this body.

Jurisdiction includes $67 billion in DOD procurement and research and development.

Bill increases the requested authorization for programs within the jurisdiction of the Tactical Air and Land Forces Subcommittee by $4.5 billion.

Focus: First, how best to support our military and civilian personnel serving in the global war on terrorism; and second, accountability in DOD programs.

Legislative initiatives that seek to redress several unfavorable trends in the Department of Defense:

Programs being called joint programs with only one service participating in the program. This results in large, single service and program research and development expenditures for service unique programs followed by short production runs and inefficient use of taxpayer dollars.

Each service would like its 100 percent solution to every requirement, but that simply cannot be afforded. We want to make sure valid needs of the services are met, but affordability and unique solutions to requirements have to be balanced. We cannot afford to continue to have individual, service solutions within our ground forces for helicopters, tactical wheeled vehicles, blue force tracking, body armor, armored vehicle upgrades, vehicle add-on armor kits, and unmanned aerial vehicle systems, as well as other programs.

Also, programs cannot continue to be allowed to enter pre-production R&D, with immature technologies and ill-defined or unrealistic requirements.

Further, the Office of the Secretary of Defense is there for a purpose, to exercise oversight and reconcile differing service requirements. OSD needs to start exercising its responsibility in programs like unmanned aerial vehicles and helicopter development.

We must stop the trend toward excessive research and development and procurement concurrency in acquisition programs, resulting in not "flying before buying," potential extensive post production modifications, and the associated increased acquisition costs. An example is in the action we have taken on the VXX—the presidential helicopter replacement program. The companies involved have tried to portray the action we have taken as a win for their particular marketing strategy when all that our legislation requires is flying the VXX before buying. It is not a Buy American provision. It is not trying to reverse the source selection. It is simply telling the Pentagon to test and fly the R&D aircraft before you buy production aircraft, so we don't have to go back and spend millions of dollars on already produced aircraft because the test results were not available in time to incorporate fixes into production aircraft. The Pentagon request to us would have us authorize procurement of 15 of the required 23 VXX aircraft before any testing has been done—likely resulting in expensive retrofits to production aircraft.

Other legislation includes:

Multiyear Procurement for UH–60 helicopters;

Multiyear Procurement for the Apache helicopter Target Acquisition/Pilot Night Vision Sensor;

Multiyear Procurement for Apache Helicopter Block II conversion;

A Requirement for an Acquisition Strategy for Tactical Wheeled Vehicle programs;

A Requirement for Full and Open competition for the Objective Individual Combat Weapon;

A Requirement for use of the Tactical Common Data Link by all services for tactical unmanned aerial vehicles;

A Requirement for the Office of the Secretary of Defense to approve all new UAV programs;

An annual Government Accountability Office review of the Future Combat Systems program;

A Requirement to maintain the lethality and survivability requirement of the Non Line of Sight Cannon as established in the operational requirements document;

A Requirement for an independent analysis of the FCS manned ground vehicle weight requirement; and

A Requirement for a single, joint heavy lift rotorcraft program.

In addition adjustments have been made to the following programs:

The C–130J multiyear procurement is reinstated to the levels projected in the fiscal year 2005 budget, resulting in an authorization for 9 C–130Js and 4 KC–130Js, with advance procurement for those same quantities included for fiscal year 2007. [This program has been poorly managed by the Pentagon, but we need the tactical airlift that these aircraft will provide and termination costs were estimated to exceed the one year procurement value of these aircraft.]

The Future Combat Systems' budget request is reduced by $400 million.

The Joint Strike Fighter program is reduced by $150 million, the amount requested for advance procurement—again to require flying test aircraft before procuring production aircraft.

The Heavy Lift Rotorcraft replacement program is restructured and combined with the Joint Heavy Lift rotorcraft program.

The Global Hawk unmanned aerial vehicle program is reduced by $30 million, as the requested amount is early to need.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ORTIZ).

(Mr. ORTIZ asked and was given permission to revise and extend his remarks.)

Mr. ORTIZ. Mr. Chairman, I rise in support of this bill. I thank the gentleman from California (Chairman HUNTER); my ranking member, the gentleman from Missouri (Mr. SKELTON); and all the subcommittee chairmen and subcommittee members for their skill and leadership in addressing the military issues before us.

This bill provides for the needs of our troops and their families. While we are at war, we must always see that they are given the equipment and supplies that they need to do the mission that we ask them to perform.

Like many other things now, this bill is not perfect. In fact, there are a number of challenges still unaddressed by the bill, particularly relating to our retention and recruitment problems. The war in Iraq and the global war on Terror, coupled with the uncertainties of Base Realignment and Closure, the overseas base changing and the accompanying QDR, Quadrennial Defense Review, present many challenges to our readiness posture.

As the ranking member of the Subcommittee on Readiness, I remain deeply concerned about the shortfalls in our recruiting and retention across the board. For example, in March, the Army missed its recruiting goal by 27 percent. We do need soldiers for our all-volunteer Army.

Our Armed Forces have many, many pressing needs, including basic equipment, body armor, Humvee armor, other vehicles, tanks and more; and our troops are doing a great job. We need to continue to support them, to give what they need.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON), the chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, and oversees those wonderful people in our Special Operations Command.

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of H.R. 1815, the National Defense Authorization Act for the next fiscal year. Last week, the Committee on Armed Services approved this bill by an overwhelming vote, as was noted by the gentleman from Pennsylvania (Mr. WELDON), 61 to 1. This demonstrates once again the committee's long tradition of bipartisanship in addressing the defense needs of our Nation.

Mr. Chairman, I would like to commend the chairman and the ranking member for leading us through this process this year in a bipartisan basis.

Mr. Chairman, the war on terror requires the determination of this Nation. This bill demonstrates that determination.

The war on terror requires flexibility to be able to change to meet the threat. This bill demonstrates our ability to change to meet the threat.

The war on terror requires the use of new technology, information technology, robotics, detection equipment. This bill demonstrates our ability to do that.

The members of the Committee on Armed Services never forget that we are a Nation at war. Our young people in uniform face danger daily, while bringing peace and prosperity to benighted areas around the world. Moreover, they are taking the fight to the terrorists on their home ground, keeping the terrorists on the run and fearing for their very lives.

The highest responsibility of those of us privileged to serve on the Committee on Armed Services is to do whatever we can to help our troops. We make the point of visiting the troops in the theater to better appreciate the conditions they live and operate under and the needs they have.

My subcommittee and I have been diligent in that regard and have tried our best to include measures that help our soldiers. We have taken several actions in the bill that will provide the resources and direction to better protect our men and women who are selflessly serving in dangerous conditions overseas.

We have not forgotten our valiant warriors in the Special Operations Command in particular. We have authorized funds for several items in the SOCOM commander's unfunded requirements list and have authorized additional funding that would provide some necessary operational flexibility for special operations forces on the ground.

The bill provides increased funding to accelerate the development and fielding of advanced technologies that I mentioned earlier for emerging critical operational needs, including protection of our forces against improvised explosive devices and rocket and mortar attack and to provide real-time surveillance of suspected enemy activities.

The bill also provides increased funding for combating terrorism technology support to accelerate the development and fielding of advanced technologies in the war on terror. We continue our successful initiative to develop chemical and biological defense countermeasures and start a new initiative for medical defensive countermeasures.

The bill recommended by the committee recognizes that we remain a nation at war. The asymmetrical threat that I have warned of since the middle 1980s has indeed grown to be a worldwide menace. Our successes in meeting this new world threat are measured by our ability to evolve our warfighting strategies and tactics more quickly than the enemy. While we certainly have the initiative, we do not have a monopoly on all of the ideas. The enemy is clever, growing desperate and must be taken seriously by the people of our country. This bill will help our soldiers keep the enemy on the defensive.

In closing, Mr. Chairman, I want to express my appreciation again to you and to the ranking member, as well as to the ranking member on our subcommittee, the gentleman from Massachusetts (Mr. MEEHAN), with whom I have worked closely over the years and particularly this year. This is an excellent bill, and I urge all Members to support it.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EVANS).

(Mr. EVANS asked and was given permission to revise and extend his remarks.)

Mr. EVANS. Mr. Chairman, I rise in strong support of the fiscal year 2006

Defense authorization bill. I believe it is a fair bill. I am pleased it has been handled in a bipartisan manner. It is a rare practice in this House, and I commend the gentleman from California (Chairman HUNTER) for avoiding the politics of ''divide and conquer.''

I want to take this opportunity to express my great disappointment with the BRAC process. Rock Island Arsenal in my district was negatively affected by these recommendations. After further research, it seems that there are numerous errors in the Secretary's recommendations. For example, the report recommends a shift of 181 depot-level jobs in my district amounting to a savings of $13,000 over 20 years. That is $13,000 over the current expenditure.

BRAC also recommends the closing of DFAS and C–POC, which both are rated number one above their peers. This Secretary of Defense wants to close the number one C–POC and number one DFAS, knowing full well that only 20 percent of the civilian employees will follow such recommendation.

I am very disappointed at these recommendations and will work to hard fight them. I will be voting for amendments that would scrap or delay the BRAC process.

Furthermore, I am disappointed that the BRAC commissioners do not seem interested in meeting with community leaders during their visit to installations. This is completely unprecedented and I call upon my friend, Chairman Tony Principi, to request that commissioners meet with the local communities to discuss these recommendations.

Finally, I would like to express my disappointment at the Rules Committee for being grossly unfair in preventing important Democratic amendments. They should be ashamed for their sheer partisanship on an issue that should not be Democratic or Republican and that is the defense of our Nation.

Chairman HUNTER and Ranking Member SKELTON, I thank you and your staff for their hard work.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY), who chairs the Subcommittee on Readiness and does a wonderful job making sure our men and women have the facilities that they need.

Mr. HEFLEY. Mr. Chairman, I thank the chairman for yielding me time. The gentleman and our ranking member have done a wonderful job in pulling all of these committees together to make this thing work.

The ranking member mentioned that this is a good bill. It is a good bill, and I will probably not belabor that point. But I am pleased to come to the floor today in support of H.R. 1815, the fiscal year 2006 National Defense Authorization Act.

The gentleman from Texas (Mr. ORTIZ) and the subcommittee and I worked very closely together to examine the Department's funding for military readiness, which includes $108 billion in operation and maintenance funds, as well as another $12 billion for military construction, family housing, and base realignment and closure.

The actions we took this year addressed the needs of our Armed Forces, both on the battlefield and on the home front. We looked at the readiness levels of our military units, the ability of the military services to maintain equipment in theater and to reset and reconstitute equipment that returns from war; and we confirmed what we already knew, war is expensive and funding is needed.

This is why the bill contains a ''bridge fund,'' which is intended to provide the resources necessary up front to allow our military to continue to fight the war against terrorism. I believe this to be the proper approach and eventually one way to move away from the annual supplemental appropriations bills.

On the home front, we examined funding for the upkeep and maintenance of military installations. While the readiness needs of our forward deployed military personnel are our top priority, we cannot forget the families at home, the servicemembers preparing for deployment, and the personnel just returning.

The committee is well aware of the Department's long-standing practice of utilizing infrastructure budgets as billpayers for operational requirements. Unfortunately, the consequences of taking this approach are reductions to basic services such as child care, dining hall operations, or facility management activities. H.R. 1815 will alleviate the Department's need to raid infrastructure budgets for operational needs and includes the tools we need to improve oversight of infrastructure accounts.

On a final note, we are well aware that the Secretary of Defense recently sent over a list of bases that he is recommending to be closed or realigned. For the past several years, I have fought for a delay in the base closure process. I do not think this is the right time to do it. But, unfortunately, we win that battle in the committee, in the subcommittee, on the House floor, and then we lose it over in the conference because the other body and the President did not go along with our thinking on that. Now I think it is not a fun time, BRAC is never a fun time; but I think it is probably a little too late to get that process reversed.

But we are going to get an opportunity to debate it today and get an opportunity to vote on it, and I would encourage all of us to not support that effort and to support the bill. It is a good bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I want to thank the gentleman from Missouri (Mr. SKELTON), the gentleman from California (Chairman HUNTER), and the gentleman from New York (Mr. MCHUGH), my subcommittee chairman, for the work they have done on this bill.

I rise in support of this bill. There are a lot of good things in here, a 3.1 percent pay raise for the troops, which is ½ percent over the employment cost index. The bill continues the efforts to eliminate out-of-pocket housing costs for servicemembers and their families and eliminates the two-tier housing allowance, or BAH–2, for Reservists and National Guardsmen who are called to duty for more than 30 days and serve less than 140 days.

The bill also has some issues to address health and dental readiness, which Members heard was a problem during the Reserve mobilization.

I also want to thank the gentleman from New York (Mr. MCHUGH) for working with the gentlewoman from California (Ms. LORETTA SANCHEZ) and others to include provisions that will update the UCMJ with regard to sexual assault crimes. These proposed changes will send a clear signal from Congress that this type of behavior is unacceptable.

The bill also includes provisions that will speed up concurrent receipt payments for unemployables.

I want to say a word about the women-in-combat issue. I am pleased that the amendment to be proposed by the gentleman from California (Chairman HUNTER) here shortly today will eliminate the terrible language that is in the underlying bill, language that sends such a bad message to our women in uniform. But that language should never have been in the bill to begin with.

This last Saturday we had a big homecoming ceremony for a lot of our troops coming back from Iraq that are in the National Guard. These are some of the troops that I met with, amongst others, some women that had served in Iraq.

Some of the comments I heard from some of these women, they thought we were ''returning to the Stone Age,'' were one woman's words; ''an insult to the job that they had done in Iraq,'' was another woman's words. They alleged that we ''do not know what is going on in Iraq,'' was the words of another woman officer.

The original subcommittee language was terrible. It would have impacted on tens of thousands of women. The language at the full committee level eliminated the bad subcommittee language, but it also was terrible.

□ 1245

We now have thousands of women in the military confused by these 3 weeks of discussions, and I am pleased that the Hunter amendment today will eliminate it, but it should not have been in there to begin with.

I support the bill.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), who does such an able job of presiding over the Subcommittee on Military Personnel and who takes care of all of our folks in uniform, men and women, active, Guard, and Reserve.

Mr. MCHUGH. Mr. Chairman, I thank the distinguished chairman, the gentleman from California, for yielding me

this time, and I give my compliments both to both him and the ranking member, the gentleman from Missouri (Mr. SKELTON) for always working together to bring us a good bill.

The gentleman from Arkansas (Mr. SNYDER), my distinguished ranking member, pretty much gave my speech, except for perhaps the closing comments that he made, and I am looking forward later, at the appropriate time, to making some comments about the path that we traveled to get to the issue of women in combat.

But without trying to be too redundant, Mr. Chairman, let me just say that the gentleman from Arkansas (Mr. SNYDER) indeed spoke about the 3.1 percent pay increase, and that reduces the gap in civilian and military pay from 5.1 to 4.6 percent. Importantly, this is the seventh year in a row that the subcommittee has recommended a pay raise that is larger than the level that is granted for private-sector pay raises.

We also very importantly recommend continued growth in the Army and the Marine Corps end strength. The House has long advocated those kinds of increases. We supported increases of 10,300 in fiscal year 2003, 6,200 in fiscal year 2004, and in fiscal year 2005, Congress authorized manpower increases of 20,000 in the Army and 3,000 in the Marine Corps.

Under the bill today, we propose additional growth of 10,000 in the Army and 1,000 in the Marine Corps, and that would bring Army end strength to 512,400 and the Marine Corps to 179,000. I think this is critical to alleviating the stress on the operations and personnel tempo that has been so negative upon our troops.

This bill also provides very important recruiting and retention and pay initiatives that increase the maximum amounts that may be paid for active duty enlistments from $20,000 to $30,000, and Reserve enlistments from $10,000 to $15,000, and active duty enlistments and reenlistments from $60,000 to $90,000.

As the gentleman from Arkansas (Mr. SNYDER) said, it would eliminate BAH II, which is an irritant within the Reserve component. With this mark, Reserve rates for the basic allowance for housing will be the same as active duty rates when Reservists are mobilized for more than 30 days, and on and on and on.

In essence, Mr. Chairman, this is a very, very good bill. It continues this House's very remarkable and, I think, very admirable record toward trying to respond to the efforts of those brave men and women, men and women who do such an amazingly incredible, fantastic job for us as they go about the hard work of defending freedom across this globe.

Let me say, Mr. Chairman, I would urge all of our Members to support this initiative, and I look forward to its passage.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

(Mr. MEEHAN asked and was given permission to revise and extend his remarks.)

Mr. MEEHAN. Mr. Chairman, I rise today in support of the 2006 National Defense Authorization Act. The bill contains many provisions to protect our troops and give them the services that they need.

Although it is largely a product of the committee's bipartisan work, I am highly concerned by several aspects of the bill. I am extremely troubled by the new restriction against women serving in the military. While the committee-passed bill included far worse language, preventing women from serving in forward-deployed units, the current provision is also not worthy of the brave women who make up 15 percent of the active duty Army, 23 percent of the Army Reserve, and 13 percent of the Guard. And it dishonors the service of women soldiers who are fighting the global war on terror and hurts readiness at a time when our military is facing a recruitment and retention crisis.

I am also deeply concerned that the Committee on Rules did not allow a vote on my amendment stating that it is United States policy not to have a permanent presence in Iraq. My amendment simply codified what the administration has been saying all along, that U.S. troops will stay in Iraq as long as necessary, but not 1 day more. It would have made clear and unambiguous statements that the United States does not intend to maintain a permanent presence.

While this bill takes many small steps towards improving benefits for our Nation's servicemembers, it does not recognize the urgency in responding to the needs of a whole new generation of combat veterans.

I introduced two amendments in committee to improve transition assistance services and preseparation counseling to separating servicemembers. These programs are critical to providing servicemembers with the tools they need to succeed in civilian life. As we prepare to take on thousands of new veterans who have served in Iraq and Afghanistan, many of whom have been critically injured and will need long-term support, we must expand these programs. The committee did a disservice to our troops when it failed to adopt these amendments.

Finally, I am also troubled by the chairman's decision to ignore the views of his fellow committee members and strike bipartisan language. The committee recognized the need to extend TRICARE to nonactive-duty Reservists by adopting the Taylor amendment.

Our chairman later struck the provision, and the Rules Committee has denied Mr. TAYLOR the opportunity to bring an amendment to the floor.

I also want to extend a special word of thanks to Lauren Briggerman, my Military Legislative Aide, who is leaving my office in June to attend law school.

In the nearly 2 years Lauren has been with my office, she has proven to be tremendously talented and dedicated.

Lauren has contributed immeasurably to my work on the Armed Services Committee, particularly on Iraq exit strategies, repeal of the military's unjust "don't ask, don't tell" policy, transition assistance for returning veterans, weapons non-proliferation, and defense issues affecting Massachusetts.

I wish her the best.

I thank the ranking member for providing me time to speak on this bill.

Mr. HUNTER. Mr. Chairman, I yield an additional 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Chairman, let me just say with respect to what the gentleman from Arkansas (Mr. SNYDER) said, never has so much been written and said about one issue in such a short period that has been so wrong, and I wanted to clarify the record.

The amendment that was introduced, and the second amendment that the gentleman from Arkansas (Mr. SNYDER) described as terrible and that the manager's amendment will replace, has been described as antiwoman, has been described as disruptive to current operations, and has been described as confusing to commanders.

I just want to be clear, Mr. Chairman. The language that was inserted would not have resulted in one woman losing her job or risk being shut out from any position for which she was qualified or that was open to her, not one, not now, not at any time in the future, despite what some of the opponents have said.

That was the entire intent, to make it clear for the first time in law that the women who are doing a fantastic job on behalf of the military could not be excluded from any job for which they are operating and were qualified at that moment, not from forward support companies, not from any other position which they had, just because the traditional, linear battlefield had changed.

As to the confusion that some say occurred, let me just say to my friends in the military and to my friends who have questioned this amendment, and particularly my friends in the Army, does it not trouble you when you say that it would be confusing to your commanders when, for the first time ever, they are handed something that just embodies what you say is your policy? The policy that was developed and placed into that amendment, the military wrote and now you claim that you are following.

Congress did not make that up. Politicians did not define it; the military did. Now you say it is confusing. I would ask my friends in the military particularly, when did you plan on making it clear?

The amendment today will clarify matters even further. I fully support it. But I really think the characterizations that have been made against the text that is replacing it have been unfair and simply inaccurate as to what the position would be with respect to the honorable men and women in military uniform.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this Defense Authorization Act because I believe it provides the critical items necessary for our forces arrayed in Afghanistan and Iraq and around the world. I also support the recognition of the pay necessities that confront our people and gives them a raise.

In addition, it provides increases in enlistment bonuses obviously necessary, hazardous duty, and other special pay to improve recruiting and retention, and funding for a number of key modernization priorities that will ensure that our military remains the best-equipped fighting force in the world for decades to come.

I believe many Democrats will vote for this legislation because we are committed to providing our troops with every resource necessary to succeed in Iraq and Afghanistan and anywhere else the call to defend freedom takes our men and women in the military.

However, this measure is by no means perfect. First, I would say I was disturbed by the rule. I was particularly disturbed, Mr. Chairman, that the amendment offered by the gentleman from South Carolina (Mr. SPRATT), one of the most substantive amendments that was offered, was not allowed by the Committee on Rules. I think it is a shame that we did not have a full debate on the Spratt amendment dealing with proliferation. In fact, Mr. Chairman, it highlights the Republican Party's inability to move past the threats of the Cold War to the threats posed by global terrorism and have a full debate on the ramifications of that.

Specifically, this bill underfunds the Cooperative Threat Reduction program, which has helped to keep unsecured weapons of mass destruction in the former Soviet Union out of the hands of terrorists. This is the gravest threat that our Nation faces; yet, funding for the Cooperative Threat Reduction program barely keeps pace with inflation, even though the 9/11 Commission urged that it be expanded. At the very same time, this bill provides billions of dollars for a national missile system that moves forward the process of developing new nuclear weapons. Neither of these priorities helps to protect the American people from a future terrorist attack.

As I said, Mr. Chairman, I will vote for this bill, but it is a shame that we will not have a fuller, effective debate on the grave policies that this bill deals with or fails to deal with.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, as the ranking member of the Subcommittee on Strategic Forces, I rise today in strong support of this bill. The Subcommittee on Strategic Forces has jurisdiction over several of the most complex and contentious programs, which include ballistic missile defense and nuclear weapons.

I want to recognize and I want to thank our subcommittee chairman, the gentleman from Alabama (Chairman EVERETT), my good friend, for his leadership and all the effort that he put into forging a bipartisan mark. I should tell my colleagues that we often do not see eye-to-eye on every single matter, but I am pleased to report that our subcommittee reached bipartisan accord on several major issues that are important to our Nation.

In the short time that I have here this morning, I want to highlight two areas of bipartisan agreement: satellite programs and the Department of Energy's Reliable Replacement Warhead program.

Mr. Chairman, H.R. 1815 restructures two high-profile satellite development programs, TSAT and Space Radar. Restructuring these programs was a bipartisan decision, an effort that I think will save both programs from experiencing cost overruns and schedule slips that have plagued them in the past.

Turning to the Department of Energy, I am also pleased that we were able to set a reasonable, bipartisan objective for the Reliable Replacement Warhead program. The RRW program has the potential to significantly lower the number of weapons in the U.S. nuclear arsenal and to ensure that our Nation never resumes nuclear testing.

Of course, as always, the devil is in the details. The mark contains a detailed reporting requirement on the RRW, and in truth, only when we receive the report will we likely know whether or not that program can live up to its full potential. Still, setting a bipartisan charter for this program and others in our subcommittee is a significant accomplishment of this mark.

□ 1300

With that, Mr. Chairman, time does not permit me to go into the other areas that are of concern to our great Nation, only to say that I urge all Members to support this bill. It is important to our Nation. It is important to those that are in harm's way today keeping us free.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT), the gentleman who chairs the Projection Forces Subcommittee.

Mr. BARTLETT of Maryland. Mr. Chairman, before proceeding as chairman of the Subcommittee on Projection Forces, I believe it appropriate to underscore the magnificent service rendered the Nation by the men and women serving in our Armed Forces around the world who so steadfastly meet every challenge with true dedication and commitment. We thank each and every one of them for their service. And we thank all Americans, specifically the families of servicemembers, for their unwavering support of our servicemen and -women.

History has repeatedly taught us that peace is only achieved through strength. We have sought to apply the lessons learned from the ongoing global operations to the committee markup of the National Defense Authorization Act for Fiscal Year 2006 in order to strengthen our Armed Forces.

Oceans cover three-quarters of the Earth's surface. The vast majority of the world's population lives within a few miles of a sea coast. Seventy percent of our trade moves by sea. Thus, maintaining America's naval superiority is an imperative. I am pleased to report that the National Defense Authorization Act that we will consider initiates a program to infuse our shipyards with leading-edge manufacturing technology and management systems that reduce shipbuilding costs and to return our shipyards to global competitiveness.

We have also taken steps to confront excessive shipbuilding cost growth by capping costs on specific ship types, recognizing that both the Navy and industry must work together to design and build affordable ships with adequate capability.

Authorization for Department of Defense programs within the jurisdiction of the Projection Forces Subcommittee are increased by $2.3 billion above the budget request. $538 million of the additional authorization is for programs on the military service chiefs' unfunded requirements list.

Authorization is included for two additional Arleigh Burke-class guided missile destroyers, an additional T-AKE ship, and to accelerate fielding of the new amphibious assault ship. This is three more ships than the budget requested. Also included is a recommendation to authorize a multiyear procurement for the C–17.

We have also taken several initiatives to begin to address shortfalls in important requirements to the Department of Defense. These programs include:

$418 million to accelerate the development of the amphibious assault ship replacement;

$20 million to upgrade the fleet of B–2 bombers;

$60 million to complete development and evaluation of the Affordable Weapon System, a low-cost cruise missile, and increased authorization for several procurement, research and development programs of the services.

While there is much more to do, the National Defense Authorization Act of 2006 is an important step in making our country more secure. I urge all of my colleagues to support the bill.

I would like to thank the gentleman from Mississippi (Mr. TAYLOR), ranking member of our subcommittee, for his extraordinary partnership, dedication, and support. I would like to thank all my colleagues on the subcommittee for their diligence, commitment, and hard work.

I would like to also thank our chairman, the gentleman from California (Mr. HUNTER), for his leadership, and our ranking member, the gentleman from Missouri (Mr. SKELTON).

In conclusion, I would like to recognize the contributions and thank the many staff members for their invaluable assistance in preparing H.R. 1815.

Mr. HUNTER. Mr. Chairman, I want to thank the previous speaker.

Mr. Chairman, I yield to the gentleman from California (Mr. MCKEON) for a unanimous consent request.

(Mr. MCKEON asked and was given permission to revise and extend his remarks.)

Mr. MCKEON. Mr. Chairman, I rise in strong support of this legislation and commend the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for their leadership.

I rise today in strong support of H.R. 1815, the National Defense Authorization Act.

Mr. Chairman, our nation is entering its fifth year in the global war on terrorism. Since the tragic events of 9/11, thanks to the heroic efforts of our men and women of the armed services, the United States has had important victories around the world. Just in the past few months alone, we have witnessed democratically elected governments taking power in Iraq and Afghanistan, and we have captured some of al Qaeda's top leadership, including the third most senior member of that evil organization.

Mr. Chairman, these outstanding developments will only carry forward if we provide our men and women of uniform with the tools and resources they need to do their jobs.

This legislation includes the necessary funding to pay for our troops in Iraq and Afghanistan, whether it's for protective gear, clothing, fuel, parts, or maintenance of equipment. It also includes funding to take care of the families of our troops, who make so many sacrifices for our freedom.

Mr. Chairman, this legislation will undoubtedly strengthen and enhance our military, and help us root our terror around the world. I applaud Chairman DUNCAN HUNTER and ranking member IKE SKELTON for their bipartisan work on this important bill and urge all of my colleagues to vote "yes."

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I first want to compliment my chairman, the gentleman from Maryland (Mr. BARTLETT). I want to wish him a happy 79th birthday. Many more to come. And I think the gentleman set the proper tone by saying that everything we do is to support the troops.

By and large, this is a very good bill. It could have been better if one amendment had stayed in. But by and large this is a very good bill. And I want to compliment the gentleman from Maryland (Mr. BARTLETT) on taking what was dealt in the beginning of the year, a pretty bad hand, just asking for four ships, and through his good work, through our chairman's good work, through our ranking member's good work, we were able to add, as he said, 2 DDG–51s.

And as far as the taxpayers are concerned, the last ships you get of any run are not only the best ships of that run, but also the most affordable because all of the learning that has gone into building the previous 50 ships go into these, and so these will be the most affordable, most technologically advanced of the DDG–51s.

The first of the LHARs, the replacement for the LHAs, is in this bill. Again, that is very good news for the United States Marine Corps. This is an aviation variant of an existing hull. Again, the savings that we have learned from the first seven hulls will go into this one and make it an outstanding addition to the fleet.

A T–AKE ammunition ship, in addition to the LCS, one *Virginia*-class submarine, one LPD–17 rounds out what started off to be a pretty bad Navy shipbuilding year and made it considerably better. So I do want to compliment our chairman on this.

Also, I want to compliment the Air Force. You recall at the beginning of the year the Air Force was talking about canceling the C–130J program. That was a very bad mistake on the part of the Air Force. With this committee's prodding, a number of Members, the Air Force has reversed that decision. That is an excellent platform that will continue to be built and is very much needed by our forces. So let me compliment the men and women who serve our Nation.

As I have said before, just today, four notices will be delivered in south Mississippi alone today on the lives of Guardsmen and Reservists who died just yesterday in Iraq. They deserve the very best. And I want to compliment this committee for bringing many of the platforms that they deserve to fruition.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman who just spoke.

Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT), the chairman of the Strategic Forces Subcommittee.

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Chairman, I thank the full committee chairman, the gentleman from California (Mr. HUNTER), and our ranking member, the gentleman from Missouri (Mr. SKELTON). And I would be remiss for not saying thank you to my ranking subcommittee chairman, the gentleman from Texas (Mr. REYES), for the kind remarks that he has made. And without question, we do have some of the most complex and controversial issues in the mark. And I appreciate the hard work of all the members in trying to reach agreement on this. We did not always agree, but we did reach a bipartisan mark; and I again thank all the members and the hard work done by the staff.

The subcommittee's portion of the bill makes some very hard decisions containing appropriate development of transformational capabilities while imposing reductions in certain areas where the technology is not yet mature.

In the Missile Defense Agency, the bill before you adds $150 million for additional testing of the ground-based midcourse defense system.

While we fund both the boost phase defense programs and the budget request, the bill does call for a cost-and-capability comparison between the Airborne Laser and Kinetic Energy Interceptor programs.

In the area of military space, the bill addresses concerns with space acquisition programs. In particular, we slow the pace and provide direction on two programs: Transformational Satellite Communications, or TSAT; and the space radar program. The bill also calls for development of a strategy for space situation awareness, and takes steps to move forward with operational responsive space.

Within Atomic Energy Defense Activities, the bill funds the Department of Energy programs at the budget request. The report includes minor reductions in direct stockpile work, while adding just under $50 million for badly needed infrastructure upgrades.

The bill includes a provision that establishes the objectives for the Reliable Replacement Warhead program, a critical step towards ensuring our nuclear arsenal remains reliable, safe, and secure. The bill includes funding for penetrator study to explore all options for holding Hard and Deeply Buried Targets at risk. The bill also adds $122 million for environmental cleanup activities at Hanford site in Washington State.

Mr. Chairman, the committee's work addresses the administration's objectives on funding military requirements and military member priorities. I certainly urge all Members to support this mark.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Missouri for this time. I made a request to the Rules Committee that we be able, on this House floor, to debate a very important issue, but permission was denied, even though this subject goes to the core of who we are as Americans.

The issue is a concept called "extraordinary rendition." That is a situation where the United States has a prisoner in its possession. We have him. We control that prisoner. And, yet, because we receive diplomatic assurances from another country, a country that does not abide by the convention against torture, we send the prisoner to that country. Now, these are just not ordinary countries that we send these prisoners too. These are countries like Syria; these are countries like Uzbekistan.

The United States, in other words, has captured someone. We believe that they are a terrorist. We believe that they are a threat to our country. We have them in our own possession. By receiving these diplomatic assurances, we send these prisoners to other countries, knowing that there is a high likelihood that these people will be tortured. If Syria, for example, a country that Secretary Rice says we cannot trust, says that they will not torture someone who we have sent to them, can we really trust them?

Just this week, Syria broke off all relations with the United States military and the CIA. What does this mean for the diplomatic assurances that we received from Syria? Did we really need these additional lessons to know that they do not abide by the convention against torture?

Just this week in the New York Times there was a story about a case in which hooded operatives, in the middle of the night, took two Swedish prisoners to Egypt in a CIA-operated Gulfstream. Here is what the story said: one agent quickly slit their clothes with a pair of scissors. Another agent checked the suspects' hair, mouth and lips, while a third agent took photographs from behind. As prisoners stood there, naked and motionless, they were zipped into gray track suits and their heads were covered with hoods. The suspects were then marched in chains to the plane where they were strapped to mattresses on the floor of the cabin.

The two Egyptians later told lawyers, relatives, and Swedish diplomats that they were subjected to electric shocks and other forms of torture.

This is wrong. We should have had a vote here on the floor of Congress on this practice to prohibit it. And I regret that we will not. And I think it is a great deficiency in the debate we are having over the conduct of the war.

Mr. HUNTER. Mr. Chairman, how much time do we have?

The Acting CHAIRMAN (Mr. BOOZMAN). The gentleman from California has 1½ minutes.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to speak about our Nation's military space programs. But first I would like to offer my sincere thanks to the gentleman from California (Chairman HUNTER) and to the gentleman from Missouri (Mr. SKELTON), the ranking member, and particularly the gentleman from New York (Chairman McHugh) and the gentleman from Arkansas (Mr. SNYDER), ranking member of the HASC Military Personnel Subcommittee, for their hard work and support on another issue, that of revising the sexual assault statute in the Uniform Code of Military Justice, the UCMJ, language included in this bill adopting a modern complete sexual assault statute that protects victims, empowers commanders and prosecutors, and improves the good order and the discipline of the Armed Forces. It offers military prosecutors a clear definition of sexual assault and refined tools for effectively prosecuting sexual offenses. It also affords increased protection for victims by emphasizing acts of the perpetrator rather than the reaction of the victim during the assault.

As I said several months ago, we are at a critical juncture in dealing with sexual assault in the military. And I am thrilled to see that Congress is taking a major step to help with these problems in the military.

□ 1315

Mr. Chairman, I would like to discuss our Nation's military space program. Last year, I offered an amendment in committee regarding the Near-Field Infrared Experiment, or what we know as NFIRE. NFIRE would have fired a kill vehicle from its host satellite at an incoming intercontinental-range ballistic missile. The Missile Defense Agency would have tried to narrowly avoid a collision only through split-second timing, but admitted there was a nontrivial chance of intercept.

I objected to the use of a kill vehicle flying from a host satellite because it basically would have been a de facto test of space interceptor technology. I felt strongly then, and I still do today, that we should have a coherent policy in place before we start conducting tests of weapons in space. Congress needs to be an active participant in the shaping of that policy.

I am pleased that the Missile Defense Agency decided against including a kill vehicle on the NFIRE satellite, and I appreciate their reconsideration of the NFIRE test.

I draw the NFIRE matter to the attention of this body because I think MDA's reconsideration was at least partly due to the recognition that this Nation needs to have a space policy in place prior to making decisions about testing or placing weapons in space.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, where do I begin? I rise to oppose this bill for all that it represents about an America that has lost its way.

The snows are melting on Mount Kilimanjaro. Polar ice caps are contracting. In Africa, wars stoked by the United States contribute to the deaths of millions. Millions more die from hunger and disease. More Americans than ever do not have health insurance. Joblessness in some areas is at an all-time high. And this Congress is cutting Medicaid.

You might hear some talk up here about deficit spending, but there is precious little about the deficit so obvious as our values.

Dr. King told us that we all live in a world house, that we have the resources and the know-how to provide everyone everywhere with the basic necessities of life and that we must learn to live together as brothers or perish together as fools.

He reminded us that there is no deficit in human resources, but a deficit in human will. Nowhere is that more evident than in this half-trillion authorization for more fraud, waste, abuse and war.

At some point, Mr. Chairman, we ought to have a serious talk in this body about peace. The American people have been blunted with the horrors of hate and just like we rejected the outrageous behavior of Southern demagogues during the Civil Rights era, the American people reject the outrageous behavior at our detention centers like Abu Ghraib. But such is the collateral damage of war.

Today, courageous young men and women who joined the military to get a college education and not to go to war are taking a stand in their own way to reject war and hate. I urge my colleagues to find a new way and to do it today.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Mexico (Mrs. WILSON) who worked very hard on putting together the compromise amendment on women in combat.

Mrs. WILSON of New Mexico. Mr. Chairman, I appreciate the opportunity to speak.

We will have a manager's amendments later on this afternoon that will strike the language limiting the assignment of women in the military. I believe that those provisions were unnecessary and unhelpful, and I appreciate the willingness of the chairman to remove them from the bill.

I also wanted to thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Arkansas (Mr. SNYDER) and the gentleman from Illinois (Mr. SHIMKUS), the leadership and the staffs of the various committees in their efforts to craft an alternative that I think is worthy of support.

It strikes all of the language with respect to the women on assignment in the military, and increases from 30 days to 60 days the amount of time that the Defense Department would have to give us notice that they are changing policy. That seems, to me, to be the appropriate thing to do.

In the history of this country, there has never been a law limiting the assignment of women in the Army, and we will not do so this year. Throughout the history of this country, 2 million women have served in the uniform of this country. Every single one of them has been a volunteer. We thank them for their service and we honor them today.

The Acting CHAIRMAN (Mr. BOOZMAN). The gentleman from California's (Mr. HUNTER) time has expired.

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentlewoman from Virginia (Mrs. DRAKE).

(Mrs. DRAKE asked and was given permission to revise and extend her remarks.)

Mrs. DRAKE. Mr. Chairman, I certainly would like to thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for their leadership on this amendment.

I think the important issue before us today is that if women were to serve in direct ground combat positions, if that be the decision of the Congress, then I think the amendment before us today does that.

The important thing to remember is that this amendment, as was just explained, will provide a 60-day notice, time so Congress can act as necessary. It also provides for a report to Congress by the end of March of 2006. No women will lose their positions, nor would that be acceptable.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in reference to the gentlewoman from New Mexico's (Mrs. WILSON) remarks, the women in the military issue is past. There were some trying moments, there were two amendments, one quite onerous and the other just onerous. I thank the gentlewoman.

I thank the gentleman from Arkansas (Mr. SNYDER), I thank the gentleman from Illinois (Mr. SHIMKUS), for their work, along with the chairman and the gentlewoman from Virginia (Mrs. DRAKE) for gluing together a piece of legislation that replaces the onerous language.

Mr. Chairman, we have a remarkable military. History will prove that we have the finest young men and young women who are in uniform ever. As it was pointed out a few moments ago, they are all volunteers. They are all dedicated. They understand duties. They understand service. They understand professionalism.

And today when we pass this bill, and I know the gentleman from California (Mr. HUNTER) joins me, we hope this will be a tribute to them and their hard work, their dedication and their patriotism. For without them, without the young men and women who wear the uniform of all the services today, our country would not be safe and secure.

Mr. Chairman, I admire and appreciate those who serve in our military today.

Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to yield for the purpose of making a unanimous consent request to the gentleman from South Carolina (Mr. WILSON).

The Acting CHAIRMAN (Mr. BASS). Is there objection to the request of the gentleman from California?

There was no objection.

(Mr. WILSON of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I support the National Defense Authorization Act.

Mr. Chairman, as our troops continue to risk their lives to defend our country, Congress is acting today to ensure that these brave men and women have the necessary training and equipment to win the war on terror.

As a father of three sons who are currently serving in the military, I am personally invested in the war on terror and the safety of our troops. In February, my son Alan returned after serving for one year in Iraq. I am proud of his Army National Guard service, and I am dedicated to ensuring a safe return for all of the brave soldiers who selflessly serve in the United States Armed Forces.

Today, I am honored to vote for the National Defense Authorization Act, legislation that will ensure American troops receive the best equipment, weapons systems, training, and support.

During my visits to both Iraq and Afghanistan, I have seen firsthand the challenges facing our soldiers. H.R. 1815 addresses these challenges by authorizing additional funding for force protection, including up-armored Humvees, tactical wheeled vehicle programs, night vision devices, and improvised explosive device jammers.

As our soldiers continue to sacrifice their lives for our freedom, they should be able to provide for their families. By including a 3.1% pay raise for members of the Armed Forces, and increasing the maximum amount of hardship pay, this legislation rewards the tremendous sacrifices of our soldiers.

Finally, H.R. 1815 contains several measures that will provide for military families who have lost ones in the war on terror. It permanently increases the death gratuity to $100,000, and also extends the amount of time dependents of deceased service members can stay in housing or receive housing allowances. Although we can never fully compensate for the sacrifices of our soldiers, these measures will help express our heartfelt appreciation to military families.

The terrorists fighting against us are a cowardly and brutal enemy, inspired by hatred and evil. Their agenda of evil will fail against the thousands of men and women of the United States Armed Forces who serve a greater cause of freedom.

I would like to thank Chairman HUNTER and other members of the House Armed Services Committee for their leadership and continued efforts to provide for the men and women of the United States Armed Forces.

In conclusion, God bless our troops and we will never forget September 11.

Ms. BORDALLO. Mr. Chairman, I rise in support of the Department of Defense Authorization Act for Fiscal Year 2006. This bill provides $441 billion in budget authority for the Department of Defense, as well as an additional $49 billion funding bridge for Fiscal Year 2006 costs associated with Operation Iraqi Freedom and Operation Enduring Freedom. Overall I am pleased with the funding authorization level and the major initiatives outlined in this bill, though I do harbor reservations over several more minor provisions which I believe should be more thoroughly reviewed in conference. However, after working diligently with my colleagues on the Armed Services Committee, I am confident that we have produced a Defense Authorization bill that will support the mission of our men and women in uniform who are currently deployed in Iraq and Afghanistan and provide adequate direction for our armed forces to meet future challenges.

One issue that I hope will be revisited in conference is that of allowing members of the National Guard and Reserves to access health benefits under the military's TRICARE program. Despite bi-partisan support for extending this benefit to National Guardsmen and Reservists, this provision was stripped from the Defense Authorization bill without the full consent of members of the Armed Services Committee due to a budget technicality. My colleague, Congressman GENE TAYLOR of Mississippi, had hoped to offer an amendment to the Defense Authorization bill to restore this provision. Unfortunately, however, the House Rules Committee did not make his amendment in order for consideration, therefore House members were deprived of the opportunity to vote to restore this important initiative.

It is important that we recognize the hardship encountered by National Guardsmen and Reservists when they are called up for duty. In addition to placing their lives in the line of fire and separating themselves from their families for extended periods of time, these individuals must bear additional personal financial costs. One way to recognize their courage and sacrifice and to mitigate against the economic hardships that they must endure is to allow these men and women to enroll in TRICARE. TRICARE offers high quality coverage at a reasonable cost to members of the armed forces and their families. Allowing National Guardsmen and Reservists to enroll in TRICARE would serve as an additional incentive and help strengthen morale.

At a time when the military is facing unprecedented difficulties insofar as personnel recruitment and retention, it is important that we do everything we can to demonstrate to our men and women of the National Guard and Reserves that we recognize their sacrifice and the hardship that they and their families endure. National Guardsmen and Reservists have played a vital and integral role as soldiers on the front lines of Operation Iraqi Freedom and Operation Enduring Freedom. National Guardsmen and Reservists have been required to extend their tours of duty in Iraq and Afghanistan to a point where their level of involvement in this conflict is virtually indistinguishable from that of active duty members of the armed services. It is also clear that their efforts will be required indefinitely.

We must take this opportunity to recognize the heroic efforts and the vital role played by our National Guardsmen and Reservists in securing freedom for the people of Iraq and Afghanistan. We must also recognize the evolving nature of the role of National Guardsmen and Reservists and how much our armed services now depend upon their service, a trend that one can only assume will continue in the future. These men and women have labored well beyond traditional tours of duty in order to help maintain security for the new democracies. They are soldiers and they deserve to be treated as such. I hope that conferees will revisit this bi-partisan proposal and that it will ultimately be included in the final version of the Defense Authorization Act.

Mr. HOLDEN. Mr. Chairman, I rise today in support of the Defense Authorization Act for Fiscal Year 2006. I am pleased Chairman HUNTER and Ranking Member SKELTON were agreeable in adding my legislation to create the Combat Medevac Badge in the bill. I would also like to thank Congressman GEOFF DAVIS for his support in offering my legislation as an amendment during mark-up.

Two years ago I was approached by the Vietnam Veterans of America Chapter 542 in Central Pennsylvania, who told me great stories of heroism performed by DUSTOFF pilots and crews during the Vietnam War. But despite their heroic acts, the Vietnam Veterans of America continued to struggle to establish a combat badge in honor of these brave pilots and medics.

Upon my meeting with the Vietnam Veterans of America Chapter 542, I introduced legislation to establish the Combat Medevac Badge to recognize these Medevac pilots and crews. Simply stated, my legislation would make any person who served in combat as a pilot or crewmember of a Medevac unit beginning June 25, 1950 eligible for the Combat Medevac Badge.

Current law provides for two honor recognitions, the Combat Medical Badge and the Combat Infantryman Badge. The basic eligibility standards for both of these awards were crafted during World War II, a time before helicopters entered the field of battle for rescue and medical evacuation purposes.

Non-Medevac pilots and co-pilots, who flew aircraft during the Korean War, and every war since then, have long been recognized with a Combat Badge. However, because of an omission in the statute, Medevac crews that operate rescue helicopters have never been eligible for the same recognition.

Last week, this omission was corrected during the Defense Authorization mark-up, when Congressman DAVIS offered an amendment to establish the Combat Medevac Badge, which was passed en bloc. I commend Congressman DAVIS for taking the lead in committee and bringing this long overdue award one step closer to fruition.

Mr. Chairman, I would again like to commend Chairman HUNTER, Ranking Member SKELTON, and Congressman DAVIS for their leadership in bringing forth this very good bill and including the establishment of the Combat Medevac Badge. I would also like to thank my colleague from Pennsylvania, JOE PITTS, for all of his assistance and hard work. Lastly, I would like to recognize John Travers and Mike McLaughlin of the Vietnam Veterans of America Chapter 542 for brining this to my attention and for all of their time and dedication to the effort.

Medevac pilots and crews have performed heroically during times of military conflict. This long overdue award will acknowledge their service to our country.

Mr. FARR. Mr. Chairman, I rise to express my support for two amendments to H.R. 1815, the Department of Defense Authorization Bill, which are critical to improving the health and welfare of our servicewomen at home and overseas. The Slaughter amendment would authorize funding for the DOD to provide better care to military victims of sexual assault. The Davis amendment would allow servicewomen overseas to use their own funds to obtain a safe abortion in military hospitals. I urge my colleagues to support both of these amendments.

Incidents of sexual assault in the military are unfortunately all too common and, despite this fact, DOD does not currently provide adequate training in evidence gathering and preservation for first responders to sexual assaults. In addition, many military healthcare providers are not familiar with the gathering and processing of rape kits and some facilities are not even equipped with rape kits. It is unacceptable that DOD has not provided more comprehensive resources for dealing with the problem of sexual assault in the military. The Slaughter amendment would authorize $25 million annually for training and resources for the DOD to improve the response to incidents of sexual assault. The amendment would also require the Secretary of Defense to develop a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units.

In light of DOD's inability to protect servicewomen from sexual assault, and to provide comprehensive health care after a sexual assault, it is even more important that we support the Davis amendment to ensure that servicewomen stationed overseas could receive a safe abortion, paid for with their own private funds, in a military hospital. Currently, servicewomen and female military dependents are prohibited from using their own funds for abortions at overseas military hospitals. Military women should be able to depend on their base hospitals for all their health care services, but instead they are forced to compromise their medical privacy and wait for space on a military transport, or to seek an abortion in a foreign hospital. It is unacceptable to endanger the health of our servicewomen by denying them safe and timely medical care. This amendment would not require the government to pay for abortions, and it would not force medical providers to perform abortions, but it would allow military women and military dependents stationed overseas to exercise the reproductive rights they are entitled to as Americans.

American servicewomen dedicate themselves to defending our constitutional rights and civil liberties; they should not have to worry about receiving inadequate healthcare for sexual assault, or sacrificing their constitutional rights and civil liberties simply because they have chosen to serve their country. I urge my colleagues to support both the Slaughter amendment and the Davis amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in support of the Defense Authorization Bill. I want to specifically express my support for the "Contractors on the Battlefield" section of the bill, which takes a number of positive steps toward improving federal oversight of contractors providing security services in war zones.

Several major incidents last year brought to light the problems and dangers inherent in the federal government's use of security contractors, including the Abu Ghraib scandal and the brutal murder of four Blackwater contractors in Fallujah.

A year ago, more than 100 members of Congress joined me in writing to the GAO to request an investigation into the use of security contractors in combat zones. Last month, GAO confirmed many of our fears, releasing a report that found substantial confusion surrounding these contracts and how they fit into larger military operations.

I have been working with Congressmen SPRATT, WAXMAN, CRAMER, and SNYDER—and with the various security contractor groups—to develop legislation that would address these problems and help rationalize the security contracting system.

Last month, we introduced a bill based on those efforts, the Transparency and Accountability in Security Contracting Act, and we have been working with the Armed Services Committee to incorporate the major elements of our bill into the Defense Reauthorization legislation we are considering today. I am grateful for the support that Representatives HUNTER and SKELTON have provided in addressing these issues.

There were some items in our bill that I would have preferred be included in the measure now before us, but I understand there are some jurisdictional issues that would have complicated that. Nevertheless, the provisions that are part of the Defense Authorization bill are a solid first step, and I am pleased with this bipartisan accomplishment.

To date, the federal government has had no precise estimate of the number of armed contractors working in Iraq and, as a result, the Defense Department has had no systematic way to communicate with them, putting both contractors and troops at risk.

The Defense Authorization bill would address that problem by requiring DoD contractors to provide information on their personnel who carry weapons, including the exact location where they are working. They would also be required to certify that those personnel have received the necessary training to do their jobs safely and effectively.

The bill also would require combat commanders to establish protocols to improve communication between military personnel and contractor personnel. And it would require the Pentagon to establish guidelines for contractors as to the type of weapons they may use and the amount of training required to use them.

These provisions would help keep our troops and contractors safe, and they should improve the effectiveness of contractors in Iraq and other areas of conflict. And after two years of being in the dark, this bill would also provide us with the information we need to provide appropriate oversight of contractors in war zones. I urge my colleagues to support this bill.

Mr. CROWLEY. Mr. Chairman, I rise today to speak in support of the Defense Authorization bill. I would like to commend the distinguished Chairman of the Armed Services Committee DUNCAN HUNTER and his counterpart IKE SKELTON, a man who I greatly respect, for crafting a bipartisan bill.

While this is not a perfect bill, in today's environment on Capitol Hill it is a testament to both of these men and their staff that they are able to work so well together to put a bill forward that so many of us can support. I would also like to thank the Rules Committee for making my amendment in order for debate today.

My amendment is a Sense of Congress honoring the diversity of the men and women who have given their lives in defense of our country. Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic backgrounds and faiths share the same goal of defending the cause of freedom, democracy, and liberty. These brave men and women who come from such diverse backgrounds are one of the best foreign policy tools we have.

When we have a broad mosaic of the diversity of our country all working together, like African Americans, Arab Americans, Asian Americans, Hindu Americans, Jewish Americans, Latino Americans, Muslim Americans,

and Sikh Americans all working together fighting for the same cause, it says something to the rest of the world.

I know a lot about diversity because I have the privilege of representing one of the most diverse Congressional districts and I'm proud to say that my constituents are members of the Armed Forces and unfortunately, several have lost their lives fighting to defend the cause of freedom, democracy, and liberty.

As the former co-chair of the Caucus on India and Indian Americans, I read with interest about a young Sikh American, Specialist Uday Singh, who died fighting in Iraq. He was the first Sikh to die in combat operations during Operation Iraqi Freedom. As I read on, it told the story of how Specialist Singh joined the military—Singh joined because he believed in what the United States represents and felt the strong desire to fight for the freedoms we have here. I would like to commend the family of this young man for his sacrifice for our freedom.

I also represent a large Latino community and have had the privilege of meeting with the Latino members of the Armed Forces. They've told me stories about what made them join, whether it was to defend the cause of freedom, democracy, and liberty or to make a better life for themselves through the military, regardless of the reasons their actions are commendable.

A constituent of mine, Sergeant Christian Engeldrum was killed during service in Iraq. This patriot was a Firefighter in New York City and was one of the first people to raise an American flag over Ground Zero after September 11, 2001. The events he witnessed that horrible day spurred him to re-enlist into the Army to fight for our nation overseas and ensure our protection here at home. While he left his pregnant wife and two growing sons behind, he volunteered so they could live in a safer country, and a better world. Tragically, on November 30, he paid the ultimate price for his love of family and country when a roadside bomb exploded near his convoy outside of Baghdad.

Sergeant Engeldrum was the fIrst New York City firefighter to die in service to his nation in Iraq. My heart and sincerest condolences go out to his family and all the other families who have lost loved ones, but we also need to focus our attention on those who have lost their lives but also the ones who have come back with injuries and unexplained ailments.

I also have some veterans who are still struggling with the effects of serving in the military, both mentally and physically. One such veteran had gone undiagnosed and recently had a child born with birth defects. The military doesn't know why this happened but I believe it had to do with the large amount of depleted uranium found in his body. I would like to thank the committee for including language in the bill for the Department of Defense which addresses and acknowledges the widespread problem of exposure to depleted uranium by military personnel.

The language, which I authored, was in honor of my constituent Gerard Mathew and his family. This language will require the Department of Defense to rework its strategy regarding depleted uranium, require the Department of Defense to update their testing methodology to the most modern standards and provide testing to all who request it and provide better protections and coverage for members of the military.

This language is an important issue that all the members of our Armed Forces face and I want to thank the Committee for their willingness to address this concern. No piece of legislation is perfect but I would like to commend the chairman and the ranking member and their incredible staff for working hard to craft such a bipartisan bill that I hope many of the members of this House will support.

Mr. TIBERI. Mr. Chairman, I rise in support of the National Defense Authorization Act, and the inclusion of my language that extends hiring preferences for federal jobs to more veterans.

I want to thank armed services Chairman DUNCAN HUNTER for including this language in his manager's amendment. Chairman HUNTER's concern for our men and women in uniform is second to none.

Currently, only veterans who have spent 30 consecutive days in a combat area are eligible for federal hiring preference.

Thousands of regular military, reserve and national guard forces who have served in the war on terror, both in this country and abroad, don't qualify because they don't meet the 30 day standard.

That's wrong. They've sacrificed and faced the same hardships. They deserve the same benefits.

My language extends the hiring preference to any honorably discharged vet who has spent 180 days on active duty in the war on terror. This is very similar to language approved by Congress for veterans of the gulf war.

This problem was brought to my attention by reservists in my district. On their behalf, and on behalf of all our veterans, I want to thank Chairman HUNTER and my colleagues in the House for accepting my language.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill. It is deficient in many ways, but it includes critical provisions that I think are necessary. So I will vote for it.

As a new Member of the Armed Services Committee, I am grateful to Chairman HUNTER for working with me on a number of provisions in the bill that are important to me and my state of Colorado.

The bill incorporates an amendment I offered to reauthorize for one year the Welcome Home Warrior and Freedom Salute programs for the Army Reserve and Army and Air National Guard. Both programs are first and foremost recruiting and retention programs. They help reintroduce returning soldiers to civilian life and honor them with gifts of flags, lapel pins and other items honoring their service. Especially given the amount of strain our citizen soldiers are under, it's all the more important that we take the time to let them know how much their service and sacrifices mean to their communities and to the nation.

The bill also includes language directing the Secretary of the Army to evaluate the type of aircraft available in the Army's inventory that can replace aging equipment currently in use at High-Altitude Aviation Training Site (HAATS) in Eagle, CO. HAATS, which is operated by the Colorado Army National Guard, is the primary site for training military pilots on operations in hostile and high-altitude environments under all weather conditions. The training that is done at HAATS is essential to reduce the number of accidents our forces have recently experienced when operating in high mountainous areas, such as Afghanistan and Northern Iraq. But the training site currently uses aircraft that are being phased out this year, and no replacement aircraft have been programmed. So I'm glad that the Chairman has pledged to work with me to help HAATS continue to provide its important training.

I was pleased that the bill includes favorable language on the Pueblo Chemical Depot, a former chemical weapons site located in southeastern Colorado. Coloradans were alarmed last year when the demilitarization project was put on hold, so they want to see that DoD is committed to using the neutralization technology to destroy the 2,600 tons of mustard agent stored at Pueblo—not transporting the weapons to a different site for destruction. The Colorado delegation has worked hard to put the project back on the right track, so I am grateful for language in the bill directing the Secretary of the Army to continue to implement fully the neutralization technology at Pueblo.

I also want to call attention to language that would transfer program responsibility from the Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of the Army. I understand that objection to this transfer in the past was due to the preference of the Program Manager for Chemical Destruction under the Department of the Army for baseline incineration. Now that DoD is committed to the neutralization approach, and given the numerous GAO reports and testimony to Congress stating that effective management of the chemical demilitarization program has been hindered by the complexity of its management structure, it appears to make sense to pursue the transfer. Still, I've asked the Chairman to follow this move closely to ensure that this proposed change in oversight of the project doesn't change the path forward for the development of the neutralization technology.

Finally, I'm pleased that the bill includes $6.4 million for the Air National Guard Station at Greeley for the Space Warning Squadron Support Facility as well as $5.5 million for the Network Information and Space Security Center (NISSC) at the University of Colorado at Colorado Springs. These funds will enable Colorado's Air National Guard to replace its outdated facility and allow NISSC to expand its programs and services through a multidisciplinary homeland security lab environment.

There are also many broad provisions in the bill that benefit our troops. An important one increases the active duty Army and Marine Corp by 10,000 and 1,000 respectively, thereby helping to ease the strain on our troops. I'm also glad that the bill includes provisions to increase recruiting and retention incentives, increase the death gratuity to $100,000, and provide a 3.1 percent pay raise for members of the armed forces. The bill also provides better force protection for our troops, including nearly doubled funding for up-armored Humvees.

Also important—especially at this time of budget tightening—is the bill's focus on reining in costs of major procurement programs, particularly the Future Combat Systems and other programs that have relied on immature technology.

On a less positive note, I am concerned that the bill authorizes nearly $50 billion in a "bridge fund"—over and above the $440 billion in the regular bill—for FY06 supplemental

appropriations for the wars in Iraq and Afghanistan and the global war on terror. While inclusion in the bill does mean that the authorizing process has been followed to an extent, still, the additional money in this bridge fund should be included in the regular budget request, since there is nothing unexpected about the need for these funds. The ''emergency'' label that these funds bear hides the fact that they do increase the size of the budget deficit. I don't believe this is a responsible way for us to pay for our military operations.

I'm also disappointed that the leadership and the Rules Committee did not provide for adequate debate on issues of importance to the nation and to the prosecution of the war in Iraq and Afghanistan.

Last week the Armed Services Committee voted for Representative TAYLOR's amendment to provide TRICARE to all Reservists on a permanent basis. But Chairman HUNTER took the language out due to budget constraints, and the Rules Committee refused to make Mr. TAYLOR's amendment in order. I agree with my colleague Representative TAYLOR that as long as our nation continues to use our reserve components in the same capacities as active duty troops, they deserve similar benefits for similar service. The needs of our Reservists will continue to grow as we continue to call them to service in the war in Iraq and Afghanistan. But the Republicans put off this decision on TRICARE to another day.

The Rules Committee also precluded debate on Representative SPRATT's amendment to increase spending on nonproliferation programs. As Mr. SPRATT pointed out, we are currently spending less on the cooperative threat reduction program than we did before September 11th. President Bush agreed with Senator KERRY in one of the presidential debates that the biggest danger we face is the threat of nuclear weapons and other weapons of mass destruction in the hands of terrorists. Yet this bill doesn't provide funding for our nonproliferation programs commensurate with this threat.

I am disappointed that debate was not allowed on Representative TAUSCHER's excellent amendment on sharing reports on detainee treatment with Congress or on an amendment I offered with my colleague Representative BEAUPREZ to help former nuclear weapons workers in Colorado who are suffering from cancer and other conditions related to their exposure to radiation and other hazards.

I'm very relieved that the majority saw fit to scale back for the second time language that was first proposed two weeks ago in the Personnel Subcommittee on which I serve. That language would have removed women from Army combat support and combat service support units in which they currently serve, a move that would have affected many thousands of women in Iraq and Afghanistan.

Last week's amendment watered down the initial language, codifying the status quo with regard to positions women currently hold in the military. Along with my colleagues in the Armed Services Committee, I objected to this revised language because it would take flexibility away from our commanders who need to make their own decisions about battlefield needs. So last week's amendment meant that if one of the services wanted to expand or change positions open to women, this could only be done through a change in the law. Ranking Member SKELTON said it best: ''By limiting women to only those jobs they perform today, it will be more difficult for commanders to adapt their forces to the changing needs of current operations around the world.''

Given the current difficulties our military is facing with recruitment and retention, it doesn't make sense to tie the hands of our commanders, discourage women from joining the armed forces, or create confusion among our troops. So I'm glad that Chairman HUNTER revised his language yet again in the manager's amendment today. This final provision requires the Defense Department to provide more detailed reporting if the services want to expand the role of women, and establishes a longer waiting period following notice to Congress before those changes can go into effect.

Finally, I want to discuss an amendment brought to the floor by our colleague from California, Ms. WOOLSEY.

This is an annual authorization bill, but its provisions will have lasting effects beyond the next fiscal year. So, I sympathized with those who supported the amendment calling for the Administration to tell us how they intend to complete the work we have undertaken to do in Iraq. But, after careful consideration, I decided that I could not support the Woolsey amendment.

That does not mean I am confident that the Administration has a clear blueprint—in fact, just the opposite. I opposed the resolution authorizing the use of force in Iraq because I thought other alternatives had not been exhausted. And events since then have made clear that while the Administration planned for invasion, they lacked a plan for what would follow.

But just as rushing into Iraq was a mistake, rushing to get out would also be a mistake. Ms. WOOLSEY's amendment may be helpful in sending an important signal to the Muslim world that America has no desire to stay in Iraq, but it fails to address the necessary linkage between an exit strategy and security. Moreover, I am persuaded that this is not the moment for Congress to cast what the insurgents predictably would describe as a vote of no confidence in our efforts to assist the new Iraqi government to draft a constitution and to develop the police and military forces needed to maintain order so that the Iraqi people can decide in free and fair elections whether to ratify that document.

Mr. Chairman, this is not a perfect bill. And the process under which it was debated was not all that it should have been. But, overall, the bill deserves to pass and I urge its approval.

Mr. BLUMENAUER. Mr. Chairman, I voted against this bill because, at its core, it gives too much money to the wrong people to do the wrong things, while missing out on important priorities for the safety and wellbeing of our troops and our nation. This budget provides $3.4 billion—$170 million more than the President's request—for an untested and unproven national missile defense system and continues to fund the unnecessary FA/22 Raptor and the C–130J cargo plane, which even Secretary of Defense Donald Rumsfeld has tried to kill. At a time when we are at war, the United States can hardly afford to waste billions of our defense dollars on programs that don't work or address the new threats we face.

I'm disappointed that an amendment I intended to offer was not allowed to be debated, which would have delayed the 2005 BRAC round until the Pentagon had a strategy, including expected funding, to cleanup the bases closed in the 1988 BRAC round. At the same time, in addition to missing the opportunity to deal with issues of unexploded ordnance and environmental cleanup at BRAC sites, this bill doesn't include TRICARE for our reservists or address the threat of nuclear proliferation by sufficiently funding the Nunn-Lugar Cooperative Threat Reduction program, as recommended by the 9/11 Commission.

A glaring omission is the lack of any meaningful provisions dealing with torture and prison abuse by our country. The failure to hold anyone up the chain of command responsible for documented gross violations of human rights is appalling. Placing the blame entirely on a few low-level enlisted personnel is shameful. It sends the wrong message to our fighting forces and to the rest of the world, with dangerous consequences for the United States.

I opposed the War in Iraq from the beginning because this administration had inadequate preparation for the war and never had a plan for winning the peace. Nothing in this bill solves this most pressing problem for our troops. We still lack a plan to win the peace in Iraq.

Mr. LANGEVIN. Mr. Chairman, I rise in support of H.R. 1815, and thank Chairman HUNTER and Ranking Member SKELTON for their hard work. This bill supports our men and women serving in the armed forces and make-investments to keep our military strong in the future.

H.R. 1815 is committed to a strong Navy through shipbuilding increases. With cost controls and investments in our industrial base, we can ensure that our future navy will be robust, innovative and effective. I am pleased that the bill directs the Navy to begin design work on a next-generation submarine that will incorporate emerging technologies. Currently our Navy has no plans for the submarine to follow the *Virginia*-class, which threatens to cause our design and engineering base to disappear. If we lose design capability, we will do irreparable harm to our shipbuilding industry. Given certain nations' investments in their navy and undersea capabilities, I appreciate the commitment in this bill to guaranteeing our nation's undersea dominance.

However, I am concerned by the recommended cuts to DD(X), the Navy's future destroyer that will serve as the model for our naval surface combatant transformation. DD(X) is the cornerstone of our future fleet, and I fear that the cuts in this bill could endanger the project. I look forward to working with my colleagues to address any existing concerns with DD(X) and to continue this program.

This bill also contains important language to ensure that civilian employees at the Department of Defense do not lose their jobs to private contractors without first having the opportunity to compete for the work. It closes loopholes that have permitted DOD to outsource work without proving that the private sector can do it more cost-effectively. Finally, it expresses the sense of Congress that civilian employees should have the same rights as private contractors during contract competitions. I thank the chairman of the Readiness Subcommittee, Mr. HEFLEY, for working with me to craft the language and Chairman Hunter for his commitment to defend our provisions.

Furthermore, the committee report encourages the President to update the National Security Strategy so that we incorporate all instruments of national power into a comprehensive approach to security. We need a vision of national security that complements our military might with enhanced soft power capabilities such as communications and diplomacy, economic cooperation and foreign aid, cultural exchanges, and investments in educational disciplines such as science, engineering and foreign language skills. Joseph Nye, the former dean of the Kennedy School of Government and Assistant Secretary of Defense for International Security Affairs, has written extensively about the need to supplement our military might with efforts to win the world's hearts and minds with our values and culture. As the 9/11 Commission so eloquently put it: "If the U.S. does not act aggressively to define itself [. . .], the extremists will gladly do the job for us." I thank the committee leadership for addressing my concerns in this area.

Again, I commend the Chairman HUNTER, Ranking Member SKELTON and my colleagues on the committee for a well-balanced bill, and I urge its adoption.

Ms. BALDWIN. Mr. Chairman, I rise in opposition to H.R. 1815, the Defense Authorization Act for Fiscal Year 2006. This legislation reflects misplaced priorities, wrong choices, excessive spending, and a failure to make hard choices. This bill also fails to assert any meaningful Congressional oversight over the war in Iraq which has been mismanaged from the very beginning.

Passage of this bill today will set our annual defense spending in Fiscal Year 2006 at $490.7 billion, including additional funding for the war in Iraq. This will account for 55 percent of all discretionary spending. In real terms, it will be 20 percent higher than the average defense budget during the Cold War. We will spend just shy of a million dollars a minute, 24 hours a day, for all 365 days next year.

Mr. Chairman, in the past, I have supported many defense authorization and defense appropriations bills. As a Member of this House, I take extremely seriously my oath of office that obligates me to provide for the protection of the American people. Providing for our common defense is critical, but like other federal government programs, we are bound to ensure that each dollar that we spend is necessary and used wisely.

Not only will this be a record defense budget, it will also be nearly as large as every other country in the world combined. Let me repeat that, this defense budget will nearly equal all other military spending in the world, including nations that are our allies and nations that are potential adversaries. According to estimates by the Center for Arms Control and Nonproliferation, all nations except for the United States are spending a total of $527 billion. This includes our NATO allies like Britain at $49 billion and France at $40 billion, and Japan at $45 billion. Our spending dwarfs those of countries that are considered possible threats to our security: Iran at $3.5 billion, North Korea at $5.5 billion, Syria at $1.6 billion, and Sudan at $500 million.

We have already appropriated approximately $250 billion for the wars in Iraq and Afghanistan since 2003. The day after we passed our latest FY 2005 supplemental, the Administration signaled that we should expect another supplemental request in the $50 billion range. It is clear that the Administration has no idea what the costs of the Iraq operations will be or is withholding that information from the Congress and the American people.

In March 2003, before the war began, I wrote to the President with 22 of our colleagues to ask him to specifically define our objectives and to provide an exit strategy. We asked the President a number of questions including: "Under what circumstances will our military occupation of (and financial commitment to) Iraq end? And how will we know when these circumstances are present." We, and the American people, never received an answer to these crucial questions. Even today, the Administration is unwilling or unable to answer. This is simply unacceptable.

Time and again, the President has requested money to fund the war in Iraq while refusing to answer our questions about this war and provide a comprehensive strategy for bringing our troops home. We must insist that the administration articulate the conditions necessary to bring our troops home, and push them to do that as soon as possible. The administration's refusal to address these is quite astounding to me and should be of great concern to all Americans who believe in principles of accountability and checks and balances.

It is absolutely essential that President Bush formulate an exit strategy. This strategy must specify our objectives clearly, benchmarks to measure our success, or lack of success, and a realistic time line for withdrawing our troops. I know that many argue that a timeline for withdrawal would encourage insurgents to "run out the clock." I disagree. A timeline would establish deadlines for us and the Iraqis to achieve our objectives. It gives us deadlines with which to hold ourselves accountable. For example, we set a date for elections, and despite the violence, we were successful in holding them on time.

My colleague from California, LYNN WOOLSEY, offered an amendment today to ask the President to develop a plan for withdrawing U.S. forces from Iraq. This amendment did not set a date for withdrawal, nor did it require that any plan developed by the President have a fixed timeline for withdrawal. It simply said that the President should put together a plan and share it with Congress and the American people. Yet, the House leadership only allocated 30 minutes for this crucial debate.

This legislation fails to make tough choices about our military priorities. I support transformation of our armed forces into a more mobile, flexible force that can take on a wide variety of missions, from combat to peacekeeping, from hurricane relief to securing weapons of mass destruction. Our country cannot afford to maintain our current Cold War structure and legacy weapons systems while fully transforming into the modern force we need in this century. Yet this bill fails to make the tough choices and instead tries to fund both. And it fails to fully succeed at either.

I want to focus on some of the weapons systems we are funding in this bill.

Since 1983, we have spent $100 billion on missile defense. President Bush decided to move forward with deployment of a system that has been inadequately tested. As the Government Accountability Office (GAO) noted last year, the system is "largely unproven." The GAO went on to state that tests so far have been "repetitive and scripted" and that "decision makers in the Defense Department and Congress do not have a full understanding of the overall cost of developing and fielding the Ballistic Missile System and what the system's true capabilities will be." Each year we put more and more resources into this unproven technology that does not address the most likely threats from weapons of mass destruction. Is a nuclear weapon likely to arrive on an intercontinental ballistic missile? Homeland security experts don't believe so. Moving forward with another $7.9 billion this year and plans for at least $50 billion more in coming years does not make military or fiscal sense.

I am pleased that the committee report on this bill raises serious questions about the future of the Future Combat System (FCS) program. The GAO found in March 2005 that "the FCS program faces significant challenges in setting requirements, developing systems, financing development, and managing the effort." Let me quote from the report:

> The FCS has demonstrated a level of knowledge far below that suggested by best practices or DOD policy. Nearly 2 years after program launch and about $4.6 billion invested to date, requirements are not firm and only 1 of over 50 technologies are mature—activities that should have been done before the start of system development and demonstration.
>
> If everything goes as planned, the program will attain the level of knowledge in 2008 that it should have had before it started in 2003. But things are not going as planned. Progress in critical areas, such as the network, software, and requirements has been slower than planned. Proceeding with such low levels of knowledge makes it likely that FCS will encounter problems late in development, when they are costly to correct. The relatively immature state of program knowledge at this point provides an insufficient basis for making a good cost estimate.

Despite the clear concern of the committee expressed in the committee report, FCS is funded at $3.4 billion, only $400 million less than the President's request.

The F/A–22 Raptor is the most expensive fighter ever built. Originally budgeted at $96 billion for 648 planes, it is now going to cost us $68 billion for 178 planes. Because of changing capabilities, the planes are now estimated to cost $258 million each, five times the cost of the F–15 and F–16 that they are replacing. This year, we are going to spend $3.8 billion for 24 planes while spending another $480 million for research and development. We have a plane that is way over budget and whose mission is unclear. The answer to this dilemma is to end the program, not spend more.

In December, the Defense Department proposed cutting the C–130J cargo plane, which would have saved $30 billion over the next five years. This made a lot of sense since the plane cannot complete its intended mission. Most of the planes have design flaws that prevent them from dropping paratroopers or heavy equipment. The chief weapons inspector at the Pentagon reported that it is "neither operationally effective nor operationally suitable." Unfortunately, DOD has backed off cancellation and this bill will authorize more than $1 billion for procurement in FY 2006.

I do want to mention some positive features of this legislation. I am pleased that it contains a 3.1 percent increase in military pay. Our men and women in uniform deserve our admiration and respect for their dedication and

commitment. They have demonstrated again and again their professionalism when faced with incredibly difficult challenges. They truly are the best in the world. This legislation contains improvements to benefits and facilities that will help members of our armed forces and their families. It also increases hazardous duty pay, raises the caps on enlistment and reenlistment bonuses, and enhances the TRICARE Reserve Select Program (TRS). I support those provisions.

I was disappointed that expanded eligibility for TRICARE for our guard and reserve that the committee added to the bill was dropped by Chairman HUNTER. This bill should also have included full concurrent receipt and ended taxation of survivor benefits.

This bill fails to make the tough choices necessary to transform our military force for the 21st Century. This bill fails to account for the real costs of war in Iraq and fails to press the President to put together a realistic exit strategy. I therefore must vote against this legislation.

Mr. SALAZAR. Mr. Chairman, I rise today in support of H.R. 1815, the Defense Authorization Act for Fiscal Year 2006. I commend the Committee for their hard work in crafting this bill. I do wish to express my concern over a certain section of the bill that directly impacts a facility in my district.

Since 1997, the Assembled Chemical Weapons Alternatives (ACWA) program has overseen the development of new technologies for the destruction of chemical weapons at the Pueblo Chemical Depot in my congressional district and the Blue Grass Army Depot in Lexington, Kentucky. The ACWA program has been highly successful and construction activities are now set to commence in the very near future. Congress intentionally gave oversight authority to the Under Secretary of Defense for Acquisition, Technology, and Logistics in an effort to develop alternative destruction techniques from the incineration process that existed at the time. This year's Defense Authorization gives that authority to the Secretary of the Army.

In a letter dated May 2, 2005, my colleague Mr. CHANDLER of Kentucky, and I asked Under Secretary Mike Wynne to answer several questions about a change of authority of this nature. I still look forward to Under Secretary Wynne's response. The ACWA program's success has been due to the unique interaction between the Federal, State and local government representatives, regulators and the community; I encourage the Secretary of the Army to foster these relationships and ensure that a transparent and open decision making process remains intact. I also urge the Secretary of the Army to make this transition in a way that does not negatively affect the program timelines at either facility or increase the cost of completing this important work.

Mr. Chairman, we are already at risk of not meeting our treaty obligations laid forth in the Chemical Weapons Convention. I fear that if an inefficient and closed organizational structure is established for the two ACWA facilities, the progress we have already made will be lost. This Congress must expect and ensure efficiency in the effort to destroy our chemical weapons stockpiles.

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 1815, the ''National Defense Authorization Act for Fiscal Year 2006.'' I am pleased that the bill includes provisions to provide retirement credit to the members of the National guard serving on State duty who responded to the 9/11 attacks in New York and at the Pentagon. I along with my friend and colleague, Representative KING, and other members of the New York delegation, have introduced legislation, H.R. 2499, which would accomplish the same goal, and I am thankful that the Committee has worked with us to correct this inequity.

In the aftermath of 9/11, the National Guard responded to the call of duty heroically. While others were moving toward safety, the guard moved into unknown dangers around Ground Zero. They did not know if another attack was coming, but they did not hesitate to respond. All they did was their selfless duty.

They secured lower Manhattan, they protected against a possible second attack, and they stood up for our Nation, knowing their lives may be in danger. For almost a year after 9/11, these National Guard heroes streamlined the movement of rescue personnel during the critical first phases of the response and they endured the toxic air conditions of Ground Zero with thousands of responders.

What we face now is a question of fairness. Last year, I visited the units of the Manhattan based 69th National Guard Regiment—known as the Fighting 69th—just days before they were to leave for Iraq. I asked if there was anything I could do on their behalf. And the had only one request. It was to seek fair federal retirement credit for their 9/11 service to the country.

We, in Congress, now have a chance to express the Nation's gratitude to these soldiers, not just through words of praise but through action.

The problem is a simple one: The national Guard units that served in the disaster zones of New York after 9/11 are not receiving Federal retirement credit, while the National Guard units that protected Federal sites like West Point are receiving Federal retirement credit. We all agree that protecting Federal sites was an important duty after 9/11, and that soldiers who served in that capacity deserve Federal retirement credit. But those who risked their lives at Ground Zero, in the most dangerous conditions anywhere in the country, deserve the same fair treatment.

Right now, many of the same soldiers who protected New York after 9/11 from the Fighting 69th are serving courageously in Iraq. Sixteen members of the Manhattan-based 69th National Guard Regiment have died in the Iraq war—8 in the past year. In April, 6 members of the 69th were Awarded Purple Hearts after being wounded in Iraq from roadside bombs. We can honor the service of our National Guard, by providing them with fair Federal retirement credit for their 9/11 service.

I would like to thank Chairman HUNTER, Ranking Member SKELTON, Representative SNYDER, and especially Representative MCHUGH, who were so instrumental in this process, and I commend them for their commitment to the men and women serving this country all over the world. I also would like to acknowledge both the majority and minority staff of the committee for their assistance.

The terrorist attacks of September 11, 2001, were an unprecedented event in American history. The provisions included in this bill will show our gratitude to the brave men and women who responded on that day by giving them the retirement benefits to which they are entitled.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1815

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

SECTION 1. SHORT TITLE.

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

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for UH–60/MH–60 helicopters.
Sec. 112. Multiyear procurement authority for Apache Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor.
Sec. 113. Multiyear procurement authority for Apache Block II conversion.
Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.
Sec. 115. Limitation on Army Modular Force Initiative.
Sec. 116. Contract requirement for Objective Individual Combat Weapon - Increment 1.

Subtitle C—Navy Programs

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

Subtitle D—Air Force Programs

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

Subtitle E—Joint and Multiservice Matters

Sec. 141. Requirement that all tactical unmanned aerial vehicles use specified standard data link.

Sec. 142. Limitation on initiation of new unmanned aerial vehicle systems.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Annual Comptroller General report on Future Combat Systems program.
Sec. 212. Objective requirements for non-line-of-sight cannon system not to be diminished to meet weight requirements.
Sec. 213. Independent analysis of Future Combat Systems manned ground vehicle transportability requirement.
Sec. 214. Amounts for Armored Systems Modernization program.
Sec. 215. Limitation on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.
Sec. 216. Testing of Internet Protocol version 6 by Naval Research Laboratory.
Sec. 217. Program to design and develop next-generation nuclear submarine.
Sec. 218. Extension of requirements relating to management responsibility for naval mine countermeasures programs.
Sec. 219. Single joint requirement for heavy lift rotorcraft.
Sec. 220. Requirements for development of tactical radio communications systems.
Sec. 221. Limitation on systems development and demonstration of Personnel Recovery Vehicle.
Sec. 222. Separate program element required for each significant research, development, test, and evaluation project.
Sec. 223. Small Business Innovation Research Phase III Acceleration Pilot Program.
Sec. 224. Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.
Sec. 225. Shipbuilding Industrial Base Improvement Program for development of innovative shipbuilding technologies, processes, and facilities.
Sec. 226. Renewal of University National Oceanographic Laboratory System fleet.
Sec. 227. Limitation on VXX helicopter program.

Subtitle C—Missile Defense Programs

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

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

Sec. 311. Revision of required content of environmental quality annual report.
Sec. 312. Pilot project on compatible use buffers on real property bordering Fort Carson, Colorado.
Sec. 313. Repeal of Air Force report on military installation encroachment issues.
Sec. 314. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.

Subtitle C—Workplace and Depot Issues

Sec. 321. Proceeds from cooperative activities with non-Army entities.
Sec. 322. Public-private competition.
Sec. 323. Public-private competition pilot program.
Sec. 324. Sense of Congress on equitable legal standing for civilian employees.

Subtitle D—Extension of Program Authorities

Sec. 331. Extension of authority to provide logistics support and services for weapons systems contractors.
Sec. 332. Extension and revision of temporary authority for contractor performance of security guard functions.

Subtitle E—Utah Test and Training Range

Sec. 341. Definitions.
Sec. 342. Military operations and overflights, Utah Test and Training Range.
Sec. 343. Planning process for Federal lands in Utah Test and Training Range.
Sec. 344. Designation and management of Cedar Mountain Wilderness, Utah.
Sec. 345. Identification of additional Bureau of Land Management land in Utah as trust land for Skull Valley Band of Goshutes.
Sec. 346. Relation to other lands and laws.

Subtitle F—Other Matters

Sec. 351. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
Sec. 352. Limitation on purchase of investment items with operation and maintenance funds.
Sec. 353. Provision of Department of Defense support for certain paralympic sporting events.
Sec. 354. Development and explanation of budget models for base operations support, sustainment, and facilities recapitalization.
Sec. 355. Report on Department of Army programs for prepositioning of equipment and other materiel.
Sec. 356. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.
Sec. 357. Congressional notification requirements regarding placement of liquefied natural gas facilities, pipelines, and related structures on defense lands.
Sec. 358. Report regarding army and air force exchange system management of army lodging.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorizations of Appropriations

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

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

Subtitle B—Reserve Component Management

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

Subtitle C—Education and Training

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

Subtitle D—General Service Requirements

Sec. 531. Uniform enlistment standards for the Armed Forces.

Sec. 532. Increase in maximum term of original enlistment in regular component.

Sec. 533. Members completing statutory initial military service obligation.

Sec. 534. Extension of qualifying service for initial military service under National Call to Service program.

Subtitle E—Matters Relating to Casualties

Sec. 541. Requirement for members of the Armed Forces to designate a person to be authorized to direct the disposition of the member's remains.

Sec. 542. Enhanced program of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.

Sec. 543. Standards and guidelines for Department of Defense programs to assist wounded and injured members.

Sec. 544. Authority for members on active duty with disabilities to participate in Paralympic Games.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 551. Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements.

Sec. 552. Use of teleconferencing in administrative sessions of courts-martial.

Sec. 553. Extension of statute of limitations for murder, rape, and child abuse offenses under the Uniform Code of Military Justice.

Sec. 554. Offense of stalking under the Uniform Code of Military Justice.

Sec. 555. Rape, sexual assault, and other sexual misconduct under Uniform Code of Military Justice.

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

Sec. 561. Enrollment in overseas schools of Defense Dependents' Education System of children of citizens or nationals of the United States hired in overseas areas as full-time Department of Defense employees.

Sec. 562. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 563. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.

Subtitle H—Decorations and Awards

Sec. 565. Cold War Victory Medal.

Sec. 566. Establishment of Combat Medevac Badge.

Sec. 567. Eligibility for Operation Enduring Freedom campaign medal.

Subtitle I—Other Matters

Sec. 571. Extension of waiver authority of Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

Sec. 572. Adoption leave for members of the Armed Forces adopting children.

Sec. 573. Report on need for a personnel plan for linguists in the Armed Forces.

Sec. 574. Ground combat and other exclusion policies.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2006.

Sec. 602. Additional pay for permanent military professors at United States Naval Academy with over 36 years of service.

Sec. 603. Basic pay rates for reserve component members selected to attend military service academy preparatory schools.

Sec. 604. Clarification of restriction on compensation for correspondence courses.

Sec. 605. Permanent authority for supplemental subsistence allowance for low-income members with dependents.

Sec. 606. Basic allowance for housing for Reserve members.

Sec. 607. Overseas cost of living allowance.

Sec. 608. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension or resumption of certain bonus and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of other bonus and special pay authorities.

Sec. 615. Expansion of eligibility of dental officers for additional special pay.

Sec. 616. Increase in maximum monthly rate authorized for hardship duty pay.

Sec. 617. Flexible payment of assignment incentive pay.

Sec. 618. Active-duty reenlistment bonus.

Sec. 619. Reenlistment bonus for members of Selected Reserve.

Sec. 620. Combination of affiliation and accession bonuses for service in the Selected Reserve.

Sec. 621. Eligibility requirements for prior service enlistment bonus.

Sec. 622. Increase in authorized maximum amount of enlistment bonus.

Sec. 623. Discretion of Secretary of Defense to authorize retroactive hostile fire and imminent danger pay.

Sec. 624. Increase in maximum bonus amount for nuclear-qualified officers extending period of active duty.

Sec. 625. Increase in maximum amount of nuclear career annual incentive bonus for nuclear-qualified officers trained while serving as enlisted members.

Sec. 626. Uniform payment of foreign language proficiency pay to eligible reserve component members and regular component members.

Sec. 627. Retention bonus for members qualified in certain critical skills or satisfying other eligibility criteria.

Sec. 628. Availability of critical-skills accession bonus for persons enrolled in Senior Reserve Officers' Training Corps who are obtaining nursing degrees.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Authorized absences of members for which lodging expenses at temporary duty location may be paid.

Sec. 642. Extended period for selection of home for travel and transportation allowances for dependents of deceased member.

Sec. 643. Transportation of family members incident to repatriation of members held captive.

Sec. 644. Increased weight allowances for shipment of household goods of senior noncommissioned officers.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 651. Monthly disbursement to States of State income tax withheld from retired or retainer pay.

Sec. 652. Revision to eligibility for nonregular service retirement after establishing eligibility for regular retirement.

Sec. 653. Denial of military funeral honors in certain cases.

Sec. 654. Child support for certain minor children of retirement-eligible members convicted of domestic violence resulting in death of child's other parent.

Sec. 655. Concurrent receipt of veterans disability compensation and military retired pay.

Sec. 656. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 661. Increase in authorized level of supplies and services procurement from overseas exchange stores.

Sec. 662. Requirements for private operation of commissary store functions.

Sec. 663. Provision of information technology services for accommodations provided by nonappropriated fund instrumentalities for wounded members of the Armed Forces and their families.

Sec. 664. Provision of and payment for overseas transportation services for commissary and exchange supplies.

Sec. 665. Compensatory time off for certain nonappropriated fund employees.

Subtitle F—Other Matters

Sec. 671. Inclusion of Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff among senior enlisted members of the Armed Forces.

Sec. 672. Special and incentive pays considered for saved pay upon appointment of members as officers.

Sec. 673. Repayment of unearned portion of bonuses, special pays, and educational benefits.

Sec. 674. Leave accrual for members assigned to deployable ships or mobile units or to other designated duty.

Sec. 675. Army recruiting pilot program to encourage members of the Army to refer other persons for enlistment.

Sec. 676. Special compensation for reserve component members who are also tobacco farmers adversely affected by terms of tobacco quota buyout.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Tricare Program Improvements

Sec. 701. Services of mental health counselors.

Sec. 702. Additional information required by surveys on TRICARE standard.

Sec. 703. Enhancement of TRICARE coverage for members who commit to continued service in the selected reserve.

Sec. 704. Study and plan relating to chiropractic health care services.

Sec. 705. Surviving-dependent eligibility under TRICARE dental plan for surviving spouses who were on active duty at time of death of military spouse.

Sec. 706. Exceptional eligibility for TRICARE prime remote.

Subtitle B—Other Matters

Sec. 711. Authority to relocate patient safety center; renaming MedTeams Program.

Sec. 712. Modification of health care quality information and technology enhancement reporting requirement.

Sec. 713. Correction to eligibility of certain Reserve officers for military health care pending active duty following commissioning.

Sec. 714. Prohibition on conversions of military medical positions to civilian medical positions until submission of certification.
Sec. 715. Clarification of inclusion of dental care in medical readiness tracking and health surveillance program.
Sec. 716. Cooperative outreach to members and former members of the naval service exposed to environmental factors related to sarcoidosis.
Sec. 717. Early identification and treatment of mental health and substance abuse disorders.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Requirement for certification by Secretary of Defense before major defense acquisition program may proceed to Milestone B.
Sec. 802. Requirement for analysis of alternatives to major defense acquisition programs.
Sec. 803. Authority for Secretary of Defense to revise baseline for major defense acquisition programs.

Subtitle B—Acquisition Policy and Management

Sec. 811. Applicability of statutory executive compensation cap made prospective.
Sec. 812. Use of commercially available online services for Federal procurement of commercial items.
Sec. 813. Contingency contracting corps.
Sec. 814. Requirement for contracting operations to be included in interagency planning related to stabilization and reconstruction.
Sec. 815. Statement of policy and report relating to contracting with employers of persons with disabilities.
Sec. 816. Study on Department of Defense contracting with small business concerns owned and controlled by service-disabled veterans.
Sec. 817. Prohibition on procurement from beneficiaries of foreign subsidies.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Increased flexibility for designation of critical acquisition positions in defense acquisition workforce.
Sec. 822. Participation by Department of Defense in acquisition workforce training fund.
Sec. 823. Increase in cost accounting standard threshold.
Sec. 824. Amendments to domestic source requirements relating to clothing materials and components covered.
Sec. 825. Rapid acquisition authority to respond to defense intelligence community emergencies.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Restoration of parity in pay levels among Under Secretary positions.
Sec. 902. Eligibility criteria for Director of Department of Defense Test Resource Management Center.
Sec. 903. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.
Sec. 904. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Subtitle B—Space Activities

Sec. 911. Space Situational Awareness Strategy.
Sec. 912. Military satellite communications.
Sec. 913. Operationally responsive space.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Transfer to Secretary of the Army of responsibility for assembled chemical weapons alternatives program.
Sec. 922. Clarification of Cooperative Agreement Authority under Chemical Demilitarization Program.

Subtitle D—Intelligence-Related Matters

Sec. 931. Department of Defense Strategy for Open-Source intelligence.
Sec. 932. Comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial matters

Sec. 1001. Transfer authority.
Sec. 1002. Authorization of supplemental appropriations for fiscal year 2005.
Sec. 1003. Increase in fiscal year 2005 general transfer authority.
Sec. 1004. Reports on feasibility and desirability of capital budgeting for major defense acquisition programs.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Seattle, Washington.
Sec. 1012. Conveyance, Navy drydock, Jacksonville, Florida.
Sec. 1013. Conveyance, Navy drydock, Port Arthur, Texas.
Sec. 1014. Transfer of U.S.S. IOWA.
Sec. 1015. Transfer of ex-U.S.S. Forrest Sherman.
Sec. 1016. Limitation on leasing of foreign-built vessels.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of Department of Defense authority to support counter-drug activities.
Sec. 1022. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1023. Clarification of authority for joint task forces to support law enforcement agencies conducting counter-terrorism activities.

Subtitle D—Matters Related to Homeland Security

Sec. 1031. Responsibilities of Assistant Secretary of Defense for Homeland Defense relating to nuclear, chemical, and biological emergency response.
Sec. 1032. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.
Sec. 1033. Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.
Sec. 1034. Repeal of Department of Defense emergency response assistance program.

Subtitle E—Other Matters

Sec. 1041. Commission on the Long-Term Implementation of the New Strategic Posture of the United States.
Sec. 1042. Reestablishment of EMP Commission.
Sec. 1043. Modernization of authority relating to security of defense property and facilities.
Sec. 1044. Revision of Department of Defense counterintelligence polygraph program.
Sec. 1045. Repeal of requirement for report to Congress regarding global strike capability.
Sec. 1046. Technical and clerical amendments.
Sec. 1047. Deletion of obsolete definitions in titles 10 and 32, United States Code.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Extension of eligibility to continue Federal employee health benefits.
Sec. 1102. Extension of Department of Defense voluntary reduction in force authority.
Sec. 1103. Extension of authority to make lump sum severence payments.
Sec. 1104. Authority for heads of agencies to allow shorter length of required service by Federal employees after completion of training.
Sec. 1105. Authority to waive annual limitation on total compensation paid to Federal civilian employees.
Sec. 1106. Transportation of family members incident to repatriation of Federal employees held captive.
Sec. 1107. Permanent extension of Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of humanitarian and civic assistance provided to host nations in conjunction with military operations.
Sec. 1202. Commanders' Emergency Response Program.
Sec. 1203. Military educational exchanges between senior officers and officials of the United States and Taiwan.
Sec. 1204. Modification of geographic restriction under bilateral and regional cooperation programs for payment of certain expenses of defense personnel of developing countries.
Sec. 1205. Authority for Department of Defense to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.
Sec. 1206. Two-year extension of authority for payment of certain administrative services and support for coalition liaison officers.

Subtitle B—Nonproliferation Matters and Countries of Concern

Sec. 1211. Report on acquisition by Iran of nuclear weapons.
Sec. 1212. Procurement sanctions against foreign persons that transfer certain defense articles and services to the People's Republic of China.
Sec. 1213. Prohibition on procurements from Communist Chinese military companies.

Subtitle C—Other Matters

Sec. 1221. Purchase of weapons overseas for force protection purposes.
Sec. 1222. Requirement for establishment of certain criteria applicable to ongoing Global Posture Review.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Authority to obligate weapons of mass destruction proliferation prevention funds for nuclear weapons storage security.
Sec. 1304. Extension of limited waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
Sec. 1305. Report on elimination of impediments to nuclear threat-reduction and nonproliferation programs in the Russian Federation.

TITLE XIV—CONTRACT DISPUTE ENHANCEMENT

Subtitle A—General provisions

Sec. 1411. Definitions.

Subtitle B—Establishment of civilian and defense Boards of contract appeals

Sec. 1421. Establishment.
Sec. 1422. Membership.
Sec. 1423. Chairmen.
Sec. 1424. Rulemaking authority.
Sec. 1425. Authorization of appropriations.

Subtitle C—Functions of defense and civilian Boards of contract appeals

Sec. 1431. Contract disputes.
Sec. 1432. Enhanced access for small business.
Sec. 1433. Applicability to certain contracts.

Subtitle D—Transfers and transition, savings, and conforming provisions

Sec. 1441. Transfer and allocation of appropriations and personnel.
Sec. 1442. Terminations and savings provisions.
Sec. 1443. Contract disputes authority of Boards.
Sec. 1444. References to agency Boards of contract appeals.
Sec. 1445. Conforming amendments.

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

Sec. 1451. Effective date.
Sec. 1452. Regulations.
Sec. 1453. Appointment of Chairmen of Defense Board and Civilian Board.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—General Increases

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Defense-wide activities procurement.
Sec. 1505. Research, development, test, and evaluation, defense-wide activities.
Sec. 1506. Operation and maintenance.
Sec. 1507. Defense working capital funds.
Sec. 1508. Defense Health Program.
Sec. 1509. Military personnel.
Sec. 1510. Iraq Freedom Fund.
Sec. 1511. Classified programs.
Sec. 1512. Treatment as additional authorizations.
Sec. 1513. Transfer authority.
Sec. 1514. Availability of funds.

Subtitle B—Personnel Provisions

Sec. 1521. Increase in active Army and Marine Corps strength levels.
Sec. 1522. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.
Sec. 1523. Military death gratuity enhancement.
Sec. 1524. Permanent prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
Sec. 1525. Permanent authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone.
Sec. 1526. Permanent increase in length of time dependents of certain deceased members may continue to occupy military family housing or receive basic allowance for housing.
Sec. 1527. Availability of special pay for members during rehabilitation from combat-related injuries.
Sec. 1528. Allowance to cover monthly deduction from basic pay for Servicemembers' Group Life Insurance coverage for members serving in Operation Enduring Freedom or Operation Iraqi Freedom.

Subtitle C—Matters Involving Support Provided by Foreign Nations

Sec. 1531. Reimbursement of certain coalition nations for support provided to United States military operations.

TITLE XVI—CONTRACTORS ON THE BATTLEFIELD

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Requirements for commanders of combatant commands relating to contractors accompanying and not accompanying the force.
Sec. 1605. Requirements for contractors relating to possession of weapons.
Sec. 1606. Battlefield accountability.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE I—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2004 project.

TITLE II—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2004 project.
Sec. 2206. Modifications of authority to carry out certain fiscal year 2005 projects.

TITLE III—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

TITLE IV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE VII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2003 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 2002 projects.
Sec. 2704. Effective date.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of congressional notification requirements for certain military construction activities.
Sec. 2802. Improve availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.
Sec. 2803. Expansion of authority to convey property at military installations to support military construction.
Sec. 2804. Effect of failure to submit required report on need for general and flag officers quarters in National Capital Region.
Sec. 2805. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2806. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.
Sec. 2812. Report on use of utility system conveyance authority and temporary suspension of authority pending report.
Sec. 2813. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.

Subtitle C—Base Closure and Realignment

Sec. 2821. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.
Sec. 2822. Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.
Sec. 2823. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.
Sec. 2824. Sense of Congress regarding consideration of national defense industrial base interests during Base Closure and Realignment Commission review of Department of Defense base closure and realignment recommendations.

Subtitle D—Land Conveyances

PART 1—ARMY CONVEYANCES

Sec. 2831. Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
Sec. 2832. Land conveyance, Army Reserve Center, Bothell, Washington.

PART 2—NAVY CONVEYANCES

Sec. 2841. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.

PART 3—AIR FORCE CONVEYANCES

Sec. 2851. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.
Sec. 2852. Land conveyance, Air Force property, Jacksonville, Arkansas.

Subtitle E—Other Matters

Sec. 2861. Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.
Sec. 2862. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.

Sec. 2863. Assessment of water needs for Presidio of Monterey and Ord Military Community.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Reliable Replacement Warhead program.
Sec. 3112. Report on assistance for a comprehensive inventory of Russian nonstrategic nuclear weapons.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revision of fiscal year 1999 authority to dispose of certain materials in the National Defense Stockpile.
Sec. 3303. Revision of fiscal year 2000 authority to dispose of certain materials in the National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2006.
Sec. 3502. Payments for State and regional maritime academies.
Sec. 3503. Maintenance and repair reimbursement pilot program.
Sec. 3504. Tank vessel construction assistance.
Sec. 3505. Improvements to the Maritime Administration vessel disposal program.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for UH–60/MH–60 helicopters.
Sec. 112. Multiyear procurement authority for Apache Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor.
Sec. 113. Multiyear procurement authority for Apache Block II conversion.
Sec. 114. Acquisition strategy for tactical wheeled vehicle programs.
Sec. 115. Limitation on Army Modular Force Initiative.
Sec. 116. Contract requirement for Objective Individual Combat Weapon - Increment 1.

Subtitle C—Navy Programs

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

Subtitle D—Air Force Programs

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

Subtitle E—Joint and Multiservice Matters

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

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $2,861,380,000.
(2) For missiles, $1,242,919,000.
(3) For weapons and tracked combat vehicles, $1,601,978,000.
(4) For ammunition, $1,750,772,000.
(5) For other procurement, $4,043,289,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $10,042,526,000.
(2) For weapons, including missiles and torpedoes, $2,775,041,000.
(3) For ammunition, $869,770,000.
(4) For shipbuilding and conversion, $10,779,773,000.
(5) For other procurement, $5,634,318,000.

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

SEC. 103. AIR FORCE.

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

(1) For aircraft, $12,793,756,000.
(2) For ammunition, $1,031,207,000.
(3) For missiles, $5,490,287,000.
(4) For other procurement, $14,068,789,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

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

Subtitle B—Army Programs

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

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

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

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

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

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

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

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

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

SEC. 115. LIMITATION ON ARMY MODULAR FORCE INITIATIVE.

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

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

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

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

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

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

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

Subtitle C—Navy Programs

SEC. 121. VIRGINIA-CLASS SUBMARINE PROGRAM.

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

(1) For the SSN–779 submarine, $2,143,700,000.
(2) For the SSN–780 submarine, $2,238,800,000.
(3) For the SSN–781 submarine, $2,402,000,000.
(4) For the SSN–782 submarine, $2,581,300,000.
(5) For the SSN–783 submarine, $2,690,000,000.

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

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

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

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

SEC. 122. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A description of current and future technology relating to propulsion that has been incorporated in recently-designed surface combatants or is expected to be available within the next 10-to-20 years.

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

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

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

SEC. 128. AIRCRAFT CARRIER FORCE STRUCTURE.

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

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

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

''(b) The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.''.

(b) U.S.S. JOHN F. KENNEDY.—

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

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

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

If the Director of Program Analysis and Evaluation of the Office of the Secretary of Defense

certifies to Congress that an additional amount of $86,700,000 for fiscal year 2006 for advance procurement for the CVN–21 Carrier Replacement Program would allow construction of the CVN–21 vessel to begin in fiscal year 2007, then upon such certification the amount of $86,700,000 shall be transferred from amounts available for fiscal year 2006 for Defense-wide Operation and Maintenance, to be derived from amounts for Defense-wide Advisory and Assistance Services, to amounts available for fiscal year 2006 for Shipbuilding and Conversion, Navy, to be available for advance procurement for the CVN–21 Carrier Replacement Program.

Subtitle D—Air Force Programs

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

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

Subtitle E—Joint and Multiservice Matters

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

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

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

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

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

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

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

(a) LIMITATION.—Funds available to the Department of Defense may not be used to procure an unmanned aerial vehicle (UAV) system, including any air vehicle, data link, ground station, sensor, or other associated equipment for any such system, or to modify any such system to include any form of armament, unless such procurement or modification is authorized in writing in advance by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Annual Comptroller General report on Future Combat Systems program.

Sec. 212. Objective requirements for non-line-of-sight cannon system not to be diminished to meet weight requirements.

Sec. 213. Independent analysis of Future Combat Systems manned ground vehicle transportability requirement.

Sec. 214. Amounts for Armored Systems Modernization program.

Sec. 215. Limitation on systems development and demonstration of manned ground vehicles under Armored Systems Modernization program.

Sec. 216. Testing of Internet Protocol version 6 by Naval Research Laboratory.

Sec. 217. Program to design and develop next-generation nuclear submarine.

Sec. 218. Extension of requirements relating to management responsibility for naval mine countermeasures programs.

Sec. 219. Single joint requirement for heavy lift rotorcraft.

Sec. 220. Requirements for development of tactical radio communications systems.

Sec. 221. Limitation on systems development and demonstration of Personnel Recovery Vehicle.

Sec. 222. Separate program element required for each significant research, development, test, and evaluation project.

Sec. 223. Small Business Innovation Research Phase III Acceleration Pilot Program.

Sec. 224. Revised requirements relating to submission of Joint Warfighting Science and Technology Plan.

Sec. 225. Shipbuilding Industrial Base Improvement Program for development of innovative shipbuilding technologies, processes, and facilities.

Sec. 226. Renewal of University National Oceanographic Laboratory System fleet.

Sec. 227. Limitation on VXX helicopter program.

Subtitle C—Missile Defense Programs

Sec. 231. Report on capabilities and costs for operational boost/ascent-phase missile defense systems.

Sec. 232. Required flight-intercept test of ballistic missile defense groundbased midcourse system.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

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

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

Subtitle B—Program Requirements, Restrictions, and Limitations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) mature technologies have been demonstrated that allow the requirement to be met

while demonstrating at least equal lethality and survivability compared with the manned ground vehicles intended to be replaced by such manned ground vehicles; and

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

(b) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the results of the analysis required by subsection (a).

SEC. 214. AMOUNTS FOR ARMORED SYSTEMS MODERNIZATION PROGRAM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) REPORT.—

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

(2) CONTENTS.—The report shall include—

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

(B) the goals for the program; and

(C) a schedule for the program.

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

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317), as most recently amended by section 212 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2480), is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) JOINT TACTICAL RADIO SYSTEM.—

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

(2) MANAGEMENT OF FUNDS.—The head of the single joint program office designated under section 213 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1416) shall manage and control all research and development funds for the entire Joint Tactical Radio System, including all waveform development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) PILOT PROGRAM.—The Secretary of Defense shall designate the Secretary of a military department to carry out a pilot program, to be known as the ''Small Business Innovation Research Phase III Acceleration Pilot Program'' to expand the role of small business concerns in the defense acquisition process by designating certain Department of Defense research or research and development projects for accelerated transition under the Small Business Innovation Research Program (in this section referred to as the SBIR program), as defined in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)).

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

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

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

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

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

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

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

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

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

(1) by striking ''annual'' in the section heading and inserting ''biennial'' ; and

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

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

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

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

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

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

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

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

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

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

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

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

(2) Novel techniques and processes designed to improve shipbuilding quality, productivity, and practice on a broad and sustained basis, including in such areas as engineering design, quality assurance, concurrent engineering, continuous process production technology, employee skills enhancement, and management of customers and suppliers.

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

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

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

(f) ASSESSMENTS OF NAVAL VESSEL CONSTRUCTION INEFFICIENCIES.—

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

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

(B) Organization and operating systems.

(C) Steelwork production.

(D) Ship construction and outfitting.

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

(g) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 201(2) for research, development, test, and evaluation for the Navy, $100,000,000 shall be available to the Secretary of the Navy only to provide assistance under this section.

(h) DEFINITIONS.—In this section:

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

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

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

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

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

SEC. 227. LIMITATION ON VXX HELICOPTER PROGRAM.

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

Subtitle C—Missile Defense Programs

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

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

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

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

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

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

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

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

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Environmental Provisions

Sec. 311. Revision of required content of environmental quality annual report.

Sec. 312. Pilot project on compatible use buffers on real property bordering Fort Carson, Colorado.
Sec. 313. Repeal of Air Force report on military installation encroachment issues.
Sec. 314. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.
Subtitle C—Workplace and Depot Issues
Sec. 321. Proceeds from cooperative activities with non-Army entities.
Sec. 322. Public-private competition.
Sec. 323. Public-private competition pilot program.
Sec. 324. Sense of Congress on equitable legal standing for civilian employees.
Subtitle D—Extension of Program Authorities
Sec. 331. Extension of authority to provide logistics support and services for weapons systems contractors.
Sec. 332. Extension and revision of temporary authority for contractor performance of security guard functions.
Subtitle E—Utah Test and Training Range
Sec. 341. Definitions.
Sec. 342. Military operations and overflights, Utah Test and Training Range.
Sec. 343. Planning process for Federal lands in Utah Test and Training Range.
Sec. 344. Designation and management of Cedar Mountain Wilderness, Utah.
Sec. 345. Identification of additional Bureau of Land Management land in Utah as trust land for Skull Valley Band of Goshutes.
Sec. 346. Relation to other lands and laws.
Subtitle F—Other Matters
Sec. 351. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
Sec. 352. Limitation on purchase of investment items with operation and maintenance funds.
Sec. 353. Provision of Department of Defense support for certain paralympic sporting events.
Sec. 354. Development and explanation of budget models for base operations support, sustainment, and facilities recapitalization.
Sec. 355. Report on Department of Army programs for prepositioning of equipment and other materiel.
Sec. 356. Report regarding effect on military readiness of undocumented immigrants trespassing upon operational ranges.
Sec. 357. Congressional notification requirements regarding placement of liquefied natural gas facilities, pipelines, and related structures on defense lands.
Sec. 358. Report regarding army and air force exchange system management of army lodging.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 302. WORKING CAPITAL FUNDS.

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

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

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

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

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $19,756,194,000, of which—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) $1,000,000 is for Procurement; and

Subtitle B—Environmental Provisions

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

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

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

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

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

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

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall carry out a pilot project at Fort Carson, Colorado, for purposes of evaluating the feasibility and effectiveness of utilizing conservation easements and leases granted by one or more willing eligible entity to limit development on real property in the vicinity of military installations in the United States.

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

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

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

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

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

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

(f) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

''(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL REMEDIATION AT CERTAIN BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant that was required to be provided by paragraphs (3) and (4) of section 120(h) of CERCLA (42 U.S.C. 9620(h)), the sole source of funds for services procured under subsection 2701(d)(1) of this title shall be the applicable Department of Defense base closure account.''.

Subtitle C—Workplace and Depot Issues

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

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

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

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

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

SEC. 322. PUBLIC-PRIVATE COMPETITION.

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

''(5)(A) A function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

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

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

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

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

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

''(II) $10,000,000.

''(B) An activity that is performed by the Department of Defense and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

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

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

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

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

SEC. 323. PUBLIC-PRIVATE COMPETITION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to examine the use of the public-private competition process of Office of Management and Budget Circular A–76, as defined by such Circular, and functions currently being performed by contractors that could be performed by civilian employees of the Department of Defense.

(b) PROCESS AND CRITERIA.—

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

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

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

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

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

It is the sense of Congress that, in order to ensure that when public-private competitions are held, they are conducted as fairly, effectively, and efficiently as possible, competing parties, both Department of Defense civilian employees (or their representatives) and contractors (or their representatives), should receive comparable treatment throughout the competition regarding access to relevant information and legal standing to challenge the way a competition has been conducted at all appropriate forums.

Subtitle D—Extension of Program Authorities

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

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

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

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

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

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

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

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

Subtitle E—Utah Test and Training Range

SEC. 341. DEFINITIONS.

In this subtitle:

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

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

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

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

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

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

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

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

(3) The Cedar Mountain Wilderness Area designated by section 344, as well as several wilderness study areas, are located near lands withdrawn for military use or are beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range.

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

(5) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national

security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

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

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

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

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

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

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

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

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

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

(2) January 1, 2015.

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

(a) DESIGNATION.—Certain Federal lands in Tooele County, Utah, as generally depicted on the map entitled ''Cedar Mountain Wilderness'' and dated March 7, 2004, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System to be known as the Cedar Mountain Wilderness Area.

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

(c) MAP AND DESCRIPTION.—

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

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

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management and the office of the State Director of the Bureau of Land Management in the State of Utah.

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

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

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

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

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

(i) RELEASE FROM WILDERNESS STUDY AREA STATUS.—The lands identified as the Browns Spring Cherrystem on the map entitled ''Proposed Browns Spring Cherrystem'' and dated May 11, 2004, are released from their status as a wilderness study area, and shall no longer be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation of wilderness.

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

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

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

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

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

(c) PLACEMENT IN TRUST.—Not later than December 31, 2005, the Secretary of the Interior shall place the land identified pursuant to subsection (a) into trust for the purposes of economic development for the Tribe. At least 30 days before placing the land in trust for the Tribe, the Secretary shall publish in the Federal Register legal descriptions of the land to be placed in trust.

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

(e) EFFECT.—Nothing in this section—

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

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

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

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

SEC. 346. RELATION TO OTHER LANDS AND LAWS.

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

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

Subtitle F—Other Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2245 the following new item:

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

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

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

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

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

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

''(A) which is—

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

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

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

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

(2) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any significant shortfalls that exist in those stocks, particularly in combat and support equipment, spare parts, and munitions, and how the Army would mitigate those shortfalls in the event of a new conflict.

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

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

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

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

(7) The facilities used to store and maintain brigade sets and whether those facilities provide adequate (or excess) capacity, by region, for the current and future mission.

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

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

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

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

(2) The status of the Army in addressing any shortfalls or other issues reported by the Department of the Army or identified by the Government Accountability Office.

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

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

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

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

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

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

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

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

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

(5) An evaluation of the factors that contribute to the use by undocumented immigrants

of operational ranges as a means to enter the United States.

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

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

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

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

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

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

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

(a) NOTIFICATION REQUIRED.—Not less than 30 days before the Secretary of Defense or the Secretary of a military department issues a final approval or disapproval or a formal opinion regarding the placement of any liquefied natural gas facility, pipeline, or related structure on or in the vicinity of a military installation, range, or other lands under the jurisdiction of the Department of Defense, the Secretary shall submit to Congress a report detailing the justification for the approval, disapproval, or opinion.

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

(c) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

(b) LIMITATION PENDING SUBMISSION OF REPORT.—Until the Secretary of Defense submits the report required by subsection (a) to Congress, the Department of the Army may not solicit or consider any request for qualifications that would privatize Army lodging beyond the level of privatization identified for inclusion in Group A of the Privatization of Army Lodging Initiative.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

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

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2006 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorizations of Appropriations

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

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 482,400.

(2) The Navy, 352,700.

(3) The Marine Corps, 175,000.

(4) The Air Force, 357,400.

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

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

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

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

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 73,100.

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

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

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

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

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

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

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

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

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

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

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

(2) The Army Reserve, 15,270.

(3) The Naval Reserve, 13,392.

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

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

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

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

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

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

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

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

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

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

(a) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

(2) The Army Reserve, 13,000.

(3) The Naval Reserve, 6,200.

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

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

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

Subtitle C—Authorizations of Appropriations

SEC. 421. MILITARY PERSONNEL.

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

SEC. 422. ARMED FORCES RETIREMENT HOME.

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Temporary increase in percentage limits on reduction of time-in-grade requirements for retirement in grade upon voluntary retirement.

Sec. 502. Two-year renewal of authority to reduce minimum commissioned service requirement for voluntary retirement as an officer.

Sec. 503. Separation at age 64 for reserve component senior officers.

Sec. 504. Improved administration of transitions involving officers in senior general and flag officer positions.

Sec. 505. Consolidation of grade limitations on officer assignment and insignia practice known as frocking.

Sec. 506. Authority for designation of a general/flag officer position on the Joint Staff to be held by reserve component general or flag officer on active duty.

Sec. 507. Authority to retain permanent professors at the Naval Academy beyond 30 years of active commissioned service.

Sec. 508. Authority for appointment of Coast Guard flag officer as Chief of Staff to the President.

Sec. 509. Clarification of time for receipt of statutory selection board communications.

Sec. 510. Standardization of grade of senior dental officer of the Air Force with that of senior dental officer of the Army.

Subtitle B—Reserve Component Management

Sec. 511. Use of Reserve Montgomery GI Bill benefits and benefits for mobilized members of the Selected Reserve and National Guard for payments for licensing or certification tests.

Sec. 512. Modifications to new Reserve educational benefit for certain active service in support of contingency operations.

Sec. 513. Military technicians (dual status) mandatory separation.

Sec. 514. Military retirement credit for certain service by National Guard members performed while in a State duty status immediately after the terrorist attacks of September 11, 2001.

Sec. 515. Use of National Guard to provide military support to civilian law enforcement agencies for domestic counter-terrorism activities.

Subtitle C—Education and Training

Sec. 521. Repeal of limitation on amount of financial assistance under ROTC scholarship programs.

Sec. 522. Increased enrollment for eligible defense industry employees in the defense product development program at Naval Postgraduate School.

Sec. 523. Payment of expenses to obtain professional credentials.

Sec. 524. Authority for National Defense University award of degree of Master of Science in Joint Campaign Planning and Strategy.

Sec. 525. One-year extension of authority to use appropriated funds to provide recognition items for recruitment and retention of certain reserve component personnel.

Sec. 526. Report on rationale and plans of the Navy to provide enlisted members an opportunity to obtain graduate degrees.

Sec. 527. Increase in annual limit on number of ROTC scholarships under Army Reserve and National Guard program.

Sec. 528. Capstone overseas field studies trips to People's Republic of China and Republic of China on Taiwan.

Sec. 529. Sense of Congress concerning establishment of National College of Homeland Security.

Subtitle D—General Service Requirements

Sec. 531. Uniform enlistment standards for the Armed Forces.

Sec. 532. Increase in maximum term of original enlistment in regular component.

Sec. 533. Members completing statutory initial military service obligation.

Sec. 534. Extension of qualifying service for initial military service under National Call to Service program.

Subtitle E—Matters Relating to Casualties

Sec. 541. Requirement for members of the Armed Forces to designate a person to be authorized to direct the disposition of the member's remains.

Sec. 542. Enhanced program of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.

Sec. 543. Standards and guidelines for Department of Defense programs to assist wounded and injured members.

Sec. 544. Authority for members on active duty with disabilities to participate in Paralympic Games.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 551. Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements.

Sec. 552. Use of teleconferencing in administrative sessions of courts-martial.

Sec. 553. Extension of statute of limitations for murder, rape, and child abuse offenses under the Uniform Code of Military Justice.

Sec. 554. Offense of stalking under the Uniform Code of Military Justice.

Sec. 555. Rape, sexual assault, and other sexual misconduct under Uniform Code of Military Justice.

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

Sec. 561. Enrollment in overseas schools of Defense Dependents' Education System of children of citizens or nationals of the United States hired in overseas areas as full-time Department of Defense employees.

Sec. 562. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 563. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.

Subtitle H—Decorations and Awards

Sec. 565. Cold War Victory Medal.

Sec. 566. Establishment of Combat Medevac Badge.

Sec. 567. Eligibility for Operation Enduring Freedom campaign medal.

Subtitle I—Other Matters

Sec. 571. Extension of waiver authority of Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

Sec. 572. Adoption leave for members of the Armed Forces adopting children.

Sec. 573. Report on need for a personnel plan for linguists in the Armed Forces.

Sec. 574. Ground combat and other exclusion policies.

Subtitle A—Officer Personnel Policy

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

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

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

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

Sections 3911(b), 6323(a)(2), and 8911(b) of title 10, United States Code, are amended by striking ''during the period beginning on October 1, 1990, and ending on December 31, 2001'' and inserting ''during the period beginning on October 1, 2005, and ending on December 31, 2007''.

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

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

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

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

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

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

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

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

''(C) An adjutant general.

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

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

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

''(d) An officer continuing to hold the grade of general, admiral, lieutenant general, or vice

admiral under paragraph (2) or (4) of section 601(b) of this title shall not be counted for purposes of this section.''.

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

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

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

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

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

''(A) The officer's name.

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

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

(2) by striking paragraph (2); and

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

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

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

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

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

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

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

(B) by adding at the end the following:

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

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

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

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

(A) by striking ''Except an'' and all that follows through ''except as provided'' and inserting ''(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided'';

(B) by adding at the end the following:

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

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

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

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

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

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

''(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer of the Navy or Marine Corps serving as a permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is not on a list of officers recommended for promotion to the grade of captain or colonel, as the case may be, shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

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

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

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

''(c) ELIGIBILITY FOR PROMOTION.—A permanent professor at the Naval Academy in the grade of commander or lieutenant colonel who is continued on active duty as a permanent professor under subsection (b) remains eligible for consideration for promotion to the grade of captain or colonel, as the case may be.

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

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

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

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

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

(c) MANDATORY RETIREMENT AT AGE 64.—

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

''§ 1252. Age 64: permanent professors at academies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle B—Reserve Component Management

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

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

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

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

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

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

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

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

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

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

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

(2) in paragraph (1), by striking ''served on active duty in support of a contingency operation'' and inserting ''was called or ordered to active duty on or after September 11, 2001, in support of a contingency operation and served on active duty in support of that contingency operation''; and

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

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

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

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

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

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

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

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

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

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

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

(a) RETIREMENT CREDIT.—Service of a member of the Ready Reserve of the Army National Guard or Air National Guard described in subsection (b) shall be deemed to be service creditable under section 12732(a)(2)(A)(i) of title 10, United States Code.

(b) COVERED SERVICE.—Service referred to in subsection (a) is full-time State active duty service that a member of the National Guard performed on or after September 11, 2001, and before October 1, 2002, in any of the counties specified in subsection (c) to support a Federal declaration of emergency following the terrorist attacks on the United States of September 11, 2001.

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

(1) In the State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan), Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester

(2) In the State of Virginia: Arlington.

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

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

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

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

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

''(b) REIMBURSEMENT.—Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or the designee of the Chief in the State concerned, shall accept monetary reimbursements for the costs incurred by the National Guard to provide support under subsection (a). Such monetary reimbursements will be deposited into the appropriations used to fund activities under this title and may be used in the fiscal year in which received. The Secretary of Defense may waive the reimbursement requirement under this section.

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

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

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

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

''(e) DEFINITIONS.—In this section:

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

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

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

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

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

Subtitle C—Education and Training

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

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

(1) by striking paragraph (4); and

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

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

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

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

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

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

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

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

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

"§ 2015. Payment of expenses to obtain professional credentials

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

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

''(2) examinations to obtain such credentials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The specific objectives of the pilot program.

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

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

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

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

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

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

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

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

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

''(c) OVERSEAS FIELD STUDIES TO CHINA AND TAIWAN.—The Secretary of Defense shall direct the National Defense University to ensure that visits to China and Taiwan are an integral part of the field study programs conducted by the university as part of the military education course carried out pursuant to subsection (a) and that such field study programs include annually at least one class field study trip to the People's Republic of China and at least one class field study trip to the Republic of China on Taiwan.''.

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

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

Subtitle D—General Service Requirements

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

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

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

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

''(b)(1) Except as provided under paragraph (2), a person may not be enlisted in any armed force unless that person is one of the following:

''(A) A national of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(B) An alien who is lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

''(C) A person described in section 341 of one of the following:

''(i) The Compact of Free Association between the Federated States of Micronesia and the United States (section 201(a) of Public Law 108–188 (117 Stat. 2784; 48 U.S.C. 1921 note)).

''(ii) The Compact of Free Association between the Republic of the Marshall Islands and the United States (section 201(b) of Public Law 108–188 (117 Stat. 2823; 48 U.S.C. 1921 note)).

''(iii) The Compact of Free Association between Palau and the United States (section 201 of Public Law 99–658 (100 Stat. 3678; 48 U.S.C. 1931 note)).

''(2) The Secretary concerned may authorize the enlistment of persons not described in paragraph (1) when the Secretary determines that such enlistment is vital to the national interest.''.

(b) CONFORMING REPEAL OF SERVICE-SPECIFIC PROVISIONS.—

(1) REPEAL.—Sections 3253 and 8253 of such title are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 333 is amended by striking the item relating to section 3253. The table of sections at the beginning of chapter 833 is amended by striking the item relating to section 8253.

SEC. 532. INCREASE IN MAXIMUM TERM OF ORIGINAL ENLISTMENT IN REGULAR COMPONENT.

Section 505(c) of title 10, United States Code, is amended by striking ''six years'' and inserting ''eight years''.

SEC. 533. MEMBERS COMPLETING STATUTORY INITIAL MILITARY SERVICE OBLIGATION.

(a) NOTIFICATION TO INITIAL ENTRANTS.—Section 651(a) of title 10, United States Code, is

amended by adding at the end the following new subsection:

''(c) Each person covered by subsection (a), upon commencing that person's initial period of service as a member of the armed forces, shall be provided the date on which the initial military service obligation of that person under this section ends.''.

(b) NOTIFICATION TO INDIVIDUAL READY RESERVE MEMBERS.—Section 10144 of such title is amended by adding at the end the following new subsection:

''(c) In the case of a member of the armed forces who is serving in the Individual Ready Reserve to complete the initial military service obligation of that member under section 651 of this title, the Secretary concerned shall—

''(1) notify the member when the period of that service obligation is completed; and

''(2) before the date when that period is completed, provide to that member an opportunity, if the member is qualified, to—

''(A) continue voluntarily in the Ready Reserve; or

''(B) transfer voluntarily to an active component.''.

(c) PROHIBITION OF CERTAIN INVOLUNTARY PERSONNEL ACTIONS.—

(1) IN GENERAL.—Chapter 1215 of such title is amended by adding at the end the following new section:

''§ 12553. Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions

''(a) PROHIBITION.—In the case of a member of the armed forces who is serving in the Individual Ready Reserve to complete the initial military service obligation of that member under section 651 of this title, the Secretary concerned may not, after the end of the period of that service obligation, issue the member an order for an action specified in subsection (b) unless the member, before the end of that period, has entered into a service agreement that commits the member to military service beyond the end of that period.

''(b) COVERED ACTIONS.—Subsection (a) applies to an involuntary mobilization in accordance with section 12301(a), 12301(b), 12302, or 12304 of this title, or a recall to active duty, that commences after the date of the end of the period of the military service obligation or a transfer to the Selected Reserve. ''.

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

''12553. Members of Individual Ready Reserve completing initial military service obligation: prohibition of certain involuntary personnel actions.''.

(3) EFFECTIVE DATE.—Section 12533 of title 10, United States Code, as added by paragraph (1), shall apply with respect to orders issued by the Secretary concerned after the date of the enactment of this Act.

SEC. 534. EXTENSION OF QUALIFYING SERVICE FOR INITIAL MILITARY SERVICE UNDER NATIONAL CALL TO SERVICE PROGRAM.

Section 510(d) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and shall include military occupational specialties for enlistments for officer training and subsequent service as an officer, in cases in which the reason for the enlistment and entry into an agreement under subsection (b) is to enter an officer training program''.

Subtitle E—Matters Relating to Casualties

SEC. 541. REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A PERSON TO BE AUTHORIZED TO DIRECT THE DISPOSITION OF THE MEMBER'S REMAINS.

(a) DESIGNATION REQUIRED.—Section 655 of title 10, United States Code, is amended—

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

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

''(b) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person authorized to direct the disposition of the person's remains under section 1482 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.''.

(b) CHANGE IN DESIGNATION.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by inserting ''or (b)'' after ''subsection (a)''.

(c) PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS.—Section 1482(c) of such title is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

''(c) The person designated under section 655(b) of this title shall be considered for all purposes to be the person designated under this subsection to direct disposition of the remains of a decedent covered by this chapter. If the person so designated is not available, or if there was no such designation under that section, one of the following persons, in the order specified, shall be the person designated to direct the disposition of remains:''; and

(2) in paragraph (4), by striking ''clauses (1)–(3)'' and inserting ''paragraph (1), (2), or (3)''.

(d) EFFECTIVE DATE.—Subsection (b) of section 655 of title 10, United States Code, as added by subsection (a)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall be applied to persons enlisted or appointed in the Armed Forces after the end of such period. In the case of persons who are members of the Armed Forces as of the end of such 30-day period, such subsection—

(1) shall be applied to any member who is deployed to a contingency operation after the end of such period; and

(2) in the case of any member not sooner covered under paragraph (1), shall be applied before the end of the 180-day period beginning on the date of the enactment of this Act.

(e) TREATMENT OF PRIOR DESIGNATIONS.—

(1) A qualifying designation by a decedent covered by section 1481 of title 10, United States Code, shall be treated for purposes of section 1482 of such title as having been made under section 655(b) of such title.

(2) QUALIFYING DESIGNATIONS.—For purposes of paragraph (1), a qualifying designation is a designation by a person of the person to be authorized to direct disposition of the remains of the person making the designation that was made before the date of the enactment of this Act and in accordance with regulations and procedures of the Department of Defense in effect at the time.

SEC. 542. ENHANCED PROGRAM OF CASUALTY ASSISTANCE OFFICERS AND SERIOUSLY INJURED/ILL ASSISTANCE OFFICERS.

(a) REQUIRED STANDARDS AND TRAINING.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers

''(a) ASSIGNMENT OF CAOS.—Whenever a member of the Army, Navy, Air Force, or Marine Corps dies while on active duty or otherwise under circumstances for which a death gratuity under section 1475 or 1476 of this title is to be paid, the Secretary of the military department concerned shall provide for the assignment of a Casualty Assistance Officer to assist the family members of the deceased member.

''(b) ASSIGNMENT OF SIAOS.—Whenever a member of the Army, Navy, Air Force, or Marine Corps is seriously injured or becomes seriously ill while on active duty or otherwise under circumstances for which, if the member died, a death gratuity under section 1475 or 1476 of this title would be paid, the Secretary of the military department concerned shall provide for the assignment of a Seriously Injured/Ill Assistance Officer to assist the member and the member's family members.

''(c) PERSONS WHO MAY BE ASSIGNED.—The Secretary concerned may only assign as a Casualty Assistance Officer or Seriously Injured/Ill Assistance Officer a member of the armed forces who is an officer or a noncommissioned officers in pay grade E–7 or above or a person who is a Federal civilian employee.

''(d) DUTIES AND FUNCTIONS .—The Secretary of Defense shall prescribe the duties and functions of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers. Such functions shall include the following functions for family members:

''(1) Information source.

''(2) Counsellor.

''(3) Advisor on obtaining needed information and services.

''(4) Administrative assistant.

''(5) Advocate for family members with military authorities.

''(e) DURATION AND LOCATION OF ASSISTANCE.—Once a family is assigned a Casualty Assistance Officer or Seriously Injured/Ill Assistance Officer, the Secretary concerned shall ensure that such an officer is continuously assigned to that family, regardless of family location, until the Secretary determines that the family is no longer in need of assistance from such an officer.

''(f) TRAINING AND OVERSIGHT.—(1) The Secretary of Defense shall establish standards for performance of the duties of Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers, and shall monitor the training programs of the military departments for persons assigned to duty as such officers, in order to ensure that Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers are properly trained.

''(2) The Secretary of each military department shall—

''(A) ensure that Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers are properly trained; and

''(B) monitor the performance of persons assigned to duty as Casualty Assistance Officers and Seriously Injured/Ill Assistance Officers.

''(g) CRITERIA FOR DETERMINATION OF SERIOUS INJURY OR ILLNESS.—The Secretary of Defense shall specify criteria for determination for purposes of this section of whether a member is seriously injured or seriously ill. ''.

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

''1790. Casualty Assistance Officers; Seriously Injured/Ill Assistance Officers.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall prescribe regulations for the implementation of section 1790 of title 10, United States Code, as added by subsection (a), not later than180 days after the date of the enactment of this Act.

SEC. 543. STANDARDS AND GUIDELINES FOR DEPARTMENT OF DEFENSE PROGRAMS TO ASSIST WOUNDED AND INJURED MEMBERS.

The Secretary of Defense shall examine the programs of the Army, Navy, Air Force, and Marine Corps that provide assistance to members of the Armed Forces who incur severe wounds or injuries in the line of duty, including the Army Disabled Soldier Support Program and the Marine for Life Injured Support Program, and (based on such examination) shall develop standards and guidelines as necessary to coordinate and standardize those programs with the

activities of the Severely Injured Joint Support Operations Center of the Department of Defense, established as of February 1, 2005. The Secretary shall publish regulations to implement the standards and guidelines developed pursuant to the preceding sentence not later than 180 days after the date of the enactment of this Act.

SEC. 544. AUTHORITY FOR MEMBERS ON ACTIVE DUTY WITH DISABILITIES TO PARTICIPATE IN PARALYMPIC GAMES.

Section 717(a) of title 10, United States Code, is amended by striking ''participate in—'' and all that follows through ''(2) any other'' and inserting ''participate in any of the following sports competitions:

''(1) The Pan-American Games and the Olympic Games, and qualifying events and preparatory competition for those games.

''(2) The Paralympic Games, if eligible to participate in those games, and qualifying events and preparatory competition for those games.

''(3) Any other''.

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 551. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL TO PROVIDE MILITARY LEGAL ASSISTANCE WITHOUT REGARD TO LICENSING REQUIREMENTS.

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

''(e)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

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

''(A) legal assistance provided under this section; and

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

SEC. 552. USE OF TELECONFERENCING IN ADMINISTRATIVE SESSIONS OF COURTS-MARTIAL.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

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

(2) by designating the matter following paragraph (4) of subsection (a) as subsection (b); and

(3) in subsection (b), as so redesignated—

(A) by striking ''These proceedings shall be conducted'' and inserting ''Proceedings under subsection (a) shall be conducted''; and

(B) by adding at the end the following new sentence: ''If authorized by regulations of the Secretary concerned, and if the defense counsel is physically in the presence of the accused, the presence required by this subsection may otherwise be established by audiovisual technology (such as videoteleconferencing technology).''.

SEC. 553. EXTENSION OF STATUTE OF LIMITATIONS FOR MURDER, RAPE, AND CHILD ABUSE OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) NO LIMITATION FOR MURDER, RAPE, OR RAPE OF A CHILD.—Section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended in subsection (a) by inserting after ''in a time of war,'' the following: ''with murder, rape, or rape of a child,''.

(b) SPECIAL RULES FOR CHILD ABUSE OFFENSES.—Such section is further amended in subsection (b)(2)—

(1) in subparagraph (A), by striking ''before the child attains the age of 25 years'' and inserting ''during the life of the child or within five years after the date on which the offense was committed, whichever provides a longer period,'';

(2) In subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''sexual or physical'';

(B) in clause (i), by striking ''Rape or carnal knowledge'' and inserting ''Any offense''; and

(C) in clause (v), by striking ''Indecent assault,'' and inserting ''Kidnapping; indecent assault;''; and

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

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

SEC. 554. OFFENSE OF STALKING UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) IN GENERAL.—(1) Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 928 (article 128) the following new section:

''§ 928a. Art. 128a. Stalking

''Any person subject to this chapter who, on two or more occasions, engages in one or more threatening acts with respect to a specific person—

''(1) that the person knows or should know would place the specific person in emotional distress or in reasonable fear of death or bodily harm to the specific person or to an immediate family member or intimate partner of the specific person; and

''(2) that places the specific person in emotional distress or in reasonable fear of death or bodily harm to the specific person or to an immediate family member or intimate partner of the specific person;

is guilty of stalking and shall be punished as a court-martial may direct.''.

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 928 the following new item:

''928a. Art. 128a. Stalking.''.

(b) APPLICABILITY.—Section 928a of title 10, United States Code (article 128a of the Uniform Code of Military Justice), as added by subsection (a), applies to offenses committed after the date that is six months after the date of the enactment of this Act.

SEC. 555. RAPE, SEXUAL ASSAULT, AND OTHER SEXUAL MISCONDUCT UNDER UNIFORM CODE OF MILITARY JUSTICE.

(a) REVISION TO UCMJ.—

(1) IN GENERAL.—Section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 920. Art. 120. Rape, sexual assault, and other sexual misconduct

''(a) RAPE.—Any person subject to this chapter who causes another person of any age to engage in a sexual act by—

''(1) using force against that other person;

''(2) causing grievous bodily harm to any person;

''(3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;

''(4) rendering another person unconscious; or

''(5) administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairs the ability of that other person to appraise or control conduct,

is guilty of rape and shall be punished as a court-martial may direct.

''(b) RAPE OF A CHILD.—Any person subject to this chapter who—

''(1) engages in a sexual act with a child who has not attained the age of twelve years; or

''(2) engages in a sexual act under the circumstances described in subsection (a) with a child who has attained the age of twelve years, is guilty of rape of a child and shall be punished as a court-martial may direct.

''(c) AGGRAVATED SEXUAL ASSAULT.—Any person subject to this chapter who—

''(1) causes another person of any age to engage in a sexual act by—

''(A) threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping); or

''(B) causing bodily harm; or

''(2) engages in a sexual act with another person of any age if that other person is substantially incapacitated or substantially incapable of—

''(A) appraising the nature of the sexual act;

''(B) declining participation in the sexual act; or

''(C) communicating unwillingness to engage in the sexual act,

is guilty of aggravated sexual assault and shall be punished as a court-martial may direct.

''(d) AGGRAVATED SEXUAL ASSAULT OF A CHILD.—Any person subject to this chapter who engages in a sexual act with a child who has attained the age of twelve years is guilty of aggravated sexual assault of a child and shall be punished as a court-martial may direct.

''(e) AGGRAVATED SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

''(f) AGGRAVATED SEXUAL ABUSE OF A CHILD.—Any person subject to this chapter who engages in a lewd act with a child is guilty of aggravated sexual abuse of a child and shall be punished as a court-martial may direct.

''(g) AGGRAVATED SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (b) (rape of a child) had the sexual contact been a sexual act, is guilty of aggravated sexual contact with a child and shall be punished as a court-martial may direct.

''(h) ABUSIVE SEXUAL CONTACT.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (c) (aggravated sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

''(i) ABUSIVE SEXUAL CONTACT WITH A CHILD.—Any person subject to this chapter who engages in or causes sexual contact with or by another person, if to do so would violate subsection (d) (aggravated sexual assault of a child) had the sexual contact been a sexual act, is guilty of abusive sexual contact with a child and shall be punished as a court-martial may direct.

''(j) INDECENT LIBERTY WITH A CHILD.—Any person subject to this chapter who engages in indecent liberty in the physical presence of a child—

''(1) with the intent to arouse, appeal to, or gratify the sexual desire of any person; or

''(2) with the intent to abuse, humiliate, or degrade any person,

is guilty of indecent liberty with a child and shall be punished as a court-martial may direct.

''(k) INDECENT ACT.—Any person subject to this chapter who engages in indecent conduct is guilty of an indecent act and shall be punished as a court-martial may direct.

''(l) FORCIBLE PANDERING.—Any person subject to this chapter who compels another person to engage in an act of prostitution with another person to be directed to said person is guilty of forcible pandering and shall be punished as a court-martial may direct.

''(m) WRONGFUL SEXUAL CONTACT.—Any person subject to this chapter who, without legal

justification or lawful authorization, engages in sexual contact with another person without that other person's permission is guilty of wrongful sexual contact and shall be punished as a court-martial may direct.

''(n) INDECENT EXPOSURE.—Any person subject to this chapter who intentionally exposes, in an indecent manner, in any place where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall by punished as a court-martial may direct.

''(o) AGE OF CHILD.—

''(1) TWELVE YEARS.—In a prosecution under subsection (b) (rape of a child), (g) (aggravated sexual contact with a child), or (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of twelve years. It is not an affirmative defense that the accused reasonably believed that the child had attained the age of twelve years.

''(2) SIXTEEN YEARS.—In a prosecution under subsection (d) (aggravated sexual assault of a child), (f) (aggravated sexual abuse of a child), (i) (abusive sexual contact with a child), or (j) (indecent liberty with a child), it need not be proven that the accused knew that the other person engaging in the sexual act, contact, or liberty had not attained the age of sixteen years. Unlike in paragraph (1), however, it is an affirmative defense that the accused reasonably believed that the child had attained the age of sixteen years.

''(p) PROOF OF THREAT.—In a prosecution under this section, in proving that the accused made a threat, it need not be proven that the accused actually intended to carry out the threat.

''(q) MARRIAGE.—

''(1) IN GENERAL.—In a prosecution under paragraph (2) of subsection (c) (aggravated sexual assault), or under subsection (d) (aggravated sexual assault of a child), (f) (aggravated sexual abuse of a child), (i) (abusive sexual contact with a child), (j) (indecent liberty with a child), (m) (wrongful sexual contact), or (n) (indecent exposure), it is an affirmative defense that the accused and the other person when they engaged in the sexual act, sexual contact, or sexual conduct are married to each other.

''(2) DEFINITION.—For purposes of this subsection, a marriage is a relationship, recognized by the laws of a competent state or foreign jurisdiction, between the accused and the other person as spouses. A marriage exists until it is dissolved in accordance with the laws of a competent state or foreign jurisdiction.

''(3) EXCEPTION.—Paragraph (1) shall not apply if the accused's intent at the time of the sexual conduct is to abuse, humiliate, or degrade any person, or if the child is under the age of fifteen years.

''(r) CONSENT AND MISTAKE OF FACT AS TO CONSENT.—Lack of permission is an element of the offense in subsection (m) (wrongful sexual contact). Consent and mistake of fact as to consent are not an issue, or an affirmative defense, in a prosecution under any other subsection, except they are an affirmative defense for the sexual conduct in issue in a prosecution under subsection (a) (rape), (c) (aggravated sexual assault), (e) (aggravated sexual contact), and (h) (abusive sexual contact).

''(s) OTHER AFFIRMATIVE DEFENSES NOT PRECLUDED.—The enumeration in this section of some affirmative defenses shall not be construed as excluding the existence of others.

''(t) NO PREEMPTION.—The prosecution or punishment of an accused for an offense under this section does not preclude the prosecution or punishment of that accused for any other offense.

''(u) DEFINITIONS.—In this section:

''(1) SEXUAL ACT.—The term 'sexual act' means—

''(A) contact between the penis and the vulva, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; or

''(B) the penetration, however slight, of the genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

''(2) SEXUAL CONTACT.—The term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, or intentionally causing another person to touch, either directly or through the clothing, the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, or degrade any person or to arouse or gratify the sexual desire of any person.

''(3) GRIEVOUS BODILY HARM.—The term 'grievous bodily harm' means serious bodily injury. It includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. It does not include minor injuries such as a black eye or a bloody nose. It is the same level of injury as in section 928 (article 128) of this chapter, and a lesser degree of injury than in section 2246(4) of title 18.

''(4) DANGEROUS WEAPON OR OBJECT.—The term 'dangerous weapon or object' means—

''(A) any firearm, loaded or not, and whether operable or not;

''(B) any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used, or is intended to be used, is known to be capable of producing death or grievous bodily harm; or

''(C) any object fashioned or utilized in such a manner as to lead the victim under the circumstances to reasonably believe it to be capable of producing death or grievous bodily harm.

''(5) FORCE.—The term 'force' means action to compel submission of another or to overcome or prevent another's resistance by—

''(A) the use or display of a dangerous weapon or object;

''(B) the suggestion of possession of a dangerous weapon or object that is used in a manner to cause another to believe it is a dangerous weapon or object; or

''(C) physical violence, strength, power, or restraint applied to another person, sufficient that the other person could not avoid or escape the sexual conduct.

''(6) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—The term 'threatening or placing that other person in fear' under paragraph (3) of subsection (a) (rape), or under subsection (e) (aggravated sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that noncompliance will result in the victim or another person being subjected to death, grievous bodily harm, or kidnapping.

''(7) THREATENING OR PLACING THAT OTHER PERSON IN FEAR.—

''(A) IN GENERAL.—The term 'threatening or placing that other person in fear' under paragraph (1)(A) of subsection (c) (aggravated sexual assault), or under subsection (h) (abusive sexual contact), means a communication or action that is of sufficient consequence to cause a reasonable fear that non-compliance will result in the victim or another being subjected to a lesser degree of harm than death, grievous bodily harm, or kidnapping.

''(B) INCLUSIONS.—Such lesser degree of harm includes—

''(i) physical injury to another person or to another person's property; or

''(ii) a threat—

''(I) to accuse any person of a crime;

''(II) to expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or

''(III) through the use or abuse of military position, rank, or authority, to affect or threaten to affect, either positively or negatively, the military career of some person.

''(8) BODILY HARM.—The term 'bodily harm' means any offensive touching of another, however slight.

''(9) CHILD.—The term 'child' means any person who has not attained the age of sixteen years.

''(10) LEWD ACT.—The term 'lewd act' means—

''(A) the intentional touching, not through the clothing, of the genitalia of another person, with an intent to abuse, humiliate, or degrade any person, or to arouse or gratify the sexual desire of any person; or

''(B) intentionally causing another person to touch, not through the clothing, the genitalia of any person with an intent to abuse, humiliate or degrade any person, or to arouse or gratify the sexual desire of any person.

''(11) INDECENT LIBERTY.—The term 'indecent liberty' means indecent conduct, but physical contact is not required. It includes one who with the requisite intent exposes one's genitalia, anus, buttocks, or female areola or nipple to a child. An indecent liberty may consist of communication of indecent language as long as the communication is made in the physical presence of the child. If words designed to excite sexual desire are spoken to a child, or a child is exposed to or involved in sexual conduct, it is an indecent liberty; the child's consent is not relevant.

''(12) INDECENT CONDUCT.—The term 'indecent conduct' means that form of immorality relating to sexual impurity which is grossly vulgar, obscene, and repugnant to common propriety, and tends to excite sexual desire or deprave morals with respect to sexual relations. Indecent conduct includes but is not limited to observing, or making a videotape, photograph, motion picture, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material, without another person's consent, and contrary to that other person's reasonable expectation of privacy, of—

''(A) that other person's genitalia, anus, or buttocks, or (if that other person is female) that person's areola or nipple; or

''(B) that other person while that other person is engaged in a sexual act, sodomy (under section 925 (article 125)), or sexual contact; and

''(13) ACT OF PROSTITUTION.—The term 'act of prostitution' means a sexual act, sexual contact, or lewd act for the purpose of receiving money or other compensation.

''(14) CONSENT.—The term 'consent' means words or overt acts indicating a freely given agreement to the sexual conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused's use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating relationship by itself or the manner of dress of the person involved with the accused in the sexual conduct at issue shall not constitute consent. A person cannot consent to sexual activity if—

''(A) under sixteen years of age; or

''(B) substantially incapable of—

''(i) appraising the nature of the sexual conduct at issue due to—

''(I) mental impairment or unconsciousness resulting from consumption of alcohol, drugs, a similar substance, or otherwise; or

''(II) mental disease or defect which renders the person unable to understand the nature of the sexual conduct at issue; or

''(ii) physically declining participation in the sexual conduct at issue; or

''(iii) physically communicating unwillingness to engage in the sexual conduct at issue.

''(15) MISTAKE OF FACT AS TO CONSENT.—The term 'mistake of fact as to consent' means the accused held, as a result of ignorance or mistake, an incorrect belief that the other person

engaging in the sexual conduct consented. The ignorance or mistake must have existed in the mind of the accused and must have been reasonable under all the circumstances. To be reasonable the ignorance or mistake must have been based on information, or lack of it, which would indicate to a reasonable person that the other person consented. Additionally, the ignorance or mistake cannot be based on the negligent failure to discover the true facts. Negligence is the absence of due care. Due care is what a reasonably careful person would do under the same or similar circumstances. The accused's state of intoxication, if any, at the time of the offense is not relevant to mistake of fact. A mistaken belief that the other person consented must be that which a reasonably careful, ordinary, prudent, sober adult would have had under the circumstances at the time of the offense.

''(16) AFFIRMATIVE DEFENSE.—The term 'affirmative defense' means any special defense which, although not denying that the accused committed the objective acts constituting the offense charged, denies, wholly, or partially, criminal responsibility for those acts. The accused has the burden of proving the affirmative defense by a preponderance of evidence. After the defense meets this burden, the prosecution shall have the burden of proving beyond a reasonable doubt that the affirmative defense did not exist.''.

(2) CLERICAL AMENDMENT.—The item relating to section 920 (article 120) in the table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

''920. Art. 120. Rape, sexual assault, and other sexual misconduct.''.

(b) INTERIM MAXIMUM PUNISHMENTS.—Until the President otherwise provides pursuant to section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), the punishment which a court-martial may direct for an offense under section 920 of such title (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), may not exceed the following limits:

(1) SUBSECTIONS (A) AND (B).—For an offense under subsection (a) (rape) or (b) (rape of a child), death or such other punishments as a court-martial may direct.

(2) SUBSECTION (C).—For an offense under subsection (c) (aggravated sexual assault), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 30 years.

(3) SUBSECTIONS (D) AND (E).—For an offense under subsection (d) (aggravated sexual assault of a child) or (e) (aggravated sexual contact), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(4) SUBSECTIONS (F) AND (G).—For an offense under subsection (f) (aggravated sexual abuse of a child) or (g) (aggravated sexual contact with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 15 years.

(5) SUBSECTIONS (H) THROUGH (J).—For an offense under subsection (h) (abusive sexual contact), (i) (abusive sexual contact with a child), or (j) (indecent liberty with a child), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 7 years.

(6) SUBSECTIONS (K) AND (L).—For an offense under subsection (k) (indecent act) or (l) (forcible pandering), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

(7) SUBSECTIONS (M) AND (N).—For an offense under subsection (m) (wrongful sexual contact) or (n) (indecent exposure), dishonorable discharge, forfeiture of all pay and allowances, and confinement for 1 year.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of the enactment of this Act and section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to offenses committed on or after that effective date.

(d) CONFORMING AMENDMENT.—Section 918 of title 10, United States Code (article 118 of the Uniform Code of Military Justice), is amended in paragraph (4) by striking ''rape,'' and inserting ''rape, rape of a child, aggravated sexual assault, aggravated sexual assault of a child, aggravated sexual contact, aggravated sexual abuse of a child, aggravated sexual contact with a child,''.

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

SEC. 561. ENROLLMENT IN OVERSEAS SCHOOLS OF DEFENSE DEPENDENTS' EDUCATION SYSTEM OF CHILDREN OF CITIZENS OR NATIONALS OF THE UNITED STATES HIRED IN OVERSEAS AREAS AS FULL-TIME DEPARTMENT OF DEFENSE EMPLOYEES.

Paragraph (2) of section 1414 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932) is amended to read as follows:

''(2) The term 'sponsor' means a person who is—

''(A) a member of the Armed Forces serving on active duty who—

''(i) is authorized to transport dependents to or from an overseas area at Government expense; and

''(ii) is provided an allowance for living quarters in that area;

''(B) a full-time civilian officer or employee of the Department of Defense who—

''(i) is a citizen or national of the United States;

''(ii) is authorized to transport dependents to or from an overseas area at Government expense; and

''(iii) is provided an allowance for living quarters in that area; or

''(C) a full-time civilian officer or employee of the Department of Defense who—

''(i) is a citizen or national of the United States;

''(ii) resided in an overseas area at the time of the person's employment; and

''(iii) is employed by the Department of Defense in that area.''.

SEC. 562. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—

(1) ASSISTANCE AUTHORIZED.—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, without such assistance, the local educational agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the local educational agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this subsection for a fiscal year if at least 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of the local educational agency during the preceding school year were military dependent students counted under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—

(1) ASSISTANCE AUTHORIZED.—To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 250 military dependent students in average daily attendance in the schools of the local educational agency.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this subsection for a fiscal year if —

(A) the local educational agency is eligible for assistance under subsection (a) for the same fiscal year, or would have been eligible for such assistance if not for the reduction in military dependent students in schools of the local educational agency; and

(B) the overall increase or reduction in military dependent students in schools of the local educational agency is the result of the closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations.

(3) CALCULATION OF AMOUNT OF ASSISTANCE.—

(A) PRO RATA DISTRIBUTION.—The amount of the assistance provided under this subsection to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for that fiscal year; by

(ii) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under paragraph (1).

(B) PER-STUDENT RATE.—For purposes of subparagraph (A)(i), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the total amount of funds made available for that fiscal year to provide assistance under this subsection; by

(ii) the sum of the overall increases and reductions in the number of military dependent students in schools of all eligible local educational agencies for that fiscal year under this subsection.

(c) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance, including whether the agency is eligible for assistance under either subsection (a) or (b) or both subsections; and

(2) the amount of the assistance for which the local educational agency is eligible.

(d) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(e) FINDING FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a); and

(2) $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b).

(f) DEFINITIONS.—In this section:

(1) The term ''base closure process'' means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''military dependent students'' refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) The term ''State'' means each of the 50 States and the District of Columbia.

(g) REPEAL OF FORMER AUTHORITY.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is repealed. The repeal of such section shall not affect the distribution of assistance to local educational agencies under section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1917) for fiscal year 2005.

SEC. 563. CONTINUATION OF IMPACT AID ASSISTANCE ON BEHALF OF DEPENDENTS OF CERTAIN MEMBERS DESPITE CHANGE IN STATUS OF MEMBER.

(a) SPECIAL RULE.—For purposes of computing the amount of a payment for an eligible local educational agency under subsection (a) of section 8003 of the Elementary and Secondary Education Act (20 U.S.C. 7703) for school year 2005–2006, the Secretary of Education shall continue to count as a child enrolled in a school of such agency under such subsection any child who—

(1) would be counted under paragraph (1)(B) of such subsection to determine the number of children who were in average daily attendance in the school; but

(2) due to the deployment of both parents or legal guardians of the child, the deployment of a parent or legal guardian having sole custody of the child, or the death of a military parent or legal guardian while on active duty (so long as the child resides on Federal property (as defined in section 8013(5) of such Act (20 U.S.C. 7713(5))), is not eligible to be so counted.

(b) TERMINATION.—The special rule provided under subsection (a) applies only so long as the children covered by such subsection remain in average daily attendance at a school in the same local educational agency they attended before their change in eligibility status.

Subtitle H—Decorations and Awards

SEC. 565. COLD WAR VICTORY MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1134. Cold War Victory Medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War Victory Medal', to persons eligible to receive the medal under subsection (b). The Cold War Victory Medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War Victory Medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War Victory Medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War Victory Medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War Victory Medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War Victory Medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) DEFINITION.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

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

''1134. Cold War Victory Medal.''.

SEC. 566. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''3757. Combat Medevac Badge.''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''6259. Combat Medevac Badge.''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8757. Combat Medevac Badge

''(a) The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

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

''8757. Combat Medevac Badge.''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

SEC. 567. ELIGIBILITY FOR OPERATION ENDURING FREEDOM CAMPAIGN MEDAL.

For purposes of eligibility for the campaign medal for Operation Enduring Freedom established pursuant to Public Law 108–234 (10 U.S.C. 1121 note), the beginning date of Operation Enduring Freedom is September 11, 2001.

Subtitle I—Other Matters

SEC. 571. EXTENSION OF WAIVER AUTHORITY OF SECRETARY OF EDUCATION WITH RESPECT TO STUDENT FINANCIAL ASSISTANCE DURING A WAR OR OTHER MILITARY OPERATION OR NATIONAL EMERGENCY.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

SEC. 572. ADOPTION LEAVE FOR MEMBERS OF THE ARMED FORCES ADOPTING CHILDREN.

(a) AUTHORITY.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces adopting a child in a qualifying child adoption is allowed up to 21 days of leave in a calendar year to be used in connection with the adoption.

''(2) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

''(3) In the event that two members of the armed forces who are spouses of each other adopt a child in a qualifying child adoption,

only one such member shall be allowed leave under this subsection. Those members shall elect which of them shall be allowed such leave.

''(4) Leave under paragraph (1) is in addition to other leave provided under other provisions of this section.''.

(b) EFFECTIVE DATE.—Subsection (i) of section 701 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2005.

SEC. 573. REPORT ON NEED FOR A PERSONNEL PLAN FOR LINGUISTS IN THE ARMED FORCES.

(a) NEED ASSESSMENT.—The Secretary of Defense shall review the career tracks of members of the Armed Forces who are linguists in an effort to improve the management of linguists (in enlisted grades or officer grades, or both) and to assist them in reaching their full linguistic and analytical potential over a 20-year career. As part of such review, the Secretary shall assess the need for a comprehensive plan to better manage the careers of military linguists (in enlisted grades or officer grades, or both) and to ensure that such linguists have an opportunity to progress in grade and are provided opportunities to enhance their language and cultural skills. As part of the review, the Secretary shall consider personnel management methods such as enhanced bonuses, immersion opportunities, specialized career fields, establishment of a dedicated career path for linguists, and career monitoring to ensure career progress for linguists serving in duty assignments that are not linguist related.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review and assessment conducted under subsection (a). The report shall include the findings, results, and conclusions of the Secretary's review and assessment of the careers of officer and enlisted linguists in the Armed Forces and the need for a comprehensive plan to ensure effective career management of linguists.

SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) IN GENERAL.—

(1) CODIFICATION.—Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

''§ 652. Assignment eligibility; direct ground combat and other exclusions applicable to female members

''(a) GENERAL RULE.—A member of the armed forces is eligible to be assigned to all positions for which qualified, except that female members of the armed forces shall be excluded from assignment to units below brigade level the primary mission of which is to engage in direct ground combat.

''(b) ADDITIONAL RESTRICTIONS.—In addition to the limitation under subsection (a), female members of the armed forces may be excluded from assignment to a unit, or a position, as follows:

''(1) Where the Secretary concerned determines that the costs of appropriate berthing and privacy arrangements would be prohibitive.

''(2) Where the unit, or the position, is doctrinally required to physically collocate and remain with a direct ground combat unit to which female members may not be assigned.

''(3) Where the unit is engaged in long-range reconnaissance operations or Special Operations Forces missions.

''(4) Where job-related physical requirements would necessarily exclude the vast majority of female members.

''(c) CLOSURE OF OCCUPATIONAL SPECIALTIES.—

''(1) Any military career designator related to military operations on the ground that is covered by paragraph (2) and that as of May 18, 2005, is closed (in whole or in part) to the assignment of female members shall remain closed (in the same manner) to the assignment of female members.

''(2) Paragraph (1) applies—

''(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, additional skill identifiers, and special qualification identifiers; and

''(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

''(d) NOTICE TO CONGRESS OF PROPOSED CHANGES IN UNITS, ASSIGNMENTS, ETC. TO WHICH FEMALE MEMBERS MAY BE ASSIGNED.—

''(1) NOTICE.—Except in a case covered by section 6035 of this title, whenever the Secretary of Defense or the Secretary of a military department proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall, not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

''(2) COVERED PERSONNEL POLICY CHANGES.—Paragraph (1) applies to a proposed military personnel policy change that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

''(A) Any type of existing or new unit, position, or other assignment (other than an assignment covered by the exclusions required by subsections (a) and (c)).

''(B) Any class of combat vessel.

''(C) Any type of combat platform.

''(e) DIRECT GROUND COMBAT DEFINED.—In this section, the term 'direct ground combat' means engaging an enemy on the ground with individual or crew-served weapons, while being exposed to hostile fire and to a high probability of direct physical contact with personnel of the hostile force, and when well forward on the battlefield while locating and closing with the enemy to defeat them by fire, maneuver, or shock effect.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

''652. Assignment eligibility; direct ground combat and other exclusions applicable to female members.''.

(b) REPORT ON POSITIONS OPENED TO FEMALE MEMBERS SINCE JULY 1994.—

(1) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a detailed report of all units, positions, military occupational specialties, career fields, and other assignments that—

(A) were reported to Congress on July 28, 1994, as being closed to the assignment of female members of the Armed Forces; and

(B) have since that date been opened to the assignment of female members.

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A detailed description of, and justification for, each of the changes identified under that paragraph.

(B) For any unit or position that was reported closed to the assignment of female members as described in subparagraph (A) of paragraph (1) that no longer exists in the service inventory, identification of the successor unit performing the function and whether that successor unit is open or closed to the assignment of female members.

(c) LIST OF UNITS, POSITIONS, ETC., CLOSED TO FEMALE MEMBERS.—At the same time the report under subsection (b) is submitted to Congress, the Secretary of Defense shall submit to Congress a report providing—

(1) a list of the military career designators covered by paragraph (2) of section 652(c) of title 10, United States Code (as added by subsection (a)(1)), that were closed (in whole or in part) to the assignment of female members of the Armed Forces as of May 18, 2005, and that, pursuant to paragraph (1) of that section, are required to remain closed to the assignment of female members of the Armed Forces; and

(2) for each such military career designator—

(A) specification of whether that designator is closed to the assignment of female members in whole or in part; and

(B) the numbers of positions that are closed to the assignment of female members.

(d) CONFORMING REPEAL.—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2006.
Sec. 602. Additional pay for permanent military professors at United States Naval Academy with over 36 years of service.
Sec. 603. Basic pay rates for reserve component members selected to attend military service academy preparatory schools.
Sec. 604. Clarification of restriction on compensation for correspondence courses.
Sec. 605. Permanent authority for supplemental subsistence allowance for low-income members with dependents.
Sec. 606. Basic allowance for housing for Reserve members.
Sec. 607. Overseas cost of living allowance.
Sec. 608. Income replacement payments for Reserves experiencing extended and frequent mobilization for active duty service.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension or resumption of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Expansion of eligibility of dental officers for additional special pay.
Sec. 616. Increase in maximum monthly rate authorized for hardship duty pay.
Sec. 617. Flexible payment of assignment incentive pay.
Sec. 618. Active-duty reenlistment bonus.
Sec. 619. Reenlistment bonus for members of Selected Reserve.
Sec. 620. Combination of affiliation and accession bonuses for service in the Selected Reserve.
Sec. 621. Eligibility requirements for prior service enlistment bonus.
Sec. 622. Increase in authorized maximum amount of enlistment bonus.
Sec. 623. Discretion of Secretary of Defense to authorize retroactive hostile fire and imminent danger pay.
Sec. 624. Increase in maximum bonus amount for nuclear-qualified officers extending period of active duty.
Sec. 625. Increase in maximum amount of nuclear career annual incentive bonus for nuclear-qualified officers trained while serving as enlisted members.
Sec. 626. Uniform payment of foreign language proficiency pay to eligible reserve component members and regular component members.

Sec. 627. Retention bonus for members qualified in certain critical skills or satisfying other eligibility criteria.
Sec. 628. Availability of critical-skills accession bonus for persons enrolled in Senior Reserve Officers' Training Corps who are obtaining nursing degrees.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Authorized absences of members for which lodging expenses at temporary duty location may be paid.
Sec. 642. Extended period for selection of home for travel and transportation allowances for dependents of deceased member.
Sec. 643. Transportation of family members incident to repatriation of members held captive.
Sec. 644. Increased weight allowances for shipment of household goods of senior noncommissioned officers.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 651. Monthly disbursement to States of State income tax withheld from retired or retainer pay.
Sec. 652. Revision to eligibility for nonregular service retirement after establishing eligibility for regular retirement.
Sec. 653. Denial of military funeral honors in certain cases.
Sec. 654. Child support for certain minor children of retirement-eligible members convicted of domestic violence resulting in death of child's other parent.
Sec. 655. Concurrent receipt of veterans disability compensation and military retired pay.
Sec. 656. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 661. Increase in authorized level of supplies and services procurement from overseas exchange stores.
Sec. 662. Requirements for private operation of commissary store functions.
Sec. 663. Provision of information technology services for accommodations provided by nonappropriated fund instrumentalities for wounded members of the Armed Forces and their families.
Sec. 664. Provision of and payment for overseas transportation services for commissary and exchange supplies.
Sec. 665. Compensatory time off for certain nonappropriated fund employees.

Subtitle F—Other Matters

Sec. 671. Inclusion of Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff among senior enlisted members of the Armed Forces.
Sec. 672. Special and incentive pays considered for saved pay upon appointment of members as officers.
Sec. 673. Repayment of unearned portion of bonuses, special pays, and educational benefits.
Sec. 674. Leave accrual for members assigned to deployable ships or mobile units or to other designated duty.
Sec. 675. Army recruiting pilot program to encourage members of the Army to refer other persons for enlistment.
Sec. 676. Special compensation for reserve component members who are also tobacco farmers adversely affected by terms of tobacco quota buyout.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2006.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2006 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2006, the rates of monthly basic pay for members of the uniformed services are increased by 3.1 percent.

SEC. 602. ADDITIONAL PAY FOR PERMANENT MILITARY PROFESSORS AT UNITED STATES NAVAL ACADEMY WITH OVER 36 YEARS OF SERVICE.

Section 203(b) of title 37, United States Code, is amended by inserting after ''Military Academy'' the following: '', the United States Naval Academy,''.

SEC. 603. BASIC PAY RATES FOR RESERVE COMPONENT MEMBERS SELECTED TO ATTEND MILITARY SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) PAY EQUITY FOR RESERVES.—Section 203(e)(2) of title 37, United States Code, is amended—

(1) by striking ''on active duty for a period of more than 30 days shall continue to receive'' and inserting ''shall receive''; and

(2) by inserting before the period at the end the following: ''or at the rate provided for cadets and midshipmen under subsection (c), whichever is greater''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act.

SEC. 604. CLARIFICATION OF RESTRICTION ON COMPENSATION FOR CORRESPONDENCE COURSES.

Section 206(d)(1) of title 37, United States Code, is amended by inserting after ''reserve component'' the following: ''or by a member of the National Guard while not in Federal service''.

SEC. 605. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) REPEAL OF TERMINATION PROVISION.—Section 402a of title 37, United States Code, is amended by striking subsection (i).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (f) of such section is amended—

(1) in the first sentence, by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security, with respect to the Coast Guard''; and

(2) by striking the second sentence.

SEC. 606. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended——

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

SEC. 607. OVERSEAS COST OF LIVING ALLOWANCE.

(a) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside of the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member's dependents and in the best interest of the United States.''.

(b) CLARIFICATION OF EXPENSES ELIGIBLE FOR LUMP-SUM REIMBURSEMENT.—Subsection (d) of such section, as added by section 605 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1945), is further amended—

(1) in the subsection heading, by striking ''NONRECURRING'' and inserting ''UNUSUAL OR EXTRAORDINARY'';

(2) by inserting ''or (e)'' after ''subsection (a)'' each place it appears; and

(3) in paragraph (1)—

(A) by striking ''a nonrecurring'' and inserting ''an unusual or extraordinary'' in the matter preceding subparagraph (A); and

(B) in subparagraph (A), by inserting ''or the location of the member's dependents'' before the semicolon.

SEC. 608. INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

(a) IN GENERAL.—Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service

''(a) PAYMENT REQUIRED.—The Secretary concerned shall pay to an eligible member of a reserve component of the armed forces an amount equal to the monthly active-duty income differential of the member, as determined by the Secretary. The payments shall be made on a monthly basis.

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member, while on active duty under an involuntary mobilization order, following the date on which the member—

''(1) completes 18 continuous months of service on active duty under such an order;

''(2) completes 24 months on active duty during the previous 60 months under such an order; or

''(3) is involuntarily mobilized for service on active duty six months or less following the member's separation from the member's previous period of active duty.

''(c) MINIMUM AND MAXIMUM PAYMENT AMOUNTS.—(1) A payment under this section shall be made to a member for a month only if the amount of the monthly active-duty income differential for the month is greater than $50.

''(2) Notwithstanding the amount determined under subsection (d) for a member for a month, the monthly payment to a member under this section may not exceed $3,000.

''(d) MONTHLY ACTIVE-DUTY INCOME DIFFERENTIAL.—For purposes of this section, the monthly active-duty income differential of a member is the difference between—

''(1) the average monthly civilian income of the member; and

''(2) the member's total monthly military compensation.

''(e) DEFINITIONS.—In this section:

''(1) The term 'average monthly civilian income', with respect to a member of a reserve component, means the amount, determined by the Secretary concerned, of the earned income of the member for either the 12 months preceding the member's mobilization or the 12 months covered by the member's most recent Federal income tax filing, divided by 12.

''(2) The term 'total monthly military compensation' means the amount, computed on a monthly basis, of the sum of—

''(A) the amount of the regular military compensation (RMC) of the member; and

''(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis.''.

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

''910. Replacement of lost income: involuntarily mobilized reserve component members subject to extended and frequent active duty service.''.

(c) EFFECTIVE DATE.—Section 910 of title 37, United States Code, as added by subsection (a), shall apply for months after December 2005.

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 910 of title 37, United States Code, to provide income replacement payments to involuntarily mobilized members of a reserve component who are subject to extended and frequent active duty service may not exceed $60,000,000.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OR RESUMPTION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

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

(c) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(h) of such title is amended by striking ''September 30, 1992'' and inserting ''December 31, 2006''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2006'' and inserting ''January 1, 2007''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 615. EXPANSION OF ELIGIBILITY OF DENTAL OFFICERS FOR ADDITIONAL SPECIAL PAY.

(a) REPEAL OF INTERNSHIP AND RESIDENCY EXCEPTION.—Section 302b(a)(4) of title 37, United States Code, is amended by striking the first sentence and inserting the following new sentence: ''An officer who is entitled to variable special pay under paragraph (2) or (3) is also entitled to additional special pay for any 12-month period during which an agreement executed under subsection (b) is in effect with respect to the officer.''.

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

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

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

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

SEC. 617. FLEXIBLE PAYMENT OF ASSIGNMENT INCENTIVE PAY.

(a) AUTHORITY TO PROVIDE LUMP SUM OR INSTALLMENT PAYMENTS.—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''monthly'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before the first sentence;

(B) in the second sentence, by striking ''and, subject to subsection (c), the monthly rate of the incentive pay.'' and inserting '', the total or monthly amount to be paid under the agreement, and whether the incentive pay will be provided on a monthly basis, in a lump sum, or in installments other than monthly.''; and

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

''(2) The Secretary concerned and a member may agree to extend an existing agreement under this section to cover an additional period of service in a designated assignment.''; and

(3) in subsection (c), by adding at the end the following new sentences: ''The maximum amount of a lump sum payment under an agreement under this section may not exceed the product of the maximum monthly rate and the number of months covered by the agreement. Installment payments shall be calculated using the same formula for the months covered by the installment.''.

(b) REPAYMENT OF INCENTIVE PAY.—Such section is further amended—

(1) by redesignating subsection (f), as amended by section 614(b), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) REPAYMENT.—A member who enters into an agreement under this section and receives incentive pay under the agreement in a lump sum or installments, but who fails to complete the period of service covered by the payment, whether voluntarily or because of misconduct, shall be subject to the repayment provisions of section 303a(e) of this title.''.

SEC. 618. ACTIVE-DUTY REENLISTMENT BONUS.

(a) ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—Subsection (a) of section 308 of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''16 years of active duty'' and inserting ''20 years of active duty''; and

(2) in paragraph (3), by striking ''18 years'' and inserting ''24 years''.

(b) INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF BONUS.—Paragraph (2)(B) of such subsection is amended by striking ''$60,000'' and inserting ''$90,000''.

(c) REPEAL OF REFERENCE TO OBSOLETE SPECIAL PAY.—Paragraph (1) of such subsection is amended—

(1) by inserting ''and'' at the end of subparagraph (B);

(2) by striking subparagraph (C); and

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

(d) AUTHORITY TO WAIVE ELIGIBILITY REQUIREMENTS.—Such subsection is further amended by striking paragraph (5) and inserting the following new paragraph:

''(5) In time of war or national emergency, the Secretary concerned may waive all or a part of the eligibility requirements specified in paragraph (1) for the payment of a bonus under this section.''.

(e) REPEAL OF OBSOLETE SPECIAL PAY.—

(1) REPEAL.—Section 312a of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 312a.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 619. REENLISTMENT BONUS FOR MEMBERS OF SELECTED RESERVE.

(a) ELIGIBILITY OF SENIOR ENLISTED MEMBERS.—Subsection (a)(1) of section 308b of title 37, United States Code, is amended by striking ''16 years of total military service'' and inserting ''20 years of total military service''.

(b) COMPUTATION OF BONUS AMOUNT.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 24 years may not be used in computing the total bonus amount under paragraph (1).''.

(c) AUTHORITY TO WAIVE ELIGIBILITY REQUIREMENTS.—Subsection (c)(2) of such section is amended by striking ''In the case'' and all that follows through ''the Secretary'' and inserting ''In time of war or national emergency, the Secretary''.

SEC. 620. COMBINATION OF AFFILIATION AND ACCESSION BONUSES FOR SERVICE IN THE SELECTED RESERVE.

(a) BONUSES AUTHORIZED.—Section 308c of title 37, United States Code, is amended to read as follows:

''§ 308c. Special pay: bonus for affiliation or enlistment in the Select Reserve

''(a) AFFILIATION BONUS AUTHORIZED.—(1) The Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

''(A) has completed fewer than 20 total years of military service; and

''(B) executes a written agreement with the Secretary to serve in the Selected Reserve, after being discharged or released from active duty, for a period of not less than three years in a skill, unit, or pay grade designated under paragraph (2).

''(2) The Secretary concerned shall designate the critical skills, units, and pay grades for which an affiliation bonus is available under this subsection.

''(b) ACCESSION BONUS AUTHORIZED.—The Secretary concerned may pay an accession bonus to a person who—

''(1) has not previously served in the armed forces; and

''(2) executes a written agreement to serve as an enlisted member in the Selected Reserve for a period of not less than three years.

''(c) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (b) may not exceed $15,000.

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

''(e) PAYMENT TO MOBILIZED MEMBERS.—A member of the Selected Reserve entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

''(f) REPAYMENT.—A person who enters into an agreement under subsection (a) or (b) and receives all or part of the bonus under the agreement, but who does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.

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

''(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement under subsection (a) or (b) entered into after December 31, 2006.''.

(b) REPEAL OF SEPARATE RESERVE AFFILIATION BONUS.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

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

''308c. Special pay: bonus for affiliation or enlistment the Select Reserve.''

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

(d) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 308c of title 37, United States Code, to provide bonuses for affiliation or enlistment in the Select Reserve using the expanded authority provided by the amendment made by subsection (a) may not exceed $30,000,000. The bonus authority available under such section shall not be considered to be an expanded authority to the extent that the authority was available under section 308e of such title, before the repeal of such section by subsection (b).

SEC. 621. ELIGIBILITY REQUIREMENTS FOR PRIOR SERVICE ENLISTMENT BONUS.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) The person has not more than 16 years of total military service and received an honorable discharge at the conclusion of all prior periods of service.''.

SEC. 622. INCREASE IN AUTHORIZED MAXIMUM AMOUNT OF ENLISTMENT BONUS.

(a) INCREASE.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) LIMITATION ON FISCAL YEAR 2006 OBLIGATIONS.—During fiscal year 2006, obligations incurred under section 309 of title 37, United States Code, to provide enlistment bonuses in the increased amounts authorized by the amendment made by subsection (a) may not exceed $30,000,000.

SEC. 623. DISCRETION OF SECRETARY OF DEFENSE TO AUTHORIZE RETROACTIVE HOSTILE FIRE AND IMMINENT DANGER PAY.

Section 310(c) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

''(1) In the case of an area described in subparagraph (B) or (D) of subsection (a)(2), the Secretary of Defense shall be responsible for designating the period during which duty in the area will qualify members for special pay under this section. The effective date designated for the commencement of such a period may be a date occurring before, on, or after the actual date on which the Secretary makes the designation. If the commencement date for such a period is a date occurring before the date on which the Secretary makes the designation, the payment of special pay under this section for the period between the commencement date and the date on which the Secretary made the designation shall be subject to the availability of appropriated funds for that purpose.''.

SEC. 624. INCREASE IN MAXIMUM BONUS AMOUNT FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

Section 312(a) of title 37, United States Code, is amended by striking ''$25,000'' and inserting ''$30,000''.

SEC. 625. INCREASE IN MAXIMUM AMOUNT OF NUCLEAR CAREER ANNUAL INCENTIVE BONUS FOR NUCLEAR-QUALIFIED OFFICERS TRAINED WHILE SERVING AS ENLISTED MEMBERS.

Section 312c(b)(1) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''14,000''.

SEC. 626. UNIFORM PAYMENT OF FOREIGN LANGUAGE PROFICIENCY PAY TO ELIGIBLE RESERVE COMPONENT MEMBERS AND REGULAR COMPONENT MEMBERS.

(a) AVAILABILITY OF BONUS IN LIEU OF MONTHLY SPECIAL PAY.—Subsection (a) of section 316 of title 37, United States Code, is amended—

(1) by striking ''monthly special pay'' and inserting ''a bonus''; and

(2) by striking ''is entitled to basic pay under section 204 of this title and who''.

(b) PAYMENT OF BONUS.—Such section is further amended—

(1) by striking subsections (b), (d), (e), and (g);

(2) by redesignating subsections (f) and (h) as subsections (d) and (f) respectively;

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

''(b) BONUS AMOUNT; TIME FOR PAYMENT.—A bonus under subsection (a) may not exceed $12,000 per one-year certification period. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period. The bonus is in addition to any other pay or allowance payable to a member under any other provision of law.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking ''special pay or'' both places it appears; and

(B) by striking ''or (b)'';

(2) in subsection (d), as redesignated by subsection (b)(2)—

(A) in paragraph (1)—

(i) by striking ''monthly special pay or'' in the matter preceding subparagraph (A); and

(ii) in subparagraph (C), by striking ''for receipt'' and all that follows through the period at the end and inserting ''under subsection (a)'';

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

(C) in paragraph (3)—

(i) by striking ''special pay or'' both places it appears; and

(ii) by striking ''subsection (h)'' and inserting ''subsection (f)''; and

(D) in paragraph (4), by striking ''subsection (g)'' and inserting ''section 303a(e) of this title''; and

(3) by inserting after such subsection (d) the following new subsection (e):

''(e) REPAYMENT.—A member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

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

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

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

SEC. 627. RETENTION BONUS FOR MEMBERS QUALIFIED IN CERTAIN CRITICAL SKILLS OR SATISFYING OTHER ELIGIBILITY CRITERIA.

(a) AVAILABILITY OF BONUS FOR RESERVE COMPONENT MEMBERS.—Section 323 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''who is serving on active duty and'' and inserting ''who is serving on active duty in a regular component or in an active status in a reserve component and who'';

(B) in paragraph (1), by inserting ''or to remain in an active status in a reserve component for at least one year'' before the semicolon; and

(C) in paragraph (3), by inserting ''or to remain in an active status in a reserve component for a period of at least one year'' before the period; and

(2) in subsection (e)(1), by inserting ''or service in an active status in a reserve component'' after ''active duty'' each place it appears.

(b) ADDITIONAL CRITERIA FOR BONUS.—Such section is further amended—

(1) in subsection (a), by striking ''designated critical military skill'' and inserting ''critical military skill designated under subsection (b) or satisfies such other eligibility criteria established under such subsection'';

(2) in subsection (b)—

(A) by striking ''DESIGNATION OF CRITICAL SKILLS.—'' and inserting ''ELIGIBILITY CRITERIA.—(1)''; and

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

''(2) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may establish such other criteria as the Secretary considers appropriate under which a retention bonus will be provided to a member of the armed forces under subsection (a).''; and

(3) in subsection (h)(1), by striking ''members qualified in the critical military skills for which the bonuses were offered'' and inserting ''members of the armed forces who were offered a bonus under this section''.

(c) EXTENDED ELIGIBILITY PERIOD FOR CERTAIN MEMBERS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) The limitations in paragraph (1) do not apply with respect to an officer who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered, is assigned duties as a health care professional.

''(3) The limitations in paragraph (1) do not apply with respect to a member who, during the period of active duty or service in an active status in a reserve component for which the bonus is being offered—

''(A) is qualified in a skill designated as critical under subsection (b)(1) related to special operations forces; or

''(B) is qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.''.

(d) REPAYMENT REQUIREMENTS.—Subsection (g) of such section is amended to read as follows:

''(g) REPAYMENT.—A member paid a bonus under this section who fails, during the period of service covered by the member's agreement, reenlistment, or voluntary extension of enlistment under subsection (a), to remain qualified in the critical military skill or to satisfy the other eligibility criteria for which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 323 of such title is amended to read as follows:

"§ 323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 323 and inserting the following new item:

''323. Special pay: retention incentives for members qualified in a critical military skill or who satisfy other eligibility criteria.''.

(f) EFFECTIVE DATE.—Section 323(a) of title 37, United States Code, as amended by this section, shall apply to agreements, reenlistments, and the voluntary extension of enlistments referred to in subsection (a) of such section entered into on or after October 1, 2005.

SEC. 628. AVAILABILITY OF CRITICAL-SKILLS ACCESSION BONUS FOR PERSONS ENROLLED IN SENIOR RESERVE OFFICERS' TRAINING CORPS WHO ARE OBTAINING NURSING DEGREES.

(a) AUTHORITY TO PROVIDE BONUS.—Section 324 of title 37, United States Code, as amended by section 614(f) of this Act, is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) NURSE CANDIDATES IN SENIOR RESERVE OFFICERS' TRAINING CORPS.—(1) A person enrolled in the Senior Reserve Officers' Training Corps program of the Army for advanced training under chapter 103 of title 10, including a person receiving financial assistance under section 2107 of such title, may receive an accession bonus under this section if the person—

''(A) has completed the second year of an accredited baccalaureate degree program in nursing; and

''(B) executes an agreement under this section to serve on active duty as a commissioned officer in the Army Nurse Corps.

''(2) Notwithstanding subsection (c), the amount of the accession bonus paid to a person described in paragraph (1) may not exceed $5,000. ''.

(b) RETROACTIVE APPLICATION TO EXISTING AGREEMENTS.—Subsection (f) of section 324 of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements referred to in paragraph (1)(B) of such subsection executed on or after October 5, 2004.

Subtitle C—Travel and Transportation Allowances

SEC. 641. AUTHORIZED ABSENCES OF MEMBERS FOR WHICH LODGING EXPENSES AT TEMPORARY DUTY LOCATION MAY BE PAID.

(a) ABSENCES COVERED BY ALLOWANCE.—Section 404b of title 37, United States Code, is amended—

(1) in subsection (a), by striking ''while the member is in an authorized leave status'' and inserting ''during an authorized absence of the member from the temporary duty location'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''taking the authorized leave'' and inserting ''the authorized absence''; and

(B) in paragraph (3), by striking ''immediately after completing the authorized leave'' and inserting ''before the end of the authorized absence'';

(3) in subsection (c), by striking ''while the member was in an authorized leave status'' and inserting ''during the authorized absence of the member''; and

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

''(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term 'authorized absence', with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized by the commander of the member.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 404b and inserting the following new item:

''404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.''.

SEC. 642. EXTENDED PERIOD FOR SELECTION OF HOME FOR TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF DECEASED MEMBER.

(a) DEATH OF MEMBER ENTITLED TO BASIC PAY.—Subsection (f) section 406 of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(f)'';

(2) by striking ''he'' and inserting ''the member''; and

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

''(2) The Secretary concerned shall give the dependents of a member described in paragraph (1) a period of not less than three years, beginning on the date of the death of the member, during which to select a home for the purposes of the travel and transportation allowances authorized by this section.''.

(b) CERTAIN OTHER DECEASED MEMBERS.—Subsection (g)(3) of such section is amended in the first sentence—

(1) by striking ''he exercises it'' and inserting ''the member exercises the right or entitlement'';

(2) by striking ''his baggage and household effects'' and inserting ''the baggage and household effects of the deceased member''; and

(3) by striking ''his surviving dependents or, if'' and inserting ''the surviving dependents at any time before the end of the three-year period beginning on the date on which the member accrued that right or benefit. If''.

SEC. 643. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF MEMBERS HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

"§ 411j. Travel and transportation allowances: transportation of family members incident to repatriation of members held captive

''(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide the travel and transportation allowances described in subsection (c) to not more than three family members of a member of the uniformed services who—

''(A) is serving on active duty;

''(B) was officially carried or determined to be absent in a missing status (as defined in section 551 of this title); and

''(C) is repatriated to a site in or outside the United States.

''(2) In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members of a member provided travel and transportation allowances under this section.

''(b) ELIGIBLE PERSONS.—(1) In this section, the term 'family member' has the meaning given that term in section 411h(b) of this title.

''(2) The Secretary concerned may also provide the travel and transportation allowances to an attendant who accompanies a family member if the Secretary determines that—

''(A) the family member is unable to travel unattended because of age, physical condition, or other justifiable reason; and

''(B) no other family member who is receiving the allowances under this section is able to serve as an attendant for the family member.

''(3) If no family member is able to travel to the repatriation site, the Secretary concerned may provide the travel and transportation allowances to not more than two persons who are related to the member (but who do not satisfy the definition of family member) and are selected by the member.

''(c) ALLOWANCES DESCRIBED.—(1) The transportation authorized by subsection (a) is round-trip transportation between—

''(A) the home of the family member (or the home of an attendant or other person provided transportation pursuant to paragraph (2) or (3) of subsection (b)); and

''(B) the location of the repatriation site or other location determined to be appropriate by the Secretary concerned.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(d) PROVISION OF ALLOWANCES.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(2) An allowance payable under this subsection may be paid in advance.

''(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

''(e) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

''411j. Travel and transportation allowances: transportation of family members incident to repatriation of members held captive.''.

SEC. 644. INCREASED WEIGHT ALLOWANCES FOR SHIPMENT OF HOUSEHOLD GOODS OF SENIOR NONCOMMISSIONED OFFICERS.

(a) INCREASE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–7 through E–9 and inserting the following new items:

''E–9	13,000	15,000
E–8	12,000	14,000
E–7	11,000	13,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006, and apply with respect to an order in connection with a change of temporary or permanent station issued on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX WITHHELD FROM RETIRED OR RETAINER PAY.

Section 1045(a) of title 10, United States Code, is amended in the third sentence—

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

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

SEC. 652. REVISION TO ELIGIBILITY FOR NON-REGULAR SERVICE RETIREMENT AFTER ESTABLISHING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) REVISION TO ALLOW CONTINUATION IN ACTIVE STATUS.—Subsection (a) of section 12741 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''becoming entitled to'' and inserting ''having met the requirements for''; and

(2) in paragraph (3), by striking ''become entitled to'' and inserting ''met the requirements for''.

(b) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''entitlement to'' and inserting ''eligibility for''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 12741. Retirement from active reserve service performed after becoming eligible for regular retirement''.

(2) TABLE OF SECTIONS.—The item relating to section 12741 in the table of sections at the beginning of chapter 1223 of such title is amended to read as follows:

''12741. Retirement from active reserve service performed after becoming eligible for regular retirement.''.

SEC. 653. DENIAL OF MILITARY FUNERAL HONORS IN CERTAIN CASES.

(a) ADDITIONAL CIRCUMSTANCES FOR DENIAL OF FUNERAL HONORS.—Subsection (a) of section 985 of title 10, United States Code, is amended—

(1) by inserting ''(under section 1491 of this title or any other authority)'' after ''military honors''.

(2) by striking ''a person'' and all that follows and inserting ''any of the following persons:

''(1) A person who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.

''(2) A person not covered by paragraph (1) who is ineligible for interment in Arlington National Cemetery or a national cemetery under the control of the National Cemetery Administration by reason of section 2411(b) of title 38.

''(3) A person who is a veteran (as defined in section 1491(h) of this title) or who died while on active duty or a member of a reserve component, when the circumstances surrounding the person's death or other circumstances as specified by the Secretary of Defense are such that to provide military honors at the funeral or burial of the person would bring discredit upon the person's service (or former service).''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits''.

(2) TABLE OF SECTIONS.—The item relating to section 985 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

''985. Persons convicted of capital crimes; certain other persons: denial of specified burial-related benefits.''.

(c) CROSS-REFERENCE AMENDMENT.—Section 1491(a) of such title is amended by inserting before the period at the end the following: '', except when military honors are prohibited under section 985(a) of this title''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funerals and burials that occur on or after the date of the enactment of this Act.

SEC. 654. CHILD SUPPORT FOR CERTAIN MINOR CHILDREN OF RETIREMENT-ELIGIBLE MEMBERS CONVICTED OF DOMESTIC VIOLENCE RESULTING IN DEATH OF CHILD'S OTHER PARENT.

(a) AUTHORITY FOR COURT-ORDERED PAYMENTS.—Section 1408(h) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(A)'' after ''(1)''; and

(B) by adding at the end of such paragraph the following:

''(B) If, in the case of a member or former member of the armed forces referred to in paragraph (2)(A), a court order provides for the payment as child support of an amount from the disposable retired pay of that member or former member (as certified under paragraph (4)) to an eligible dependent child of the member or former member, the Secretary concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such dependent child.'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting '', or a dependent child,'' after ''former spouse'';

(B) in subparagraph (B)—

(i) by inserting ''in the case of eligibility of a spouse or former spouse under paragraph (1)(A),'' after ''(B)''; and

(ii) by striking the period at the end and inserting ''; and''; and

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

''(C) in the case of eligibility of a dependent child under paragraph (1)(B), the other parent of the child died as a result of the misconduct that resulted in the termination of retired pay.'';

(3) in paragraph (4), by inserting '', or an eligible dependent child,'' after ''former spouse'';

(4) in paragraph (5), by inserting '', or the dependent child,'' after ''former spouse''; and

(5) in paragraph (6), by inserting '', or to a dependent child,'' after ''former spouse''.

(b) EFFECTIVE DATE.—A court order authorized by the amendments made by this section may not provide for a payment attributable to any period before October 1, 2005, or the date of the court order, whichever is later.

SEC. 655. CONCURRENT RECEIPT OF VETERANS DISABILITY COMPENSATION AND MILITARY RETIRED PAY.

Section 1414(a) of title 10, United States Code, is amended by inserting before the period at the end the following: '', and in the case of a qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on September 30, 2009''.

SEC. 656. MILITARY SURVIVOR BENEFIT PLAN BENEFICIARIES UNDER INSURABLE INTEREST COVERAGE.

(a) AUTHORITY TO ELECT NEW BENEFICIARY.—Section 1448(b)(1) of title 10, United States Code, is amended—

(1) by inserting ''or under subparagraph (G) of this paragraph'' in the second sentence of subparagraph (E) before the period at the end; and

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

''(G) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—

''(i) AUTHORITY FOR ELECTION.—If the reason for discontinuation in the Plan is the death of the beneficiary, the participant in the Plan may elect a new beneficiary. Any such beneficiary must be a natural person with an insurable interest in the participant. Such an election may be made only during the 180-day period beginning on the date of the death of the previous beneficiary.

''(ii) PROCEDURES.—Such an election shall be in writing, signed by the participant, and made in such form and manner as the Secretary concerned may prescribe. Such an election shall be effective the first day of the first month following the month in which the election is received by the Secretary.

''(iii) VITIATION OF ELECTION BY PARTICIPANT WHO DIES WITHIN TWO YEARS OF ELECTION.—If a person providing an annuity under a election under clause (i) dies before the end of the two-year period beginning on the effective date of the election—

''(I) the election is vitiated; and

''(II) the amount by which the person's retired pay was reduced under section 1452 of this title that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the vitiated election if the deceased person had died after the end of such two-year period.''.

(b) CHANGE IN PREMIUM FOR COVERAGE OF NEW BENEFICIARY.—Section 1452(c) of such title is amended by adding at the end the following new paragraph:

''(5) RULE FOR DESIGNATION OF NEW INSURABLE INTEREST BENEFICIARY FOLLOWING DEATH OF ORIGINAL BENEFICIARY.—The Secretary of Defense shall prescribe in regulations premiums which a participant making an election under section 1448(b)(1)(G) of this title shall be required to pay for participating in the Plan pursuant to that election. The total amount of the premiums to be paid by a participant under the regulations shall be equal to the sum of the following:

''(A) The total additional amount by which the retired pay of the participant would have been reduced before the effective date of the election if the original beneficiary (i) had not died and had been covered under the Plan through the date of the election, and (ii) had been the same number of years younger than the participant (if any) as the new beneficiary designated under the election.

''(B) Interest on the amounts by which the retired pay of the participant would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable.

''(C) Any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.''.

(c) TRANSITION.—

(1) TRANSITION PERIOD.—In the case of a participant in the Survivor Benefit Plan who made a covered insurable-interest election (as defined in paragraph (2)) and whose designated beneficiary under that election dies before the date of the enactment of this Act or during the 18-month period beginning on such date, the time period applicable for purposes of the limitation in the third sentence of subparagraph (G)(i) of section 1448(b)(1) of title 10, United States Code, as added by subsection (a), shall be the two-year period beginning on the date of the enactment of this Act (rather than the 180-day period specified in that sentence).

(2) COVERED INSURABLE-INTEREST ELECTIONS.—For purposes of paragraph (1), a covered insurable-interest election is an election under section 1448(b)(1) of title 10, United States Code, made before the date of the enactment of this Act, or during the 18-month period beginning on such date, by a participant in the Survivor Benefit Plan to provide an annuity under that plan to a natural person with an insurable interest in that person.

(3) SURVIVOR BENEFIT PLAN.—For purposes of this subsection, the term ''Survivor Benefit Plan'' means the program under subchapter II of chapter 73 of title 10, United States Code.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 661. INCREASE IN AUTHORIZED LEVEL OF SUPPLIES AND SERVICES PROCUREMENT FROM OVERSEAS EXCHANGE STORES.

Subsection 2424(b) of title 10, United States Code, is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 662. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Until December 31, 2010, the Defense Commissary Agency is not required to conduct any cost-comparison study under the policies and procedures of Office of Management and Budget Circular A–76 relating to the possible contracting out of commissary store functions.''.

SEC. 663. PROVISION OF INFORMATION TECHNOLOGY SERVICES FOR ACCOMMODATIONS PROVIDED BY NONAPPROPRIATED FUND INSTRUMENTALITIES FOR WOUNDED MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) AUTHORITY TO PROVIDE SERVICES.—Section 2494 of title 10, United States Code, is amended—

(1) by inserting ''(a) UTILITY SERVICES.—'' before ''Appropriations''; and

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

''(b) INFORMATION TECHNOLOGY SERVICES.—Appropriations for the Department of Defense may be used to provide information technology services, including equipment and access to the internet, for—

''(1) Fisher Houses and Fisher Suites associated with health care facilities of a military department; and

''(2) other accommodations made available by a nonappropriated fund instrumentality of the Department of Defense to members of the Armed Forces recovering from a wound or injury or to dependents of such members.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2494 and inserting the following new item:

''2494. Nonappropriated fund instrumentalities: furnishing certain services for morale, welfare, and recreation purposes.''.

SEC. 664. PROVISION OF AND PAYMENT FOR OVERSEAS TRANSPORTATION SERVICES FOR COMMISSARY AND EXCHANGE SUPPLIES.

Section 2643 of title 10, United States Code, is amended—

(1) by inserting ''(a) TRANSPORTATION OPTIONS.—'' before ''The Secretary'';

(2) in the first sentence, by striking ''by sea without relying on the Military Sealift Command'' and inserting ''to destinations outside the continental United States without relying on the Air Mobility Command, the Military Sealift Command'';

(3) in the second sentence, by striking ''transportation contracts'' and inserting ''contracts for sea-borne transportation''; and

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

''(b) PAYMENT OF TRANSPORTATION COSTS.—Section 2483(b)(5) of this title, regarding the use of appropriated funds to cover the expenses of operating commissary stores, shall apply to the transportation of commissary supplies. Appropriated funds for the Department of Defense shall also be used to cover the expenses of transporting exchange supplies to destinations outside the continental United States.''.

SEC. 665. COMPENSATORY TIME OFF FOR CERTAIN NONAPPROPRIATED FUND EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The appropriate Secretary may, on request of an employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c), grant such employee compensatory time off from duty instead of overtime pay for overtime work.

''(2) For purposes of this subsection, the term 'appropriate Secretary' means—

''(A) with respect to an employee of a nonappropriated fund instrumentality of the Department of Defense, the Secretary of Defense; and

''(B) with respect to an employee of a nonappropriated fund instrumentality of the Coast Guard, the Secretary of the Executive department in which it is operating.''.

Subtitle F—Other Matters

SEC. 671. INCLUSION OF SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AMONG SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.

(a) BASIC PAY RATE.—

(1) EQUAL TREATMENT.—The rate of basic pay for an enlisted member in the grade E–9 while serving as Senior Enlisted Advisor

for the Chairman of the Joint Chiefs of Staff shall be the same as the rate of basic pay for an enlisted member in that grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply beginning on the date on which an enlisted member of the Armed Forces is first appointed to serve as Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.

(b) PAY DURING TERMINAL LEAVE OR WHILE HOSPITALIZED.—Section 210(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) The Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.''.

(c) PERSONAL MONEY ALLOWANCE.—Section 414(c) of such title is amended—

(1) by striking ''or'' after ''Sergeant Major of the Marine Corps,''; and

(2) by inserting before the period at the end the following: '', or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff''.

(d) RETIRED PAY BASE.—Section 1406(i)(3)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(vi) Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff.''.

SEC. 672. SPECIAL AND INCENTIVE PAYS CONSIDERED FOR SAVED PAY UPON APPOINTMENT OF MEMBERS AS OFFICERS.

(a) INCLUSION AND EXCLUSION OF CERTAIN PAY TYPES.—Subsection (d) of section 907 of title 37, United States Code, is amended to read as follows:

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

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

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

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

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

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

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

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

''(H) Special pay for duty subject to hostile fire or imminent danger under section 310 of this title.

''(I) Special pay or bonus for an extension of duty at a designated overseas location under section 314 of this title.

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

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

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

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

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

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

''(D) Reenlistment bonus for nuclear-trained and qualified enlisted members under section 312a of this title.

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

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsections (a) and (b)—

(A) by striking ''he'' each place it appears and inserting ''the officer''; and

(B) by striking ''his appointment'' each place it appears and inserting ''the appointment'';

(2) in subsection (c)(2), by striking ''he'' and inserting ''the officer''.

SEC. 673. REPAYMENT OF UNEARNED PORTION OF BONUSES, SPECIAL PAYS, AND EDUCATIONAL BENEFITS.

(a) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS.—

(1) UNIFORM REPAYMENT PROVISION.—Section 303a of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS WHEN CONDITIONS OF PAYMENT NOT MET.—(1) A member of the uniformed services who receives a bonus or similar benefit and whose receipt of the bonus or similar benefit is subject to the condition that the member continue to satisfy certain eligibility requirements shall repay to the United States an amount equal to the unearned portion of the bonus or similar benefit if the member fails to satisfy the requirements, except in certain circumstances authorized by the Secretary concerned.

''(2) The Secretary concerned may establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted. The Secretary concerned may specify in the regulations the conditions under which an installment payment of a bonus or similar benefit to be paid to a member of the uniformed services will not be made if the member no longer satifies the eligibility requirements for the bonus or similar benefit. For the military departments, this subsection shall be administered under regulations prescribed by the Secretary of Defense.

''(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after—

''(A) the date of the termination of the agreement or contract on which the debt is based; or

''(B) in the absence of such an agreement or contract, the date of the termination of the service on which the debt is based.

''(4) In this subsection:

''(A) The term 'bonus or similar benefit' means a bonus, incentive pay, special pay, or similar payment, or an educational benefit or stipend, paid to a member of the uniformed services under a provision of law that refers to the repayment requirements of this subsection.

''(B) The term 'service', as used in paragraph (3)(B), refers to an obligation willingly undertaken by a member of the uniformed services, in exchange for a bonus or similar benefit offered by the Secretary of Defense or the Secretary concerned—

''(i) to remain on active duty or in an active status in a reserve component;

''(ii) to perform duty in a specified skill, with or without a specified qualification or credential;

''(iii) to perform duty at a specified location; or

''(iv) to perform duty for a specified period of time.''.

(2) APPLICABILITY TO TITLE 11 CASES.—In the case of a provision of law amended by subsection (b), (c), or (d) of this section, paragraph (3) of subsection (a) of section 303a of title 37, United States Code, as added by this subsection, shall apply to any case commenced under title 11 after March 30, 2006.

(b) CONFORMING AMENDMENTS TO TITLE 37.—

(1) AVIATION CAREER OFFICER RETENTION BONUS.—Subsection (g) of section 301b of title 37, United States Code, is amended to read as follows:

''(g) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(c) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

(A) in subsection (c)(2), by striking the last sentence and inserting the following new sentence: ''If such entitlement is terminated, the officer concerned shall be subject to the repayment provisions of section 303a(e) of this title.''; and

(B) by striking subsection (f) and inserting the following new subsection:

''(f) REPAYMENT.—An officer who does not complete the period for which the payment was made under subsection (a)(4) or subsection (b)(1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(4) The Secretary concerned may terminate at any time the eligibility of an officer to receive retention special pay under paragraph (1). An officer who does not complete the period for which the payment was made under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

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

(B) by striking subsection (e) and inserting the following new subsection:

''(e) REPAYMENT.—An officer who does not complete the period of active duty for which the payment was made under subsection (a)(4) shall be subject to the repayment provisions of section 303a(e) of this title.'';

(C) by striking subsection (f); and

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

(7) ACCESSION BONUS FOR REGISTERED NURSES.—Subsection (d) of section 302d of such title is amended to read as follows:

''(d) An officer who does not become and remain licensed as a registered nurse during the period for which the payment is made, or who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

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

(B) by striking subsection (e) and inserting the following new subsection:

''(e) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

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

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

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

''(d) REPAYMENT.—An officer who does not complete the period of service in the Selected Reserve specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''; and

(C) by redesignating subsection (f) as subsection (e).

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

''(d) A person after signing a written agreement who thereafter is not commissioned as an officer of the armed forces, or does not become licensed as a dentist, or does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(e) A person after signing a written agreement who thereafter is not commissioned as an officer of the armed forces, or does not become and remain certified or licensed as a pharmacist, or does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(d) REPAYMENT.—A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(d) A member who does not complete the term of enlistment in the element of the Selected Reserve for which the bonus was paid to the member under this section shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

(A) by striking subsection (d) and inserting the following new subsection:

''(d) REPAYMENT.—A person who does not serve satisfactorily in the element of the Ready Reserve in the combat or combat support skill for the period for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.'';

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

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

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

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

''(c) REPAYMENT.—A person who does not complete the period of enlistment or extension of enlistment for which the bonus was paid under this section shall be subject to the repayment provisions of section 303a(e) of this title.'';

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

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

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

''(d) A person who receives a bonus payment under this section and who, during the period for which the bonus was paid, does not serve satisfactorily in the element of the Selected Reserve with respect to which the bonus was paid shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(b) A member who does not complete the term of enlistment for which a bonus was paid to the member under this section, or a member who is not technically qualified in the skill for which a bonus was paid to the member under this section, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(19) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING ACTIVE DUTY.—Subsection (b) of section 312 of such title is amended to read as follows:

''(b) REPAYMENT.—An officer who does not complete the period of active duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants that the officer agreed to serve, and for which a payment was made under subsection (a)(3) or subsection (d)(1), shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(2) An officer who does not commence or complete satisfactorily the nuclear power training specified in the agreement under paragraph (1) shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(d) A member who, having entered into a written agreement to extend a tour of duty for a period under subsection (a), receives a bonus payment under subsection (b)(2) for a 12-month period covered by the agreement and ceases during that 12-month period to perform the agreed tour of duty shall be subject to the repayment provisions of section 303a(e) of this title.''.

(22) ENGINEERING AND SCIENTIFIC CAREER CONTINUATION PAY.—Subsection (c) of section 315 of such title is amended to read as follows:

''(c) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

(23) CRITICAL ACQUISITION POSITIONS.—Subsection (f) of section 317 of such title is amended to read as follows:

''(c) An officer who, having entered into a written agreement under subsection (a) and having received all or part of a bonus under this section, does not complete the period of active duty as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(h) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty in special warfare service as specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(f) An officer who, having entered into a written agreement under subsection (b) and having received all or part of a bonus under this section, does not complete the period of active duty as a department head on a surface vessel specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(f) An officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement but who does not complete the total period of active duty specified in the agreement, shall be subject to the repayment provisions of section 303a(e) of this title.''.

(27) 15-YEAR CAREER STATUS BONUS.—Subsection (f) of section 322 of such title is amended to read as follows:

''(f) If a person paid a bonus under this section does not complete a period of active duty beginning on the date on which the election of the person under paragraph (1) of subsection (a) is received and ending on the date on which the person completes 20 years of active duty service as described in paragraph (2) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of this title.''.

(28) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Subsection (g) of section 324 of such title, as redesignated by section 628(a)(1), is amended to read as follows:

''(g) REPAYMENT.—An individual who, having received all or part of the bonus under an agreement referred to in subsection (a), is not thereafter commissioned as an officer or does not commence or does not complete the total period of active duty service specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(g) REPAYMENT.—If a person does not complete the qualifying service for which the person is obligated under a commitment for which a benefit has been paid under this section, the person shall be subject to the repayment provisions of section 303a(e) of this title.''.

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

''(e) REPAYMENT.—A member who does not convert to and complete the period of service in the military occupational specialty specified in the agreement executed under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(c) CONFORMING AMENDMENTS TO TITLE 10.—

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

''(i) If a National Call to Service participant who has entered into an agreement under subsection (b) and received or benefitted from an incentive under paragraph (1) or (2) of subsection (e) fails to complete the total period of service specified in such agreement, the National Call to Service participant shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

(A) in subsection (a), by striking paragraph (3) and inserting the following new paragraph:

''(3) that if such person does not complete the period of active duty specified in the agreement, or does not fulfill any term or condition prescribed pursuant to paragraph (4), such person shall be subject to the repayment provisions of section 303a(e) of title 37.'';

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

(C) by redesignating subsection (e) as subsection (c); and

(D) by inserting after subsection (c), as so redesignated, the following new subsection:

''(d) As a condition of the Secretary concerned providing financial assistance under section 2107 or 2107a of this title to any person, the Secretary concerned shall require that the person enter into the agreement described in subsection (a). In addition to the requirements of paragraphs (1) through (4) of such subsections (a), the agreement shall specify that, if the person does not complete the education requirements specified in the agreement or does not fulfill any term or condition prescribed pursuant to paragraph (4) of such subsection, the person shall be subject to the repayment provisions of section 303a(e) of title 37 without the Secretary first ordering such person to active duty as provided for under subsection (a)(2) and sections 2107(f) and 2107a(f) of this title.''.

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

''(f) REPAYMENT.—If such person does not complete the period of active duty specified in the agreement under subsection (b), the person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(4) FAILURE TO COMPLETE ADVANCED TRAINING OR TO ACCEPT COMMISSION.—Section 2105 of such title is amended—

(A) by striking ''A member'' and inserting ''(a) A member''; and

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

''(b) If such person does not complete the period of active duty specified under subsection (a), the person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

''(j) REPAYMENT.—A person who, after signing a written agreement under this section, is not commissioned as an officer or does not complete the period of service as specified in subsection (b), (f) or (h)(2) shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

''(C) If such person does not complete the period of active duty obligation specified under subsection (a), such person shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

''(d) REPAYMENT.—A person who does not complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into under subsection (a), or having completed the nursing degree program, does not become an officer in the Nurse Corps of the Army or the Navy or an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service or does not complete the period of obligated active service required under the agreement, shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(8) EDUCATION LOAN REPAYMENT PROGRAM.—Subsection (g) of section 2173 of such title is amended—

(A) by inserting ''(1)'' after ''(g)''; and

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

''(2) An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a)(3), or the alternative obligation under paragraph (1), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

(A) by striking subsection (e) and inserting the following new subsection:

''(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A member of an armed force who does not complete the period of active duty specified in the service agreement under section (b) shall be subject to the repayment provisions of section 303a(e) of title 37.

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

''(B) An obligation to reimburse the United States imposed under this paragraph is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

''(C) The Secretary of Defense may waive, in whole or in part a refund required under this paragraph if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.''.

(B) by striking subsection (f); and

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

(10) ARMY CADET AGREEMENT TO SERVICE AS OFFICER.—Section 4348 of such title is amended by adding at the end the following new subsection:

''(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

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

''(f) A midshipman or former midshipman who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(12) AIR FORCE CADET AGREEMENT TO SERVICE AS OFFICER.—Section 9348 of such title is amended by adding at the end the following new subsection:

''(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under section (a), or the alternative obligation under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(13) EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.—Section 16135 of such title is amended to read as follows:

''§ 16135. Failure to participate satisfactorily; penalties

''(a) PENALTIES.—At the option of the Secretary concerned, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter, and during which the member has received such assistance, may—

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

''(2) be subject to the repayment provisions under section 303a(e) of title 37.

''(b) EFFECT OF REPAYMENT.—Any repayment under section 303a(e) of title 37 shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.''.

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

''(B) shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(15) COLLEGE TUITION ASSISTANCE PROGRAM FOR MARINE CORPS PLATOON LEADERS CLASS.—Subsection (f) of section 16401 of such title is amended—

(A) in paragraph (1), by striking ''may be required to repay the full amount of financial assistance'' and inserting ''shall be subject to the repayment provisions of section 303a(e) of title 37''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) Any requirement to repay any portion of financial assistance received under this section shall be administered under Secretary of Defense regulations issued under section 303a(e) of title 37. The Secretary of the Navy may waive the obligations referenced in paragraph (1) in the case of a person who—''.

(d) CONFORMING AMENDMENT TO TITLE 14.—Section 182 of title 14, United States Code, is amended by adding at the end the following new subsection:

''(g) A cadet or former cadet who does not fulfill the terms of the obligation to serve as specified under section (b), or the alternative obligation under subsection (c), shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 303a of title 37, United States Code, is amended to read as follows:

''§ 303a. Special pay: general provisions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 303a and inserting the following new item:

''303a. Special pay: general provisions.''.

(f) CONTINUED APPLICATION OF CURRENT LAW TO EXISTING BONUSES.—In the case of any bonus, incentive pay, special pay, or similar payment, such as education assistance or a stipend, which the United States became obligated to pay before April 1, 2006, under a provision of law amended by subsection (b), (c), or (d) of this section, such provision of law, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the payment, or any repayment, of the bonus, incentive pay, special pay, or similar payment under such provision of law.

SEC. 674. LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO DEPLOYABLE SHIPS OR MOBILE UNITS OR TO OTHER DESIGNATED DUTY.

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

''(B) This subsection applies to any of the following:

''(i) A member who serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37.

''(ii) A member who is assigned to—

''(I) a deployable ship or mobile unit; or

''(II) other duty that is designated for the purpose of this subsection.''.

SEC. 675. ARMY RECRUITING PILOT PROGRAM TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT.

(a) REFERRAL BONUS AUTHORIZED.—The Secretary of the Army may pay a bonus under this section to a member of the Army who refers, to an Army recruiter, a person who has not previously served in an armed force and who, after

such referral, enlists in the Regular Army or the Army Reserve. The referral may occur when a member contacts a recruiter on behalf of an interested person or when the interested person contacts the recruiter and informs the recruiter of the member's role in initially recruiting the person.

(b) AMOUNT OF BONUS; TIME FOR PAYMENT.—A referral bonus under this section may not exceed $1,000 and may not be paid to the member making the referral unless and until the enlistee completes basic training and individual advanced training. The bonus shall be paid in a lump sum.

(c) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(d) CERTAIN MEMBERS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member may not receive a referral bonus under this section for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member serving in a recruiting or retention assignment or assigned to other duties regarding which eligibility for a referral bonus could be perceived as creating a conflict of interest may not receive a referral bonus.

(e) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which referral bonuses are offered under this section, the Secretary of the Army may not provide more than 1,000 referral bonuses.

(f) DURATION OF AUTHORITY.—A referral bonus may not be paid under this section with respect to any referral made after December 31, 2007.

SEC. 676. SPECIAL COMPENSATION FOR RESERVE COMPONENT MEMBERS WHO ARE ALSO TOBACCO FARMERS ADVERSELY AFFECTED BY TERMS OF TOBACCO QUOTA BUYOUT.

(a) FINDINGS.—Congress finds the following:

(1) The dispute resolution mechanism provided in section 624(b) of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518c), which was intended to help tobacco producers in hardship circumstances, is not likely to provide relief to tobacco producers who are also members of the reserve components of the Armed Forces and were called or ordered to active duty for extended deployment.

(2) The special compensation provided under this section addresses a unique situation and does not set a precedent for other persons seeking exceptions to the eligibility requirements for payments under such Act.

(b) AVAILABILITY OF COMPENSATION.—Subject to subsection (c), the Secretary of Defense shall make a payment under this section to any member of a reserve component whose eligibility for a payment under section 623 of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518b) as a producer of quota tobacco was adversely affected, or whose payment amount under such section was determined using a variable payment rate specified in subparagraph (B) or (C) of subsection (d)(3) of such section, because the member was serving on active duty under a call or order to active duty for a period of more than 30 days during any of the tobacco marketing years specified in subparagraph (A) of such subsection.

(c) RESTRICTION TO MEMBERS WHO ARE LONG-TIME TOBACCO GROWERS.—To be eligible for a payment under this section, a member described in subsection (b) must have been a producer of quota tobacco (as defined in section 621 of the Fair and Equitable Tobacco Reform Act of 2004 (7 U.S.C. 518a)) during at least two of the three tobacco marketing years before the 2002 marketing year.

(d) AMOUNT OF PAYMENT.—The amount of the payment required under this section for a member shall be equal to 70 percent of the difference between—

(1) the amount the member will receive under section 623 of the Fair and Equitable Tobacco Reform Act of 2004; and

(2) the amount that the member would have likely received under such section had the member remained a full-time producer of quota tobacco and not been called or ordered to active duty.

(e) CALCULATION OF PAYMENT AMOUNT.—The Secretary of Defense shall make the calculation required by subsection (c) in consultation with the Secretary of Agriculture.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Tricare Program Improvements

Sec. 701. Services of mental health counselors.
Sec. 702. Additional information required by surveys on TRICARE standard.
Sec. 703. Enhancement of TRICARE coverage for members who commit to continued service in the selected reserve.
Sec. 704. Study and plan relating to chiropractic health care services.
Sec. 705. Surviving-dependent eligibility under TRICARE dental plan for surviving spouses who were on active duty at time of death of military spouse.
Sec. 706. Exceptional eligibility for TRICARE prime remote.

Subtitle B—Other Matters

Sec. 711. Authority to relocate patient safety center; renaming MedTeams Program.
Sec. 712. Modification of health care quality information and technology enhancement reporting requirement.
Sec. 713. Correction to eligibility of certain Reserve officers for military health care pending active duty following commissioning.
Sec. 714. Prohibition on conversions of military medical positions to civilian medical positions until submission of certification.
Sec. 715. Clarification of inclusion of dental care in medical readiness tracking and health surveillance program.
Sec. 716. Cooperative outreach to members and former members of the naval service exposed to environmental factors related to sarcoidosis.
Sec. 717. Early identification and treatment of mental health and substance abuse disorders.

Subtitle A—Tricare Program Improvements

SEC. 701. SERVICES OF MENTAL HEALTH COUNSELORS.

(a) REIMBURSEMENT OF MENTAL HEALTH COUNSELORS UNDER TRICARE.—

(1) REIMBURSEMENT UNDER TRICARE.—Section 1079(a)(8) of title 10, United States Code, is amended—

(A) by inserting ''or licensed or certified mental health counselors'' after ''certified marriage and family therapists'' both places it appears; and

(B) by inserting ''or licensed or certified mental health counselors'' after ''that the therapists.''

(2) AUTHORITY TO ASSESS MEDICAL OR PSYCHOLOGICAL NECESSITY OF SERVICE OR SUPPLY.—Section 1079(a)(13) of such title is amended by inserting '', licensed or certified mental health counselor, '' after ''certified marriage and family therapist''.

(b) SERVICES OF MENTAL HEALTH COUNSELORS.—

(1) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

(2) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094 (e)(2) of title 10, United States Code, is amended by inserting ''mental health counselor,'' after ''psychologist,''.

SEC. 702. ADDITIONAL INFORMATION REQUIRED BY SURVEYS ON TRICARE STANDARD.

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended by adding at the end the following new paragraph:

''(4) Surveys required by paragraph (1) shall include questions seeking to determine from health care providers the following:

''(A) Whether the provider is aware of the TRICARE program.

''(B) What percentage of the provider's current patient population uses any form of TRICARE.

''(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care services.

''(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.''.

SEC. 703. ENHANCEMENT OF TRICARE COVERAGE FOR MEMBERS WHO COMMIT TO CONTINUED SERVICE IN THE SELECTED RESERVE.

(a) EXTENSION OF COVERAGE FOR MEMBERS RECALLED TO ACTIVE DUTY.—Section 1076d of title 10, United States Code, is amended—

(1) in subsection (b), by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member recalled to active duty before the period of coverage for which the member is eligible under subsection (a) terminates, the period of coverage of the member—

''(A) resumes after the member completes the subsequent active duty service (subject to any additional entitlement to care and benefits under section 1145(a) of this title that is based on the same subsequent active duty service); and

''(B) increases by any additional period of coverage for which the member is eligible under subsection (a) based on the subsequent active duty service.'';

(2) in subsection (b)(2), by striking ''Unless earlier terminated under paragraph (3)'' and inserting ''Subject to paragraph (3) and unless earlier terminated under paragraph (4)''; and

(3) in subsection (f), by adding at the end the following new paragraph:

''(3) The term 'member recalled to active duty' means, with respect to a member who is eligible for coverage under this section based on a period of active duty service, a member who is called or ordered to active duty for an additional period of active duty subsequent to the period of active duty on which that eligibility is based.''.

(b) EXTENSION OF COVERAGE FOR MEMBERS FACING INVOLUNTARY RETIREMENT.—Section 1076d of such title is amended in subsection (b)(4), as redesignated by subsection (a)(1)—

(1) by striking ''Eligibility'' and inserting ''(A) Except as provided in subparagraphs (B) and (C), eligibility''; and

(2) by adding at the end the following:

''(B) In the case of a member who is separated from the Selected Reserve during a period of coverage for which the member is eligible under subsection (a) and whose separation is a qualifying involuntary separation, that period of coverage shall not terminate on account of the separation. For purposes of the preceding sentence, a qualifying involuntary separation is involuntary retirement, involuntary transfer to the Retired Reserve, or discharge while qualified for transfer to the Retired Reserve when required by law or regulation to be either transferred to the Retired Reserve or discharged.''.

(c) CONTINUED ELIGIBILITY FOR MEMBERS IN THE INDIVIDUAL READY RESERVE.—Section 1076d

of such title is amended in subsection (b)(4), as redesignated by subsection (a)(1), by adding at the end the following:

''(C) Subparagraph (A) shall not apply in special circumstances prescribed by the Secretary, including continued service by a member in the Individual Ready Reserve.''.

(d) SPECIAL RULE FOR MOBILIZED MEMBERS OF INDIVIDUAL READY RESERVE FINDING NO POSITION IN SELECTED RESERVE.—Section 1076d of such title is amended by adding at the end of subsection (b) (as amended by this section) the following new paragraph:

''(5) In the case of a member of the Individual Ready Reserve who meets the requirements for eligibility for health benefits under TRICARE Standard under subsection (a) except for membership in the Selected Reserve, the period of coverage under this section may begin not later than one year after coverage would otherwise begin under this section had the member been a member of the Selected Reserve, if the member finds a position in the Selected Reserve during that one-year period.''.

(e) ELIGIBILITY OF FAMILY MEMBERS FOR 6 MONTHS FOLLOWING DEATH OF MEMBER.—Section 1076d(c) of such title is amended by adding at the end the following: ''If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage shall continue for six months beyond the date of death of the member.''

(f) OTHER AMENDMENTS.—Section 1076d of such title is amended—

(1) in subsection (a)(2), by striking ''on or before the date of the release'' and inserting ''not later than 120 days after release''; and

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

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

SEC. 704. STUDY AND PLAN RELATING TO CHIROPRACTIC HEALTH CARE SERVICES.

(a) STUDY REQUIRED.—

(1) GROUPS COVERED.—The Secretary of Defense shall conduct a study of providing chiropractic health care services and benefits to the following groups:

(A) All members of the uniformed services on active duty and entitled to care under section 1074(a) of title 10, United States Code.

(B) All members described in subparagraph (A) and their eligible dependents, and all members of reserve components of the uniformed services and their eligible dependents.

(C) All members or former members of the uniformed services who are entitled to retired or retainer pay or equivalent pay and their eligible dependents.

(2) MATTERS EXAMINED.—For each group listed in subparagraphs (A), (B), and (C), the study shall examine the following with respect to chiropractic health care services and benefits:

(A) The cost of providing such services and benefits.

(B) The feasibility of providing such services and benefits.

(C) An assessment of the health care benefits of providing such services and benefits.

(D) An estimate of the potential cost savings of providing such services and benefits in lieu of other medical services.

(3) SPACE AVAILABLE COSTS.—The study shall also include a detailed analysis of the projected costs of providing chiropractic health care services on a space available basis in the military treatment facilities currently providing chiropractic care under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106–398; 10 U.S.C. 1092 note).

(4) ELIGIBLE DEPENDENTS DEFINED.—In this section, the term ''eligible dependent'' has the meaning given that term in section 1076a(k) of title 10, United States Code.

(b) PLAN REQUIRED.—Not later than March 31, 2006, the Secretary of Defense shall revise the plan required under section 702 of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (as enacted by Public Law 106–398; 10 U.S.C. 1092 note), including a detailed analysis of the projected costs, to provide chiropractic health care services and benefits as a permanent part of the Defense Health Program (including the TRICARE program) as required under that section.

(c) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary of Defense shall submit a report on the study required under subsection (a), together with the plan required under subsection (b), to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 705. SURVIVING-DEPENDENT ELIGIBILITY UNDER TRICARE DENTAL PLAN FOR SURVIVING SPOUSES WHO WERE ON ACTIVE DUTY AT TIME OF DEATH OF MILITARY SPOUSE.

Section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(k) ELIGIBLE DEPENDENT DEFINED.—(1) In this section, the term 'eligible dependent' means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

''(2) Such term includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if, on the date of the death of the member, the dependent—

''(A) is enrolled in a dental benefits plan established under subsection (a); or

''(B) if not enrolled in such a plan on such date—

''(i) is not enrolled by reason of a discontinuance of a former enrollment under subsection (f); or

''(ii) is not qualified for such enrollment because—

''(I) the dependent is a child under the minimum age for such enrollment; or

''(II) the dependent is a spouse who is a member of the armed forces on active duty for a period of more than 30 days.

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death.''.

SEC. 706. EXCEPTIONAL ELIGIBILITY FOR TRICARE PRIME REMOTE.

Section 1079(p) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) The Secretary of Defense may provide for coverage of a dependent referred to in subsection (a) who is not described in paragraph (3) if the Secretary determines that exceptional circumstances warrant such coverage.''.

Subtitle B—Other Matters

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

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

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

SEC. 712. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORTING REQUIREMENT.

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

''(1) Measures of the quality of health care furnished.

''(2) Population health.

''(3) Patient safety.

''(4) Patient satisfaction.

''(5) The extent of use of evidence-based health care practices.

''(6) The effectiveness of biosurveillance in detecting an emerging epidemic.''.

SEC. 713. CORRECTION TO ELIGIBILITY OF CERTAIN RESERVE OFFICERS FOR MILITARY HEALTH CARE PENDING ACTIVE DUTY FOLLOWING COMMISSIONING.

(a) CORRECTION.—Clause (iii) of section 1074(a)(2)(B) of title 10, United States Code, is amended by inserting before the semicolon the following: ''or the orders have been issued but the member has not entered active duty''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of November 24, 2003, and as if included in the enactment of paragraph (2) of section 1074(a) of title 10, United States Code, by section 708 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1530).

SEC. 714. PROHIBITION ON CONVERSIONS OF MILITARY MEDICAL POSITIONS TO CIVILIAN MEDICAL POSITIONS UNTIL SUBMISSION OF CERTIFICATION.

(a) PROHIBITION ON CONVERSIONS.—A Secretary of a military department may not convert any military medical position to a civilian medical position until the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a certification that the conversions within that department will not increase cost or decrease quality of care or access to care. Such a certification may not be submitted before April 1, 2006. A Secretary submitting such a certification shall include with the certification a report in writing setting forth the methodology used by the Secretary in making the determinations necessary for the certification, including the extent to which the Secretary took into consideration the findings of the Comptroller General in the report under subsection (d).

(b) REQUIREMENT FOR STUDY.—The Comptroller General shall conduct a study on the effect of conversions of military medical positions to civilian medical positions on the defense health program.

(c) MATTERS COVERED.—The study shall include the following:

(1) The number of military medical positions, by grade and specialty, planned for conversion to civilian medical positions.

(2) The number of military medical positions, by grade and specialty, converted to civilian medical positions since October 1, 2004.

(3) The ability of the military health care system to fill the civilian medical positions required, by specialty.

(4) The degree to which access to health care is affected in both the direct and purchased care system, including an assessment of the effects of any increased shifts in patient load from the direct care to the purchased care system, or any delays in receipt of care in either the direct or purchased care system because of lack of direct care providers.

(5) The degree to which changes in military manpower requirements affect recruiting and retention of uniformed medical personnel.

(6) The effect of the conversions of military medical positions to civilian medical positions on the defense health program, including costs associated with the conversions, with a comparison of the estimated costs versus the actual costs

incurred by the number of conversions since October 1, 2004.

(7) The effectiveness of the conversions in enhancing medical readiness, health care efficiency, productivity, quality, and customer satisfaction.

(d) REPORT.—Not later than March 1, 2006, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''military medical position'' means a position for the performance of health care functions within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

SEC. 715. CLARIFICATION OF INCLUSION OF DENTAL CARE IN MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM.

(a) INCLUSION OF DENTAL CARE.—Subtitle D of title VII of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 1074 note) is amended by adding at the end the following new section:

''SEC. 740. INCLUSION OF DENTAL CARE.

''For purposes of the plan, this title, and the amendments made by this title, references to medical readiness, health status, and health care shall be considered to include dental readiness, dental status, and dental care.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of title VII of such Act and in section 2(b) of such Act are each amended by inserting after the item relating to section 740 the following:

''Sec. 740. Inclusion of dental care.'' .

SEC. 716. COOPERATIVE OUTREACH TO MEMBERS AND FORMER MEMBERS OF THE NAVAL SERVICE EXPOSED TO ENVIRONMENTAL FACTORS RELATED TO SARCOIDOSIS.

(a) OUTREACH PROGRAM REQUIRED.—The Secretary of the Navy, in coordination with the Secretary of Veterans Affairs, shall conduct an outreach program to contact all members and former members of the naval service who, in connection with service aboard Navy ships may have been exposed to aerosolized particles resulting from the removal of nonskid coating used on those ships.

(b) PURPOSES OF OUTREACH PROGRAM.—The purposes of the outreach program are as follows:

(1) To develop additional data for use in subsequent studies aimed at determining a causative link between sarcoidosis and military service.

(2) To inform members and former members identified in subsection (a) of the findings of Navy studies identifying an association between service aboard certain naval ships and sarcoidosis.

(3) To assist members and former members identified in subsection (a) in getting medical evaluations to help clarify linkages between their disease and their service aboard Navy ships.

(4) To ensure the Department of Veterans Affairs has data and information for the effective evaluation of veterans who may seek care for sarcoidosis.

(c) IMPLEMENTATION.—The Secretary of the Navy shall begin the outreach program not later than six months after the date of the enactment of this act and provide to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the outreach programs not later than one year after beginning the program.

SEC. 717. EARLY IDENTIFICATION AND TREATMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS.

(a) AUTHORITY.—The Secretary of Defense may carry out activities to foster the early identification and treatment of mental health and substance abuse problems experienced by members of the Armed Forces, with special emphasis on members who have served in a theater of combat operations within the preceding 12 months.

(b) ACTIVITIES.—The activities carried out by the Secretary under subsection (a) may include the conduct of a series of campaigns that uses internal mass media (including radio and television) communications and other education tools to change attitudes within the Armed Forces regarding mental health and substance abuse treatment, with the aim of lessening the stigma associated with mental health and substance abuse problems and the treatment of such problems, including the development of pertinent messaging targeted to—

(1) members of the Armed Forces who may be experiencing mental health or substance abuse problems and their family members;

(2) commanders and supervisory personnel; and

(3) peers of members of the Armed Forces who may be experiencing mental health or substance abuse problems or be at risk of such problems.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Requirement for certification by Secretary of Defense before major defense acquisition program may proceed to Milestone B.
Sec. 802. Requirement for analysis of alternatives to major defense acquisition programs.
Sec. 803. Authority for Secretary of Defense to revise baseline for major defense acquisition programs.

Subtitle B—Acquisition Policy and Management

Sec. 811. Applicability of statutory executive compensation cap made prospective.
Sec. 812. Use of commercially available online services for Federal procurement of commercial items.
Sec. 813. Contingency contracting corps.
Sec. 814. Requirement for contracting operations to be included in interagency planning related to stabilization and reconstruction.
Sec. 815. Statement of policy and report relating to contracting with employers of persons with disabilities.
Sec. 816. Study on Department of Defense contracting with small business concerns owned and controlled by service-disabled veterans.
Sec. 817. Prohibition on procurement from beneficiaries of foreign subsidies.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Increased flexibility for designation of critical acquisition positions in defense acquisition workforce.
Sec. 822. Participation by Department of Defense in acquisition workforce training fund.
Sec. 823. Increase in cost accounting standard threshold.
Sec. 824. Amendments to domestic source requirements relating to clothing materials and components covered.
Sec. 825. Rapid acquisition authority to respond to defense intelligence community emergencies.

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. REQUIREMENT FOR CERTIFICATION BY SECRETARY OF DEFENSE BEFORE MAJOR DEFENSE ACQUISITION PROGRAM MAY PROCEED TO MILESTONE B.

(a) CERTIFICATION REQUIREMENT.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2366 the following new section:

''§ 2366a. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval

''(a) CERTIFICATION.—A major defense acquisition program may not receive Milestone B approval, or Key Decision Point B approval in the case of a space program, until the Secretary of Defense certifies that—

''(1) the technology in the program has been demonstrated in a relevant environment;

''(2) the program demonstrates a high likelihood of accomplishing its intended mission;

''(3) the program is affordable when considering the per unit cost and the total acquisition cost in the context of the total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made;

''(4) the program is affordable when considering the ability of the Department of Defense to accomplish the program's mission using alternative systems;

''(5) the Joint Requirements Oversight Council has accomplished its duties with respect to the program pursuant to section 181(b) of this title, including an analysis of the operational requirements for the program; and

''(6) the program complies with all relevant policies, regulations, and directives of the Department of Defense.

''(b) SUBMISSION TO CONGRESS.—The certification required under subsection (a) with respect to a major defense acquisition program shall be submitted to the congressional defense committees at least 30 days before approval of Milestone B or Key Decision Point B.

''(c) WAIVER FOR NATIONAL SECURITY.—The Secretary may waive the applicability of the certification requirement under subsection (a) to a major defense acquisition program if the Secretary determines that, but for such a waiver, the Department would be unable to meet national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination, and the reasons for the determination, in writing to the congressional defense committees within 30 days after authorizing the waiver.

''(d) NONDELEGATION.—The Secretary may not delegate the certification requirement under subsection (a) or the authority to waive such requirement under subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of this title.

''(2) The term 'Milestone B approval' has the meaning provided that term in section 2366(e)(7) of this title.

''(3) The term 'Key Decision Point B' means the official program initiation of a National Security Space program of the Department of Defense, which triggers a formal review to determine maturity of technology and the program's readiness to begin the preliminary system design.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2366 the following new item:

''2366a. Major defense acquisition programs: certification required before Milestone B approval or Key Decision Point B approval.''.

SEC. 802. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES TO MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANALYSIS OF ALTERNATIVES REQUIREMENT.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

"§ 2433a. Analysis of alternatives

''(a) REQUIREMENT IF UNIT COSTS EXCEED 15 PERCENT.—If the percentage increase in the program acquisition unit cost or procurement unit cost of a major defense acquisition program (as determined by the Secretary concerned under section 2433(d)(3) of this title) exceeds 15 percent, then the Secretary concerned shall initiate an analysis of alternatives for the major defense acquisition program, in accordance with this section.

''(b) MATTERS COVERED IN ANALYSIS OF ALTERNATIVES.—An analysis of alternatives for a major defense acquisition program shall include, at a minimum, the following:

''(1) Projected cost to complete the program if current requirements are not modified.

''(2) Projected cost to complete the program based on potential modifications to the requirements.

''(3) Projected cost to complete the program based on design modifications, enhancements to the producibility of the program, and manufacturing efficiencies.

''(4) Projected cost and capabilities of the program that could be delivered within the originally authorized budget for the program, including any increase or decrease in capability.

''(5) Projected cost for an alternative system or capability.

''(c) COMPLETION AND SUBMISSION TO CONGRESS.—With respect to any analysis of alternatives initiated under this section, the Secretary—

''(1) shall complete the analysis not later than 1 year after the date of initiation; and

''(2) shall submit the analysis to the congressional defense committees not later than 30 days after the date of completion.''.

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

''2433a. Analysis of alternatives.''.

SEC. 803. AUTHORITY FOR SECRETARY OF DEFENSE TO REVISE BASELINE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) AUTHORITY.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating clauses (i) through (iv) of subparagraph (A) as subclauses (I) through (IV), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii); and

(3) by inserting after ''the Secretary of Defense shall'' the following: ''either (A) return the program to Milestone B or to Key Decision Point B in the case of a space system, conduct a re-baseline for the program under section 2435(d), and notify the congressional defense committees of such return and revision, or (B)''.

(b) BASELINE DESCRIPTION.—Section 2435(a)(1) of such title is amended by adding at the end the following: ''The baseline shall be the baseline used for all purposes under this chapter.''.

(c) RE-BASELINE AUTHORIZED.—Section 2435 of such title is amended—

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

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

''(d) RE-BASELINING.—

''(1) RE-BASELINE AUTHORIZED.—For purposes of this chapter, a baseline for a major defense acquisition program may be re-baselined only if a percentage increase in program acquisition unit cost or procurement unit cost of the program exceeding 25 percent occurs (as determined by the Secretary under section 2433(d)).

''(2) NOTIFICATION TO CONGRESS OF RE-BASELINING.—The Secretary shall notify the congressional defense committees not later than 30 days after a re-baselining has been conducted for a major defense acquisition program.''.

Subtitle B—Acquisition Policy and Management

SEC. 811. APPLICABILITY OF STATUTORY EXECUTIVE COMPENSATION CAP MADE PROSPECTIVE.

(a) PROSPECTIVE APPLICABILITY OF EXECUTIVE COMPENSATION CAP.—Section 808(e)(2) of Public Law 105–85 (41 U.S.C. 435 note; 111 Stat. 1838) is amended by striking ''before, on,'' and inserting ''on''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in Public Law 105–85 as enacted.

SEC. 812. USE OF COMMERCIALLY AVAILABLE ONLINE SERVICES FOR FEDERAL PROCUREMENT OF COMMERCIAL ITEMS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to include provisions that require the head of an executive agency, to the maximum extent practicable, to use commercially available online procurement services to purchase commercial items, including those procurement services that allow the agency to conduct reverse auctions.

(b) REPORT.—Not later than one year after the revisions to the Federal Acquisition Regulation are issued pursuant to subsection (a), the Administrator for Federal Procurement Policy shall submit to the Committees on Governmental Affairs and Homeland Security and on Armed Services of the Senate and the Committees on Government Reform and on Armed Services of the House of Representatives a report on the use of commercially available online procurement services. The report shall include—

(1) a list of the executive agencies that have used commercially available online procurement services, and the number of times each has so used such services;

(2) a list of the types of commercially available online procurement services used by each executive agency and the dollar value of the procurements conducted through each type of commercially available online procurement service; and

(3) the Administrator's recommendations for further encouraging the use of commercially available online procurement services, particularly those that afford the Federal Government the opportunity to conduct reverse auctions.

(c) DEFINITIONS.—In this section:

(1) The term ''commercially available online procurement services'', with respect to procurement by executive agencies, includes reverse auctions and other services accessible on the Internet that allow executive agencies to purchase commercial items from electronic catalogs and offerors to bid for delivery orders of such items.

(2) The term ''reverse auction'', with respect to procurement by executive agencies, means a method of soliciting offers on the Internet for commercial items, not including construction-related services, in which—

(A) firms compete against each other on the Internet in real time and in an open and interactive environment; and

(B) each firm's identity and pricing are safeguarded.

(3) The term ''Federal Acquisition Regulation'' means the single Government-wide procurement regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421).

(4) The terms ''executive agency'', ''commercial item'', and ''procurement'' have the meanings provided those terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.).

SEC. 813. CONTINGENCY CONTRACTING CORPS.

(a) REQUIREMENT TO ESTABLISH CONTINGENCY CONTRACTING CORPS.—

(1) REQUIREMENT.—The Secretary of Defense shall establish a contingency contracting corps, to be implemented, subject to the authority, direction, and control of the Secretary, through a joint policy developed by the Chairman of the Joint Chiefs of Staff, in accordance with this section.

(2) HEAD OF CORPS.—The policy shall provide that the corps shall be directed by a senior commissioned officer with appropriate acquisition experience and qualifications, who shall report directly to the commander of the combatant command in whose area of responsibility the corps is operating when deployed. In the case of more than one operation for which the corps is deployed, the head of the corps may delegate command authority, but any officer to whom the authority is delegated shall report directly to the commander of the combatant command concerned.

(3) OPERATION OF CORPS.—The policy shall provide that the contingency contracting corps shall conduct contingency contracting—

(A) during combat operations and use rapid acquisition authority to the maximum extent appropriate;

(B) during post-conflict operations to assist the commander of the combatant command in meeting urgent contracting requirements; and

(C) by using both deployed and non-deployed contingency contracting personnel for carrying out contingency contracting.

(4) TRAINING OF CORPS.—

(A) The policy developed under paragraph (1) shall provide for training all contingency contracting personnel in the use of law, regulations, policies, and directives related to contingency contracting operations, and shall ensure that the training is maintained for such personnel even when they are not deployed in a contingency operation.

(B) The policy shall require the training of contingency contracting personnel to include instruction from a program to be created by the Defense Acquisition University and inclusion of contingency contracting personnel in relevant wargaming and operational planning.

(C) The policy shall require contingency contracting personnel to remain proficient in contingency contracting operations during peacetime and shall allow such personnel to be used for other acquisition and contracting-related activities when not required in support of contingency contracting operations.

(D) The policy shall provide for the corps to use integrated contracting, financial, and other support systems.

(5) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. The regulations shall be developed in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, and the acquisition support agencies. The regulations shall be uniform to the maximum extent practicable among the military departments and shall address, at a minimum, applicable laws, regulations, policies, and directives related to contingency contracting.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on contingency contracting.

(2) MATTERS COVERED.—The report shall include discussions of the following:

(A) Progress in the implementation of the contingency contracting corps, in accordance with the requirements of subsection (a).

(B) The ability of the Armed Forces to support contingency contracting.

(C) The ability of commanders of combatant commands to request contingency contracting support and the ability of the military departments and the acquisition support agencies to respond to such requests and provide such support, including the availability of rapid acquisition personnel for such support.

(D) The ability of the current civilian and military acquisition workforce to deploy to combat theaters of operations and to conduct contracting activities during combat and during post-conflict, reconstruction, or other contingency operations.

(E) The effect of different periods of deployment on continuity in the acquisition process.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY CONTRACTING PERSONNEL.—The term ''contingency contracting personnel'' means members of the Armed Forces and civilian employees of the Department of Defense who are members of the defense acquisition workforce and, as part of their duties, are assigned to provide support to contingency operations (whether deployed or not).

(2) CONTINGENCY CONTRACTING.—The term ''contingency contracting'' means all stages of the process of acquiring property or services by the Department of Defense during a contingency operation.

(3) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning provided in section 101(13) of title 10, United States Code.

(4) ACQUISITION SUPPORT AGENCIES.—The term ''acquisition support agencies'' means Defense Agencies and Department of Defense Field Activities that carry out and provide support for acquisition-related activities.

SEC. 814. REQUIREMENT FOR CONTRACTING OPERATIONS TO BE INCLUDED IN INTERAGENCY PLANNING RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) INCLUSION OF CONTRACTING OPERATIONS IN INTERAGENCY PLANNING.—The Secretary of Defense shall include contracting operations in all relevant interagency planning operations of the Department of Defense related to stabilization and reconstruction operations.

(b) SECRETARY OF DEFENSE REQUIREMENTS.—If the President designates the Department of Defense as the executive agency with primary responsibility for contracting operations in post-conflict, stabilization, or reconstruction operations, the Secretary of Defense shall develop policy and procedures for the Department of Defense to serve as such executive agency.

(c) REPORT.—

(1) REQUIREMENT.—The Secretary of Defense and the Secretary of State shall jointly prepare a report on lessons learned from carrying out contracting operations during Operation Iraqi Freedom.

(2) MATTERS COVERED.—The report shall address the following with respect to such activities:

(A) Development of an appropriate acquisition planning strategy before obligation of funds, including the scope of planned contracting operations, project management, logistics, and financial considerations.

(B) Flow of appropriated funds.

(C) Ability to obtain military and civilian acquisition workforce personnel.

(D) Ability to obtain country clearances for such personnel.

(E) Ability to reprogram funds and to coordinate interagency activities.

(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the report shall be submitted to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives.

SEC. 815. STATEMENT OF POLICY AND REPORT RELATING TO CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) EXTENSIONS OF INAPPLICABILITY OF CERTAIN ACTS.—Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) is amended in subsections (a)(2) (A) and (b)(2)(A) by striking ''2005'' and inserting ''2006''.

(b) STATEMENT OF POLICY.—The Secretary of Defense and the Secretary of Education shall jointly issue a statement of policy related to the implementation of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) and the Javits-Wagner-O'Day Act (41 U.S.C. 48) within the Department of Defense and the Department of Education. The joint statement of policy shall specifically address the application of those Acts to both operation and management of all or any part of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces, and shall take into account and address, to the extent practicable, the positions acceptable to persons representing programs implemented under each Act.

(c) REPORT.—Not later than April 1, 2006, the Secretary of Defense and the Secretary of Education shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report describing the joint statement of policy issued under subsection (b), with such findings and recommendations as the Secretaries consider appropriate.

SEC. 816. STUDY ON DEPARTMENT OF DEFENSE CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on Department of Defense procurement contracts with small business concerns owned and controlled by service-disabled veterans.

(b) ELEMENTS OF STUDY.—The study required by subsection (a) shall include the following determinations:

(1) Any steps taken by the Department of Defense to meet the Government-wide goal of participation by small business concerns owned and controlled by service-disabled veterans in at least 3 percent of the total value of all prime contract and subcontract awards, as required under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) If the Department of Defense has failed to meet such goal, an explanation of the reasons for such failure.

(3) Any steps taken within the Department of Defense to make contracting officers aware of the 3 percent goal and to ensure that procurement officers are working actively to achieve such goal.

(4) The number of small business concerns owned and controlled by service-disabled veterans which submitted offers on contracts with the Department of Defense during the preceding fiscal year.

(5) Any outreach efforts made by the Department to enter into contracts with small business concerns owned and controlled by service-disabled veterans.

(6) Any such outreach efforts the Department could make but has not made.

(7) Whether, in awarding subcontracts, prime contractors are aware of the preference for small business concerns owned and controlled by service-disabled veterans under section 36 of the Small Business Act (15 U.S.C. 657f).

(8) Any plans of the Department of Defense to increase the percentage of Federal contracts it awards to small businesses owned and controlled by service-disabled veterans.

(c) REPORT.—Not later than the date that is six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study conducted under this section.

(d) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—In this section, the term ''small business concern owned and controlled by service-disabled veterans'' has the meaning given that term in section 3(q) of the Small Business Act (15 U.S.C. 632(q)).

SEC. 817. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—The Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the issue before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(c) SUBCONTRACTS AND TASK ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders at any tier issued under the contract.

(d) DEFINITIONS.—In this section:

(1) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(e) APPLICABILITY.—

(1) PROGRAMS WITH MILESTONE B APPROVAL NOT COVERED.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) DEFINITIONS.—In this subsection:

(A) The term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(B) The term ''Milestone B approval'' has the meaning provided that term in section 2366(e)(7) of such title.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. INCREASED FLEXIBILITY FOR DESIGNATION OF CRITICAL ACQUISITION POSITIONS IN DEFENSE ACQUISITION WORKFORCE.

Subparagraph (A) of section 1733(b)(1) of title 10, United States Code, is amended to read as follows:

''(A) Any acquisition position that is required to be filled by a senior civilian employee in the National Security Personnel System or a senior

commissioned officer of the Army, Navy, Air Force, or Marine Corps, as determined in accordance with guidelines prescribed by the Secretary.''.

SEC. 822. PARTICIPATION BY DEPARTMENT OF DEFENSE IN ACQUISITION WORKFORCE TRAINING FUND.

(a) REQUIRED CONTRIBUTIONS TO ACQUISITION WORKFORCE TRAINING FUND BY DEPARTMENT OF DEFENSE.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended—

(1) in subparagraph (B), by striking ''(other than the Department of Defense)''; and

(2) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively, and inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Administrator of General Services shall transfer to the Secretary of Defense fees collected from the Department of Defense pursuant to subparagraph (B), to be used by the Defense Acquisition University for purposes of acquisition workforce training for the entire Federal acquisition workforce.''.

(b) CONFORMING AMENDMENTS.—

(1) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 37(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by striking ''This section'' and inserting ''Except as provided in subsection (h)(3), this section''.

(2) PUBLIC LAW 108–136.—Section 1412 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1664) is amended by striking subsection (c).

(c) DEFENSE ACQUISITION UNIVERSITY FUNDING.—Amounts transferred under section 37(h)(3)(D) of the Office of Federal Procurement Policy Act (as amended by subsection (a)) for use by the Defense Acquisition University shall be in addition to other amounts authorized for the University.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts entered into after the date of the enactment of this Act.

SEC. 823. INCREASE IN COST ACCOUNTING STANDARD THRESHOLD.

Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(A)) is amended by striking ''$500,000'' and inserting ''$550,000''.

SEC. 824. AMENDMENTS TO DOMESTIC SOURCE REQUIREMENTS RELATING TO CLOTHING MATERIALS AND COMPONENTS COVERED.

(a) NOTICE.—Section 2533a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subparagraph (B), (C), (D), or (E) of subsection (b)(1), if the Secretary of Defense or of the military department concerned applies an exception set forth in subsection (c) or (e) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site). ''.

(b) CLOTHING MATERIALS AND COMPONENTS COVERED.—Subsection (b) of section 2533a of title 10, United States Code, is amended in paragraph (1)(B) by inserting before the semicolon the following: ''and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof)''.

SEC. 825. RAPID ACQUISITION AUTHORITY TO RESPOND TO DEFENSE INTELLIGENCE COMMUNITY EMERGENCIES.

(a) RAPID ACQUISITION AUTHORITY.—In the case of any critical intelligence capability that, as determined in writing by the Secretary of Defense, without delegation, is urgently needed to address a demonstrable, imminent, and urgent threat to national security that would likely result in combat fatalities or grave harm to the national security of the United States, the Secretary shall use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed critical intelligence capabilities.

(b) DESIGNATION OF SENIOR OFFICIAL.—Whenever the Secretary makes a determination under subsection (a) that the rapid acquisition of critical intelligence capability is needed, the Secretary shall designate a senior official of the Department of Defense to ensure that the intelligence capability is acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the intelligence capability within 15 days after the determination is made.

(c) WAIVER AUTHORITY.—Upon designation of a senior official under subsection (b), the Secretary shall authorize that official to waive any provision of law, policy, directive, or regulation described in subsection (f) that such official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed intelligence capability.

(d) FUNDING OF RAPID ACQUISITIONS.—The authority of this section may not be used to acquire intelligence capability in an amount aggregating more than $20,000,000 during any fiscal year. For acquisitions of intelligence capability under this subsection during the fiscal year in which the Secretary makes the determination described in subsection (a) with respect to such intelligence capability, the Secretary may use any funds available to the Department of Defense for that fiscal year.

(e) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the congressional defense committees within 15 days after each determination made under subsection (a). Each such notice shall identify in either classified or unclassified format, as appropriate—

(1) the intelligence capability to be acquired;

(2) the amount anticipated to be expended for the acquisition; and

(3) the source of funds for the acquisition.

(f) WAIVER OF CERTAIN STATUTES AND REGULATIONS.—

(1) IN GENERAL.—Upon a determination described in subsection (a), the senior official designated in accordance with subsection (b) with respect to that designation is authorized to waive any provision of law, policy, directive or regulation addressing—

(A) the establishment of the requirement for the intelligence capability;

(B) the research, development, test, and evaluation of the intelligence capability; or

(C) the solicitation and selection of sources, and the award of the contract, for procurement of the intelligence capability.

(2) LIMITATION.—Nothing in this subsection authorizes the waiver of any provision of law imposing civil or criminal penalties.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Restoration of parity in pay levels among Under Secretary positions.

Sec. 902. Eligibility criteria for Director of Department of Defense Test Resource Management Center.

Sec. 903. Consolidation and standardization of authorities relating to Department of Defense Regional Centers for Security Studies.

Sec. 904. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Subtitle B—Space Activities

Sec. 911. Space Situational Awareness Strategy.

Sec. 912. Military satellite communications.

Sec. 913. Operationally responsive space.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Transfer to Secretary of the Army of responsibility for assembled chemical weapons alternatives program.

Sec. 922. Clarification of Cooperative Agreement Authority under Chemical Demilitarization Program.

Subtitle D—Intelligence-Related Matters

Sec. 931. Department of Defense Strategy for Open-Source intelligence.

Sec. 932. Comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects.

Subtitle A—Department of Defense Management

SEC. 901. RESTORATION OF PARITY IN PAY LEVELS AMONG UNDER SECRETARY POSITIONS.

(a) POSITIONS OF UNDER SECRETARIES OF MILITARY DEPARTMENTS RAISED TO LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after ''Under Secretary of Defense for Intelligence'' the following:

''Under Secretary of the Air Force.

''Under Secretary of the Army.

''Under Secretary of the Navy.''.

(b) CONFORMING AMENDMENT.—Section 5315 of such title is amended by striking the following:

''Under Secretary of the Air Force.

''Under Secretary of the Army.

''Under Secretary of the Navy.''.

SEC. 902. ELIGIBILITY CRITERIA FOR DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

Section 196(b) of title 10, United States Code, is amended to read as follows:

''(b) DIRECTOR.—At the head of the Center shall be a Director, who shall be appointed by the Secretary from among individuals who have substantial experience in the field of test and evaluation.''.

SEC. 903. CONSOLIDATION AND STANDARDIZATION OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) BASIC AUTHORITIES FOR REGIONAL CENTERS.—

(1) IN GENERAL.—Section 184 of title 10, United States Code, is amended to read as follows:

''§ 184. Regional Centers for Security Studies

''(a) IN GENERAL.—The Secretary of Defense shall administer the Department of Defense Regional Centers for Security Studies in accordance with this section as international venues for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

''(b) REGIONAL CENTERS SPECIFIED.—(1) A Department of Defense Regional Center for Security Studies is a Department of Defense institution that—

''(A) is operated, and designated as such, by the Secretary of Defense for the study of security issues relating to a specified geographic region of the world; and

''(B) serves as a forum for bilateral and multilateral research, communication, and exchange of ideas involving military and civilian participants.

''(2) The Department of Defense Regional Centers for Security Studies are the following:

''(A) The George C. Marshall European Center for Security Studies, established in 1993 and located in Garmisch-Partenkirchen, Germany.

''(B) The Asia-Pacific Center for Security Studies, established in 1995 and located in Honolulu, Hawaii.

''(C) The Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.

''(D) The Africa Center for Strategic Studies, established in 1999 and located in Washington, D.C.

''(E) The Near East South Asia Center for Strategic Studies, established in 2000 and located in Washington, D.C.

''(3) No institution or element of the Department of Defense may be designated as a Department of Defense Regional Center for Security Studies for purposes of this section, other than the institutions specified in paragraph (2), except as specifically provided by law after the date of the enactment of this section.

''(c) REGULATIONS.—The administration of the Regional Centers under this section shall be carried out under regulations prescribed by the Secretary.

''(d) PARTICIPATION.—Participants in activities of the Regional Centers may include United States military and civilian personnel, governmental and nongovernmental personnel, and foreign military and civilian, governmental and nongovernmental personnel.

''(e) EMPLOYMENT AND COMPENSATION OF FACULTY.—At each Regional Center, the Secretary may, subject to appropriations—

''(1) employ a Director, a Deputy Director, and as many civilians as professors, instructors, and lecturers as the Secretary considers necessary; and

''(2) prescribe the compensation of such persons, in accordance with Federal guidelines.

''(f) PAYMENT OF COSTS.—(1) Participation in activities of a Regional Center shall be on a reimbursable basis (or by payment in advance), except in a case in which reimbursement is waived in accordance with paragraph (3).

''(2) For a foreign national participant, payment of costs may be made by the participant's own government, by a Department or agency of the United States other than the Department of Defense, or by a gift or donation on behalf of one or more Regional Centers accepted under section 2611 of this title on behalf of the participant's government.

''(3) The Secretary of Defense may waive reimbursement of the costs of activities of the Regional Centers for foreign military officers and foreign defense civilian officials from a developing country if the Secretary determines that attendance of such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available to the Regional Centers.

''(4) Funds accepted for the payment of costs shall be credited to the appropriation then currently available to the Department of Defense for the Regional Center that incurred the costs. Funds so credited shall be merged with the appropriation to which credited and shall be available to that Regional Center for the same purposes and same period as the appropriation with which merged.

''(5) Funds available for the payment of personnel expenses under the Latin American cooperation authority set forth in section 1050 of this title are also available for the costs of the operation of the Center for Hemispheric Defense Studies.

''(g) SUPPORT TO OTHER AGENCIES.—The Director of a Regional Center may enter into agreements with the Secretaries of the military departments, the heads of the Defense Agencies, and, with the concurrence of the Secretary of Defense, the heads of other Federal departments and agencies for the provision of services by that Regional Center under this section. Any such participating department and agency shall transfer to the Regional Center funds to pay the full costs of the services received.

''(h) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operation of the Regional Centers for security studies during the preceding fiscal year. The annual report shall include, for each Regional Center, the following information:

''(1) The status and objectives of the center.

''(2) The budget of the center, including the costs of operating the center.

''(3) A description of the extent of the international participation in the programs of the center, including the costs incurred by the United States for the participation of each foreign nation.

''(4) A description of the foreign gifts and donations, if any, accepted under section 2611 of this title. ''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''184. Regional Centers for Security Studies.''.

(b) STANDARDIZATION OF AUTHORITY FOR ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

''§2611. Regional Centers for Security Studies: acceptance of gifts and donations

''(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—Subject to subsection (c), the Secretary of Defense may accept, on behalf of one or more of the Regional Centers for Security Studies, a gift or donation from any source in order to defray the costs of, or enhance the operation of, one or more of the Regional Centers.

''(b) REGIONAL CENTERS.—For purposes of this section, the Regional Centers for Security Studies are the Department of Defense institutions specified in section 184(b) of this title.

''(c) LIMITATION.—(1) The Secretary may not accept a gift or donation under subsection (a) if the acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, or any employee of the Department or member of the armed forces, to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department of Defense or any person involved in such a program.

''(2) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in paragraph (1).

''(d) CREDITING OF FUNDS.—Funds accepted by the Secretary under subsection (a) shall be credited to appropriations available to the Department of Defense for the Regional Centers. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Regional Centers for the same purposes and the same period as the appropriations with which merged.

''(e) GIFTS AND DONATIONS DEFINED.—For purposes of this section—

''(1) a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country; and

''(2) the term 'gift' includes a devise of real property or a bequest of personal property and any gift of an interest in real property. ''.

(2) CLERICAL AMENDMENT.—The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

''2611. Regional Centers for Security Studies: acceptance of foreign gifts and donations.''.

(c) CONFORMING AMENDMENTS.—

(1) MARSHALL CENTER GENERAL AUTHORITY.—Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.

(2) MARSHALL CENTER GIFT AUTHORITY.—Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113) is amended—

(A) by striking subsections (a) and (b);

(B) by redesignating subsection (c) as subsection (a); and

(C) by redesignating paragraph (3) of such subsection as subsection (b) and inserting ''CERTAIN NON-CITIZENS AUTHORIZED TO SERVE ON BOARD.—'' before ''Notwithstanding''.

(3) EMPLOYMENT AND COMPENSATION AUTHORITY FOR CIVILIAN FACULTY.—Section 1595 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by striking paragraphs (3) and (5); and

(ii) by redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively; and

(B) by striking subsection (e).

(4) STATUS OF CENTER FOR HEMISPHERIC DEFENSE STUDIES.—Section 2165 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking paragraph (6); and

(ii) by redesignating paragraph (7) as paragraph (6); and

(B) by striking subsection (c).

SEC. 904. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(1) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(2) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(c) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the

Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(d) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(e) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that office as redesignated by that subsection.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. SPACE SITUATIONAL AWARENESS STRATEGY.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Defense has the responsibility, within the executive branch, for developing the strategy and the systems of the United States for ensuring freedom to operate United States space assets affecting national security; and

(2) the foundation of any credible strategy for ensuring freedom to operate United States space assets is a comprehensive system for space situational awareness.

(b) SPACE SITUATIONAL AWARENESS STRATEGY.—

(1) REQUIREMENT.—The Secretary of Defense shall develop a strategy, to be known as the ''Space Situational Awareness Strategy'', for ensuring freedom to operate United States space assets affecting national security. The Secretary shall submit that strategy to Congress not later than April 15, 2006. The Secretary shall submit to Congress an updated, current version of the Space Situational Awareness Strategy not later than April 15 of every even-numbered year thereafter.

(2) TIME PERIOD.—The Space Situational Awareness Strategy shall cover the 20-year period from 2006 through 2025.

(3) MATTERS TO BE INCLUDED.—The Space Situational Awareness Strategy shall include the following (set forth for the 20-year period specified in paragraph (2) and separately for each successive five-year period beginning with 2006):

(A) A threat assessment describing the perceived threats to United States space assets affecting national security.

(B) Details for a coherent and comprehensive strategy for the United States for space situational awareness, together with a description of the systems architecture to implement that strategy in light of the threat assessment under subparagraph (A).

(C) A description of each of the individual program concepts that will make up the systems architecture described pursuant to subparagraph (B) and, for each such program concept, a description of the specific capabilities to be achieved and the threats to be abated.

(c) SPACE SITUATIONAL AWARENESS CAPABILITIES ROADMAP.—

(1) REQUIREMENT.—The Secretary of the Air Force shall develop a roadmap, to be known as the ''space situational awareness capabilities roadmap'', for the development of the systems architecture described pursuant to subsection (b)(3)(B).

(2) MATTERS TO BE INCLUDED.— The space situational awareness capabilities roadmap shall include—

(A) capabilities of all systems deployed as of mid-2005 or planned for modernization or acquisition from 2006 to 2015; and

(B) a description of recommended solutions for inadequacies in the architecture to address threats identified under subsection (b)(3)(A).

SEC. 912. MILITARY SATELLITE COMMUNICATIONS.

(a) FINDINGS.—Congress finds the following:

(1) Military requirements for satellite communications exceed the capability of on-orbit assets as of mid-2005.

(2) To meet future military requirements for satellite communications, the Secretary of the Air Force has initiated a highly complex and revolutionary program called the Transformational Satellite Communications System (TSAT).

(3) If the program referred to in paragraph (2) experiences setbacks that prolong the development and deployment of the capability to be provided by that program, the Secretary of the Air Force must be prepared to implement contingency programs to achieve interim improvements in the capabilities of satellite communications to meet military requirements through upgrades to current systems.

(b) DEVELOPMENT OF OPTIONS.—In order to prepare for the contingency referred to in subsection (a)(3), the Director of the National Security Space Office of the Department of Defense shall provide for an assessment, to be conducted by an entity outside the Department of Defense, to develop and compare options for individual acquisition, and block acquisition, of the Advanced Extremely High Frequency space vehicles numbered 4 and 5, in conjunction with modifications to the current Wideband Gapfiller System program, that will accomplish the following:

(1) Minimize nonrecurring costs.

(2) Improve communications-on-the-move capabilities.

(3) Increase net centricity for communications.

(4) Increase satellite throughput.

(5) Increase user connectivity.

(6) Improve airborne communications support.

(c) ANALYSIS OF ALTERNATIVES REPORT.—Not later than February 28, 2006, the Director of the National Security Space Office shall submit to Congress a report providing an analysis of alternatives with respect to the options developed pursuant to subsection (b). The analysis of alternatives shall be prepared taking into consideration the findings and recommendations of the independent assessment conducted under subsection (b).

SEC. 913. OPERATIONALLY RESPONSIVE SPACE.

(a) JOINT OPERATIONALLY RESPONSIVE SPACE PAYLOAD TECHNOLOGY ORGANIZATION.—

(1) IN GENERAL.—The Secretary of Defense shall establish or designate an organization in the Department of Defense to coordinate joint operationally responsive space payload technology.

(2) MASTER PLAN.—The organization established or designated under paragraph (1) shall produce an annual master plan for coordination of operationally responsive space payload technology and shall coordinate resources provided to stimulate technical development of small satellite payloads. The annual master plan shall describe focus areas for development of operationally responsive space payload technology, including—

(A) miniaturization technology for satellite payloads;

(B) increased sensor acuity;

(C) concept of operations exploration;

(D) increased processor capability; and

(E) such additional matters as the head of that organization determines appropriate.

(3) REQUESTS FOR PROPOSALS.—The Secretary of Defense, acting through the Director of the Office of Force Transformation, shall award contracts, from amounts available for that purpose for any fiscal year, for technology projects that support the focus areas set out in the master plan for development of operationally responsive space payload technology.

(4) ASSESSMENT FACTORS.—In assessing any proposal submitted for a contract under paragraph (3), the Secretary shall consider —

(A) how the proposal correlates to the goals articulated in the master plan under paragraph (2) and to the National Security Space Architecture; and

(B) the probability, for the project for which the proposal is submitted, of eventual transition either to a laboratory of one of the military departments for continued development or to a joint program office for operational deployment.

(b) REPORT ON JOINT PROGRAM OFFICE FOR TACSAT.—Not later than February 28, 2006, the Secretary of Defense shall submit to the congressional defense committees a report providing a plan for the creation of a joint program office for the Tactical Satellite program and for transition of that program out of the Office of Force Transformation and to the administration of the joint program office. The report shall be prepared in conjunction with the Department of Defense executive agent for space.

(c) JOINT REPORT ON CERTAIN SPACE AND MISSILE DEFENSE ACTIVITIES.—Not later than February 28, 2006, the Department of Defense executive agent for space and the Director of the Missile Defense Agency shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a joint report on the value of each of the following:

(1) Increased use of the Rocket Systems Launch Program for the respective missions of the Department of the Air Force and the Missile Defense Agency.

(2) An agreement between the Director of the Missile Defense Agency and the Secretary of the Air Force for eventual transition of operational control of small satellite demonstrations from the Missile Defense Agency to the Department of the Air Force.

(3) A partnership between the Missile Defense Agency and the Department of the Air Force in the development of common high-altitude and near-space assets for the respective missions of the Missile Defense Agency and the Department of the Air Force.

Subtitle C—Chemical Demilitarization Program

SEC. 921. TRANSFER TO SECRETARY OF THE ARMY OF RESPONSIBILITY FOR ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Effective January 1, 2006, the text of section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

''(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Alternatives program shall report to the Secretary of the Army.

''(2) The Secretary of the Army shall provide for that program to be managed as part of the management organization within the Department of the Army specified in section 1412(e) of Public Law 99–145 (50 U.S.C. 1521(e)).

''(b) CONTINUED IMPLEMENTATION OF PREVIOUSLY SELECTED ALTERNATIVE TECHNOLOGIES.—(1) In carrying out the destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, the Secretary of the Army shall continue to implement fully the alternative

technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on July 16, 2002.

''(2) In carrying out the destruction of lethal chemical munitions at Blue Grass Army Depot, Kentucky, the Secretary of the Army shall continue to implement fully the alternative technology for such destruction at that depot selected by the Under Secretary of Defense for Acquisition, Technology, and Logistics on February 3, 2003.''.

SEC. 922. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) AGREEMENTS WITH FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C 1521(c)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in the first sentence—

(A) by inserting ''and to tribal organizations of Indian tribes'' after ''to State and local governments''; and

(B) by inserting ''and organizations'' after ''assist those governments''

(3) by designating the text beginning ''Additionally, the Secretary '' as subparagraph (B);

(4) in the first sentence of subparagraph (B), as designated by paragraph (2), by inserting '', and with tribal organizations of Indian tribes,'' after ''with State and local governments''; and

(5) by adding at the end the following new subparagraph:

''(C) In this subparagraph, the terms 'tribal organization' and 'Indian tribes' have the meanings given those terms in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 5, 1991, and shall apply with respect to cooperative agreements entered into on or after that date.

Subtitle D—Intelligence-Related Matters

SEC. 931. DEPARTMENT OF DEFENSE STRATEGY FOR OPEN-SOURCE INTELLIGENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Open-source intelligence (OSINT) is intelligence that is produced from publicly available information collected, exploited, and disseminated in a timely manner to an appropriate audience for the purpose of addressing a specific intelligence requirement.

(2) With the Information Revolution, the amount, significance, and accessibility of open-source information has exploded, but the Intelligence Community has not expanded its exploitation efforts and systems to produce open-source intelligence.

(3) The production of open-source intelligence is a valuable intelligence discipline that must be integrated in the intelligence cycle to ensure that United States policymakers are fully and completely informed.

(4) The dissemination and use of validated open-source intelligence inherently enables information sharing as it is produced without the use of sensitive sources and methods. Open-source intelligence products can be shared with the American public and foreign allies because of its unclassified nature.

(5) The National Commission on Terrorist Attacks Upon the United States, in its Final Report released on July 22, 2004, identified shortfalls in the ability of the United States to employ all-source intelligence, a large component of which is open-source intelligence.

(6) The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) advocates for coordination of the collection, analysis, production, and dissemination of open-source intelligence.

(7) The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, in its report to the President released on March 31, 2005, found ''that the need for exploiting open-source material is greater now than ever before,'' but that ''the Intelligence Community's open source programs have not expanded commensurate with either the increase in available information or with the growing importance of open source data to today's problems''.

(b) STRATEGY FOR OPEN-SOURCE INTELLIGENCE.—

(1) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy, to be known as the ''Strategy for Open-Source Intelligence'', to be incorporated within the larger military intelligence strategy, for the purpose of integrating open-source intelligence into the military intelligence cycle.

(2) SUBMISSION.—The Secretary shall submit the Strategy for Open-Source Intelligence to Congress not later than January 31, 2006.

(3) MATTERS TO BE INCLUDED.—The Strategy for Open-Source Intelligence shall include the following:

(A) An investment strategy for the development of a robust open-source intelligence capability, with particular emphasis on exploitation and dissemination.

(B) A description of how management of open-source intelligence collection is currently performed at the Department level and how it can be improved in the future.

(C) A description of the tools, systems, centers, personnel, and procedures that will be used to perform open-source intelligence tasking, collection, exploitation, and dissemination.

(D) A description of proven tradecraft for effective open-source intelligence exploitation, to include consideration of operational security.

(E) A detailed description on how open-source intelligence will be fused with all other intelligence sources across the Department of Defense.

(F) A description of open-source intelligence training plan and guidance for Department of Defense and service intelligence personnel.

(G) A plan to incorporate the open-source intelligence oversight function into the Office of the Undersecretary of Defense for Intelligence and into service intelligence organizations.

(H) A plan to incorporate and identify an open-source intelligence specialty into Department and service personnel systems.

(I) A plan to use reserve component intelligence personnel to augment and support the open-source intelligence mission.

(J) A plan for the use of the Open-Source Information System for the purpose of exploitation and dissemination.

SEC. 932. COMPREHENSIVE INVENTORY OF DEPARTMENT OF DEFENSE INTELLIGENCE AND INTELLIGENCE-RELATED PROGRAMS AND PROJECTS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional committees specified in subsection (b) a report providing a comprehensive inventory of Department of Defense intelligence and intelligence-related programs and projects. The Secretary shall prepare the inventory in consultation with the Director of National Intelligence, as appropriate.

(b) COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial matters

1001. Transfer authority.
1002. Authorization of supplemental appropriations for fiscal year 2005.
1003. Increase in fiscal year 2005 general transfer authority.
1004. Reports on feasibility and desirability of capital budgeting for major defense acquisition programs.

Subtitle B—Naval Vessels and Shipyards

1011. Conveyance, Navy drydock, Seattle, Washington.
1012. Conveyance, Navy drydock, Jacksonville, Florida.
1013. Conveyance, Navy drydock, Port Arthur, Texas.
1014. Transfer of U.S.S. IOWA.
1015. Transfer of ex-U.S.S. Forrest Sherman.
1016. Limitation on leasing of foreign-built vessels.

Subtitle C—Counter-Drug Activities

1021. Extension of Department of Defense authority to support counter-drug activities.
1022. Resumption of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
1023. Clarification of authority for joint task forces to support law enforcement agencies conducting counter-terrorism activities.

Subtitle D—Matters Related to Homeland Security

1031. Responsibilities of Assistant Secretary of Defense for Homeland Defense relating to nuclear, chemical, and biological emergency response.
1032. Testing of preparedness for emergencies involving nuclear, radiological, chemical, biological, and high-yield explosives weapons.
1033. Department of Defense chemical, biological, radiological, nuclear, and high-yield explosives response teams.
1034. Repeal of Department of Defense emergency response assistance program.

Subtitle E—Other Matters

1041. Commission on the Long-Term Implementation of the New Strategic Posture of the United States.
1042. Reestablishment of EMP Commission.
1043. Modernization of authority relating to security of defense property and facilities.
1044. Revision of Department of Defense counterintelligence polygraph program.
1045. Repeal of requirement for report to Congress regarding global strike capability.
1046. Technical and clerical amendments.
1047. Deletion of obsolete definitions in titles 10 and 32, United States Code.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I and chapter 2 of title IV of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1003. INCREASE IN FISCAL YEAR 2005 GENERAL TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2037) is amended by striking ''$3,500,000,000'' and inserting ''$6,185,000,000''.

SEC. 1004. REPORTS ON FEASIBILITY AND DESIRABILITY OF CAPITAL BUDGETING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CAPITAL BUDGETING DEFINED.—For the purposes of this section, the term ''capital budgeting'' means a budget process that—

(1) identifies large capital outlays that are expected to be made in future years, together with identification of the proposed means to finance those outlays and the expected benefits of those outlays;

(2) separately identifies revenues and outlays for capital assets from revenues and outlays for an operating budget;

(3) allows for the issue of long-term debt to finance capital investments; and

(4) provides the budget authority for acquiring a capital asset over several fiscal years (rather than in a single fiscal year at the beginning of such acquisition).

(b) REPORTS REQUIRED.—Not later than July 1, 2006, the Secretary of Defense and the Secretary of each military department shall each submit to Congress a report analyzing the feasibility and desirability of using a capital budgeting system for the financing of major defense acquisition programs. Each such report shall address the following matters:

(1) The potential long-term effect on the defense industrial base of the United States of continuing with the current full up-front funding system for major defense acquisition programs.

(2) Whether use of a capital budgeting system could create a more effective decisionmaking process for long-term investments in major defense acquisition programs.

(3) The manner in which a capital budgeting system for major defense acquisition programs would affect the budget planning and formulation process of the military departments.

(4) The types of financial mechanisms that would be needed to provide funds for such a capital budgeting system.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to sell the yard floating drydock YFD–70, located in Seattle, Washington, to Todd Pacific Shipyards Corporation, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Todd Pacific Shipyards Corporation until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the drydock, as determined by the Secretary.

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. CONVEYANCE, NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to sell the medium auxiliary floating drydock SUSTAIN (AFDM–7), located in Duval County, Florida, to Atlantic Marine Property Holding Company, that company being the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Atlantic Marine Property Holding Company until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall pay to the United States an amount equal to the fair market value of the drydock, as determined by the Secretary.

(d) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1013. CONVEYANCE, NAVY DRYDOCK, PORT ARTHUR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey, without consideration, to the port authority of the city of Port Arthur, Texas, the inactive medium auxiliary floating drydock designated as AFDM–2, currently administered through the National Defense Reserve Fleet.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of the port authority named in subsection (a).

(c) TRANSFERS AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1014. TRANSFER OF U.S.S. IOWA.

(a) WAIVER OF REQUIREMENT FOR CONTINUED LISTING ON NAVAL VESSEL REGISTER.—The provisions of the following laws do not apply with respect to the U.S.S. IOWA (BB–61):

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421).

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118).

(b) TRANSFER.—The Secretary of the Navy shall—

(1) strike the U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to the submission of a donation application for that vessel that is satisfactory to the Secretary, transfer that vessel to the Port of Stockton, California, subject to subsections (b) and (c) of section 7306 of title 10, United States Code.

SEC. 1015. TRANSFER OF EX-U.S.S. FORREST SHERMAN.

(a) TRANSFER.—The Secretary of the Navy shall transfer the decommissioned destroyer ex-U.S.S. Forrest Sherman (DD–931) to the USS Forrest Sherman DD–931 Foundation, Inc., a nonprofit organization under the laws of the State of Maryland, subject to the submission of a donation application for that vessel that is satisfactory to the Secretary.

(b) APPLICABLE LAW.—The transfer under this section is subject to subsections (b) and (c) of section 7306 of title 10, United States Code. Subsection (d) of that section is hereby waived with respect to such transfer.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transfer under subsection (a) as the Secretary considers appropriate.

(d) EXPIRATION OF AUTHORITY.—The authority granted by subsection (a) shall expire at the end of the five-year period beginning on the date of the enactment of this Act.

SEC. 1016. LIMITATION ON LEASING OF FOREIGN-BUILT VESSELS.

(a) IN GENERAL.—

(1) CONTRACTS FOR LEASES FOR MORE THAN 24 MONTHS.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2401a the following new section:

''§ 2401b. Limitation on lease of foreign-built vessels

''(a) LIMITATION.—The Secretary of a military department may not make a contract for a lease or charter of a vessel for a term of more than 24 months (including all options to renew or extend the contract) if the hull, or a component of the hull and superstructure of the vessel, is constructed in a foreign shipyard.

''(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the limitation in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

''(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.''.(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2401a the following new item:

''2401b. Limitation on lease of foreign-built vessels.''.

(b) EFFECTIVE DATE.—Section 2401b of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date of the enactment of this Act.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO SUPPORT COUNTER-DRUG ACTIVITIES.

Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1212), is amended by striking ''2006'' and inserting ''2011''.

SEC. 1022. RESUMPTION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

(a) ADDITIONAL REPORT REQUIRED.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as amended by section 1022 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1215), is further amended by striking ''January 1, 2001, and April 15, 2002,'' and inserting ''April 15, 2006,''.

(b) ADDITIONAL INFORMATION REQUIRED.—Such section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) A description of each base of operation or training facility established, constructed, or operated using the assistance, including any minor construction projects carried out using such assistance, and the amount of assistance expended on base of operations and training facilities.''.

SEC. 1023. CLARIFICATION OF AUTHORITY FOR JOINT TASK FORCES TO SUPPORT LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1594) is amended—

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

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

''(b) AVAILABILITY OF FUNDS.—Funds available to a joint task force to support counter-drug activities may also be used to provide the counter-terrorism support authorized by subsection (a).''.

Subtitle D—Matters Related to Homeland Security

SEC. 1031. RESPONSIBILITIES OF ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE RELATING TO NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

Subsection (a) of section 1413 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2313) is amended to read as follows:

''(a) DEPARTMENT OF DEFENSE.—The Assistant Secretary of Defense for Homeland Defense is responsible for the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving nuclear, radiological, biological, chemical weapons, or high-yield explosives or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear, radiological, biological, chemical weapons, and high-yield explosives and related materials and technologies.''.

SEC. 1032. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, BIOLOGICAL, AND HIGH-YIELD EXPLOSIVES WEAPONS.

(a) SECRETARY OF HOMELAND SECURITY FUNCTIONS.—Subsection (a) of section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) is amended—

(1) in the subsection heading, by striking ''CHEMICAL OR'' and inserting ''NUCLEAR, RADIOLOGICAL, CHEMICAL, OR'';

(2) in paragraph (1)—

(A) by striking ''Secretary of Defense'' and inserting ''Secretary of Homeland Security''; and

(B) by striking ''biological weapons and related materials and emergencies involving '' and inserting ''nuclear, radiological, biological, and'';

(3) in paragraph (2), by striking ''during each of fiscal years 1997 through 2013'' and inserting ''in accordance with sections 102(c) and 430(c)(1) of the Homeland Security Act of 2002 (6 U.S.C. 112(c), 238(c)(1))''; and

(4) in paragraph (3)—

(A) by inserting ''the Secretary of Defense,'' before ''the Director of the Federal Bureau of Investigation''; and

(B) by striking ''the Director of the Federal Emergency Management Agency,''.

(b) REPEAL OF SECRETARY OF ENERGY FUNCTIONS.—Such section is further amended by striking subsection (b).

(c) CONFORMING AMENDMENTS.—Subsection (c) of such section—

(1) is redesignated as subsection (b); and

(2) is amended—

(A) in the first sentence, by striking ''The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program'' and inserting ''The Secretary of Homeland Security shall revise the program developed under subsection (a)''; and

(B) in the second sentence, by striking ''the official'' and inserting ''the Secretary''.

(d) REPEAL OF OBSOLETE PROVISIONS.—Such section is further amended by striking subsections (d) and (e).

SEC. 1033. DEPARTMENT OF DEFENSE CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAMS.

Section 1414 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2314) is amended as follows:

(1) The heading of such section is amended to read as follows:

''SEC. 1414. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND HIGH-YIELD EXPLOSIVES RESPONSE TEAM.''.

(2) Subsection (a) of such section is amended by striking ''or related materials'' and inserting ''radiological, nuclear, and high-yield explosives''.

(3) Subsection (b) of such section is amended—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''PLANS'';

(B) in the first sentence, by striking ''Not later than'' and all that follows through ''response plans and'' and inserting ''The Secretary of Homeland Security shall incorporate into the National Response Plan prepared pursuant to section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)), other existing Federal emergency response plans, and''; and

(C) in the second sentence—

(i) by striking ''Director'' and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''consultation''and inserting ''coordination''.

SEC. 1034. REPEAL OF DEPARTMENT OF DEFENSE EMERGENCY RESPONSE ASSISTANCE PROGRAM.

Section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312) is repealed.

Subtitle E—Other Matters

SEC. 1041. COMMISSION ON THE LONG-TERM IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

(a) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on the Long-Term Implementation of the New Strategic Posture of the United States''. The Secretary of Defense shall enter into a contract with a federally funded research and development center to provide for the organization, management, and support of the Commission. Such contract shall be entered into in consultation with the Secretary of Energy. The selection of the federally funded research and development center shall be subject to the approval of the chairman of the Commission.

(2) COMPOSITION.—(A) The Commission shall be composed of 12 members who shall be appointed by the Secretary of Defense. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairman and ranking minority member of the Committee on Armed Services of the Senate and the chairman and ranking minority member of the Committee on Armed Services of the House of Representatives.

(B) Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political, military, operational, and technical aspects of nuclear strategy.

(3) CHAIRMAN OF THE COMMISSION.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(b) DUTIES OF COMMISSION.—

(1) REVIEW OF LONG-TERM IMPLEMENTATION OF THE NUCLEAR POSTURE REVIEW.—The Commission shall examine long-term programmatic requirements to achieve the goals set forth in the report of the Secretary of Defense submitted to Congress on December 31, 2001, providing the results of the Nuclear Posture Review conducted pursuant to section 1041 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654, 1654A–262) and results of periodic assessments of the Nuclear Posture Review. Matters examined by the Commission shall include the following:

(A) The process of establishing requirements for strategic forces and how that process accommodates employment of nonnuclear strike platforms and munitions in a strategic role.

(B) How strategic intelligence, reconnaissance, and surveillance requirements differ from nuclear intelligence, reconnaissance, and surveillance requirements.

(C) The ability of a limited number of strategic platforms to carry out a growing range of nonnuclear strategic strike missions.

(D) The limits of tactical systems to perform nonnuclear global strategic missions in a prompt manner.

(E) An assessment of the ability of the current nuclear stockpile to address the evolving strategic threat environment through 2025.

(2) RECOMMENDATIONS.—The Commission shall include in its report recommendations with respect to the following:

(A) Changes to the requirements process to employ nonnuclear strike platforms and munitions in a strategic role.

(B) Changes to the nuclear stockpile and infrastructure required to preserve a nuclear capability commensurate with the changes to the strategic threat environment through 2025.

(C) Actions the Secretary of Defense and the Secretary of Energy can take to preserve flexibility of the defense nuclear complex while reducing the cost of a Cold War strategic infrastructure.

(D) Identify shortfalls in the strategic modernization programs of the United States that would undermine the ability of the United States to develop new nonnuclear strategic strike capabilities.

(3) COOPERATION FROM GOVERNMENT OFFICIALS.—(A) In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) The Secretary of Energy and the Secretary of Defense shall each designate at least one officer or employee of the Department of Energy

and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—The Commission shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives a report on the Commission's findings and conclusions. Such report shall be submitted not later that 28 months after the date of the first meeting of the Commission.

(2) SECRETARY OF DEFENSE RESPONSE.—Not later than one year after the date on which the Commission submits its report under paragraph (1), the Secretary of Defense shall submit to Congress a report—

(A) commenting on the Commission's findings and conclusions; and

(B) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each such recommendation, the Secretary's reasons for implementing, or not implementing, the recommendation.

(d) HEARINGS AND PROCEDURES.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out the purposes of this section, hold hearings and take testimony.

(2) PROCEDURES.—The federally funded research and development center with which a contract is entered into under subsection (a)(1) shall be responsible for establishing appropriate procedures for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall terminate 60 days after the date of the submission of its report under subsection (c)(1).

(g) IMPLEMENTATION.—

(1) FFRDC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later that 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1042. REESTABLISHMENT OF EMP COMMISSION.

(a) REESTABLISHMENT.—The commission established pursuant to title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345), known as the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, is hereby reestablished.

(b) MEMBERSHIP.—The Commission as reestablished shall have the same membership as the Commission had as of the date of the submission of the report of the Commission pursuant to section 1403(a) of such Act, as in effect before the date of the enactment of this Act. Service on the Commission is voluntary, and Commissioners may elect to terminate their service on the Commission.

(c) COMMISSION CHARTER DEFINED.—In this section, the term ''Commission charter'' means title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–345 et seq.).

(d) ESTABLISHMENT AND PURPOSE.—Section 1401 of the Commission charter (114 Stat. 1654A–345) is amended—

(1) by striking subsections (e) and (g);

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

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

''(b) PURPOSE.—The purpose of the Commission is to monitor, investigate, make recommendations, and report to Congress on the evolving threat to the United States from electromagnetic pulse (hereinafter in this title referred to as 'EMP') attack resulting from the detonation of a nuclear weapon or weapons at high altitude.'';

(4) in subsection (c), as redesignated by paragraph (2), by striking the second and third sentences and inserting ''In the event of a vacancy in the membership of the Commission, the Secretary of Defense shall appoint a new member.''; and

(5) in subsection (d), as redesignated by paragraph (2), by striking ''pulse (hereafter'' and all that follows and inserting ''pulse effects referred to in subsection (b).''.

(e) DUTIES OF COMMISSION.—Section 1402 of the Commission charter (114 Stat. 1654A–346) is amended to read as follows:

''SEC. 1402. DUTIES OF COMMISSION.

''The Commission shall on an ongoing basis assess the following:

''(1) The nature and magnitude of potential EMP threats to the United States from terrorists and all other potentially hostile actors.

''(2) The proliferation of technology relevant to the EMP threat.

''(3) The vulnerability of electric-dependent military systems and other electric-dependent systems in the United States to an EMP attack, giving special attention to the progress, or lack of progress, by the Department of Defense, other Government departments and agencies of the United States, and entities of the private sector in taking steps to protect such systems from such an attack.''.

(f) REPORT.—Section 1403 of the Commission charter (114 Stat. 1654A–345) is amended to read as follows:

''SEC. 1403. REPORTS.

''(a) ANNUAL REPORT.—Not later than March 1 each year (beginning in 2007 and ending three years later), the Commission shall submit to Congress an annual report providing the Commission's current assessment of the matters specified in section 1402.

''(b) ADDITIONAL REPORTS.—The Commission may submit to Congress additional reports at such other times as the Commission considers appropriate.

''(c) CONTENT OF REPORTS.—Each annual report under subsection (a) shall include recommendations for any steps the Commission believes should be taken by the United States to better protect systems referred to in section 1402(3) from an EMP attack.''.

(g) CLERICAL AMENDMENT.—The heading for subsection (c) of section 1405 of the Commission charter (114 Stat. 1654A–347) is amended by striking ''Commission'' and inserting ''Panels''.

(h) COMMISSION PERSONNEL MATTERS.—Section 1406(c)(2) of the Commission charter (114 Stat. 1654A–347) is amended by striking ''for grade GS–15 of the General Schedule'' and inserting ''for senior level and scientific or professional positions''.

(i) FUNDING.—Section 1408 of the Commission charter (114 Stat. 1654A–348) is amended—

(1) by inserting ''for any fiscal year'' after ''activities of the Commission''; and

(2) by striking ''for fiscal year 2001'' and inserting ''for that fiscal year''.

(j) TERMINATION OF COMMISSION.—Section 1409 of the Commission charter (114 Stat. 1654A–348) is amended by striking ''60 days'' and all that follows through ''section 1403(a)'' and inserting ''on May 1, 2010''.

SEC. 1043. MODERNIZATION OF AUTHORITY RELATING TO SECURITY OF DEFENSE PROPERTY AND FACILITIES.

Section 21 of the Internal Security Act of 1950 (50 U.S.C. 797) is amended to read as follows:

''PENALTY FOR VIOLATION OF SECURITY REGULATIONS AND ORDERS

''SEC. 21. (a) MISDEMEANOR VIOLATION OF DEFENSE PROPERTY SECURITY REGULATIONS.—

''(1) MISDEMEANOR.—Whoever willfully violates any defense property security regulation shall be fined under title 18, United States Code, or imprisoned not more than one year, or both.

''(2) DEFENSE PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (1), a defense property security regulation is a property security regulation that, pursuant to lawful authority—

''(A) shall be or has been promulgated or approved by the Secretary of Defense (or by a military commander designated by the Secretary of Defense or by a military officer, or a civilian officer or employee of the Department of Defense, holding a senior Department of Defense director position designated by the Secretary of Defense) for the protection or security of Department of Defense property; or

''(B) shall be or has been promulgated or approved by the Administrator of the National Aeronautics and Space Administration for the protection or security of NASA property.

''(3) PROPERTY SECURITY REGULATION DESCRIBED.—For purposes of paragraph (2), a property security regulation, with respect to any property, is a regulation—

''(A) relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions on such property, or the ingress thereto or egress or removal of persons therefrom; or

''(B) otherwise providing for safeguarding such property against destruction, loss, or injury by accident or by enemy action, sabotage, or other subversive actions.

''(4) DEFINITIONS.—In this subsection:

''(A) DEPARTMENT OF DEFENSE PROPERTY.—The term 'Department of Defense property' means covered property subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which that Department consists, or any officer or employee of that Department or agency.

''(B) NASA PROPERTY.—The term 'NASA property' means covered property subject to the jurisdiction, administration, or in the custody of the National Aeronautics and Space Administration or any officer or employee thereof.

''(C) COVERED PROPERTY.—The term 'covered property' means aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places.

''(D) REGULATION AS INCLUDING ORDER.—The term 'regulation' includes an order.

''(b) POSTING.—Any regulation or order covered by subsection (a) shall be posted in conspicuous and appropriate places.''.

SEC. 1044. REVISION OF DEPARTMENT OF DEFENSE COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) IN GENERAL.—Section 1564a of title 10, United States Code, is amended to read as follows:

''§ 1564a. Counterintelligence polygraph program

''(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be conducted in accordance with the standards specified in subsection (e).

''(b) PERSONS COVERED.—Except as provided in subsection (d), the following persons, if their duties are described in subsection (c), are subject to this section:

''(1) Military and civilian personnel of the Department of Defense.

''(2) Personnel of defense contractors.

''(3) A person assigned or detailed to the Department of Defense.

''(4) An applicant for a position in the Department of Defense.

''(c) COVERED TYPES OF DUTIES.—The Secretary of Defense may provide, under standards

established by the Secretary, that a person described in subsection (b) is subject to this section if that person's duties involve—

''(1) access to information that—

''(A) has been classified at the level of top secret; or

''(B) is designated as being within a special access program under section 4.4(a) of Executive Order 12958 (or a successor Executive order); or

''(2) assistance in an intelligence or military mission in a case in which the unauthorized disclosure or manipulation of information, as determined under standards established by the Secretary of Defense, could reasonably be expected to—

''(A) jeopardize human life or safety;

''(B) result in the loss of unique or uniquely productive intelligence sources or methods vital to United States security; or

''(C) compromise technologies, operational plans, or security procedures vital to the strategic advantage of the United States and its allies.

''(d) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply to the following persons:

''(1) A person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency.

''(2) A person who is—

''(A) employed by or assigned or detailed to the National Security Agency;

''(B) an expert or consultant under contract to the National Security Agency;

''(C) an employee of a contractor of the National Security Agency; or

''(D) a person applying for a position in the National Security Agency.

''(3) A person assigned to a space where sensitive cryptographic information is produced, processed, or stored.

''(4) A person employed by, or assigned or detailed to, an office within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

''(e) STANDARDS.—(1) Polygraph examinations conducted under this section shall comply with all applicable laws and regulations.

''(2) Such examinations may be authorized for any of the following purposes:

''(A) To assist in determining the initial eligibility for duties described in subsection (c) of, and aperiodically thereafter, on a random basis, to assist in determining the continued eligibility of, persons described in subsections (b) and (c).

''(B) With the consent of, or upon the request of, the examinee, to—

''(i) resolve serious credible derogatory information developed in connection with a personnel security investigation; or

''(ii) exculpate him- or herself of allegations or evidence arising in the course of a counterintelligence or personnel security investigation.

''(C) To assist, in a limited number of cases when operational exigencies require the immediate use of a person's services before the completion of a personnel security investigation, in determining the interim eligibility for duties described in subsection (c) of the person.

''(3) Polygraph examinations conducted under this section shall provide adequate safeguards, prescribed by the Secretary of Defense, for the protection of the rights and privacy of persons subject to this section under subsection (b) who are considered for or administered polygraph examinations under this section. Such safeguards shall include the following:

''(A) The examinee shall receive timely notification of the examination and its intended purpose and may only be given the examination with the consent of the examinee.

''(B) The examinee shall be advised of the examinee's right to consult with legal counsel.

''(C) All questions asked concerning the matter at issue, other than technical questions necessary to the polygraph technique, must have a relevance to the subject of the inquiry.

''(f) OVERSIGHT.—(1) The Secretary shall establish a process to monitor responsible and effective application of polygraph examinations within the Department of Defense.

''(2) The Secretary shall make information on the use of polygraphs within the Department of Defense available to the congressional defense committees.

''(g) POLYGRAPH RESEARCH PROGRAM.—The Secretary shall carry out a continuing research program to support the polygraph examination activities of the Department of Defense. The program shall include the following:

''(1) An on-going evaluation of the validity of polygraph techniques used by the Department.

''(2) Research on polygraph countermeasures and anti- countermeasures.

''(3) Developmental research on polygraph techniques, instrumentation, and analytic methods.''.

(b) EFFECTIVE DATE; IMPLEMENTATION.—The amendment made by subsection (a) shall apply with respect to polygraph examinations administered beginning on the date of the enactment of this Act.

SEC. 1045. REPEAL OF REQUIREMENT FOR REPORT TO CONGRESS REGARDING GLOBAL STRIKE CAPABILITY.

(a) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO PLAN FOR GLOBAL STRIKE CAPABILITY.— Subsection (a) of section 1032 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by striking the second sentence.

(b) REPEAL OF 2006 REPORT REQUIREMENT.—Subsection (b)(1) of such section is amended by striking '', 2005, and 2006'' and inserting ''and 2005''.

SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS RELATING TO DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.—

(1) Chapter 169 of title 10, United States Code, is amended as follows:

(A) Paragraph (4) of section 2801(c) is amended to read as follows:

''(4) The term 'congressional defense committees' includes, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense—

''(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(B) the Select Committee on Intelligence of the Senate.''.

(B) The following sections are amended by striking ''appropriate committees of Congress'' each place it appears and inserting ''congressional defense committees'': sections 2803(b), 2804(b), 2805(b)(2), 2806(c)(2), 2807(b), 2807(c), 2808(b), 2809(f)(1), 2811(d), 2812(c)(1)(A), 2813(c), 2814(a)(2)(A), 2814(g)(1), 2825(b)(1), 2827(b), 2828(f), 2837(c)(2), 2853(c)(2), 2854(b), 2854a(c)(1), 2865(e)(2), 2866(c)(2), 2875(e), 2881a(d)(2), 2881a(e), 2883(f), and 2884(a).

(C) Section 2835 is amended by adding at the end the following new subsection:

''(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the congressional defense committees and, with respect to the Coast Guard, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(D) Section 2836 is amended by adding at the end the following new subsection:

''(h) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the congressional defense committees and, with respect to the Coast Guard, the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(2) Section 2694a of such title is amended—

(A) in subsection (e), by striking ''appropriate committees of Congress'' and inserting ''congressional defense committees''; and

(B) in subsection (i), by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(b) AMENDMENTS RELATING TO DEFINITION OF BASE CLOSURE LAWS.—

(1) Section 2694a(i) of title 10, United States Code, is amended by striking paragraph (2).

(2) Paragraph (1) of section 1333(i) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended to read as follows:

''(1) BASE CLOSURE LAW.—The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(3) Subsection (b) of section 2814 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 10 U.S.C. 2687 note) is amended to read as follows:

''(b) BASE CLOSURE LAW DEFINED.—In this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(4) Subsection (c) of section 3341 of title 5, United States Code, is amended to read as follows:

''(c) For purposes of this section, the term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10.''.

(5) Chapter 5 of title 40, United States Code, is amended—

(A) in section 554(a)(1), by striking ''means'' and all that follows and inserting ''has the meaning given that term in section 101(a)(17) of title 10.''; and

(B) in section 572(b)(1)(B), by striking ''section 2667(h)(2)'' and inserting ''section 101(a)(17) of title 10''.

(6) The Act of November 13, 2000, entitled ''An Act to Amend the Organic Act of Guam, and for other purposes'' (Public Law 106–504, 114 Stat. 2309) is amended by striking paragraph (2) of section 1(c) and inserting the following new paragraph (2):

''(2) The term 'base closure law' has the meaning given such term in section 101(a)(17) of title 10, United States Code.''.

(c) DEFINITION OF STATE FOR PURPOSES OF SECTION 2694A.—Subsection (i) of section 2694a of title 10, United States Code, as amended by subsections (a)(2)(B) and (b)(1), is further amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively; and

(2) in paragraph (2), as so redesignated, by striking ''and the territories and possessions of the United States'' and inserting '', Guam, the Virgin Islands, and American Samoa''.

(d) OTHER MISCELLANEOUS CORRECTIONS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 101(e)(4)(B)(ii) is amended by striking the comma after ''bulk explosives''.

(2) Section 127b(d)(1) is amended by striking ''polices'' in the second sentence and inserting ''policies''.

(3) Section 1732 is amended—

(A) in subsection (c)—

(i) by striking ''(b)(2)(A) and (b)(2)(B)'' in paragraphs (1) and (2) and inserting ''(b)(1)(A) and (b)(1)(B)''; and

(ii) by striking paragraph (3); and

(B) in subsection (d)(2), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(1)(A)(ii)''.

(4) Section 2410n(b) is amended by striking ''compeititon'' in the second sentence and inserting ''competition''.

(5) Section 2507(d) is amended by striking ''section (a)'' and inserting ''subsection (a)''.

(6) Section 2665(a) is amended by striking ''under section 2664 of this title''.

(7) Section 2703(b) is amended by striking ''The terms 'unexploded ordnance', 'discarded military munitions', and'' and inserting ''In this subsection, the terms 'discarded military munitions' and''.

(8) Section 2773a(a) is amended by inserting ''by'' after ''incorrect payment made'' in the first sentence.

(9) Section 2801(d) is amended by striking ''sections 2830 and 2835'' and inserting ''sections 2830, 2835, and 2836 of this chapter''.

(10) Section 2881a(f) is amended by striking ''Notwithstanding section 2885 of this title, the'' and inserting ''The''.

(11) Section 3084 is amended by striking the semicolon in the section heading and inserting a colon.

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 108–375) is amended as follows:

(1) Section 513(c)(2)(C) (118 Stat. 1881) is amended by striking ''404(a)(4)'' and inserting ''416(a)(4)''.

(2) Section 1105(h) (118 Stat. 2075) is amended by striking ''(21 U.S.C.'' and inserting ''(20 U.S.C.''.

(f) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended as follows:

(1) Section 314 (116 Stat. 2508) is amended—

(A) in subsection (d), by striking ''(40 U.S.C.'' and inserting ''(42 U.S.C. ''; and

(B) in subsection (e)(2), by striking ''(40 U.S.C.'' and inserting ''(42 U.S.C.)''.

(2) Section 635(a) (116 Stat. 2574) is amended by inserting ''the first place it appears'' after ''by striking 'a claim' ''.

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1605(a)(4) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking ''Logisitics'' in the first sentence and inserting ''Logistics''.

(h) TITLE 38, UNITED STATES CODE.—Section 8111(b)(1) of title 38, United States Code, is amended by inserting ''of 1993'' after ''the Government Performance and Results Act''.

SEC. 1047. DELETION OF OBSOLETE DEFINITIONS IN TITLES 10 AND 32, UNITED STATES CODE.

(a) DELETING OBSOLETE DEFINITION OF ''TERRITORY'' IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 101(a) is amended by striking paragraph (2).

(2) The following sections are amended by striking the terms ''Territory or'', ''or Territory'', ''a Territorial Department,'', ''or a Territory'', ''Territory and'', ''its Territories,'', and ''and Territories'' each place they appear: sections 101(a)(3), 332, 822, 1072, 1103, 2671, 3037, 5148, 8037, 8074, 12204, and 12642.

(3) The following sections are amended by striking the terms ''Territory,'' and ''Territories,'' each place they appear: sections 849, 858, 888, 2668, 2669, 7545, and 9773.

(4) Section 808 is amended by striking ''Territory, Commonwealth, or possession,'' and inserting ''Commonwealth, possession,''.

(5) The following sections are amended are by striking ''Territories, Commonwealths, or possessions'' each place it appears and inserting ''Commonwealths or possessions'': sections 846, 847, 2734, 3062, 3074, 4747, 4778, 5986, 7652, 7653, 8062, 9778, and 12406.

(6) The following sections are amended by striking ''Territories, Commonwealths, and possessions'' each place it appears and inserting ''Commonwealths and possessions'': sections 3062, 3074, 4747, 4778, 8062, and 9778.

(7) Section 312 is amended by striking ''States and Territories, and Puerto Rico'' and inserting ''States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands''.

(8) Section 335 is amended by striking ''the unincorporated territories of''.

(9) Sections 4301 and 9301 are amended by striking ''State or Territory, Puerto Rico, or the District of Columbia'' each place it appears and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands''.

(10) Sections 4685 and 9685 are amended by striking ''State or Territory concerned'' each place it appears and inserting ''State concerned or Guam or the Virgin Islands'' and by striking ''State and Territorial'' each place it appears and inserting ''State, Guam, and the Virgin Islands''.

(11) Section 7851 is amended by striking ''States, the Territories, and the District of Columbia'' and inserting ''States, the District of Columbia, Guam, and the Virgin Islands''.

(12) Section 7854 is amended by striking ''any State, any Territory, or the District of Columbia'' and inserting ''any State, the District of Columbia, Guam, or the Virgin Islands''.

(b) DELETING OBSOLETE DEFINITION OF ''TERRITORY'' IN TITLE 32.—Title 32, United States Code, is amended as follows:

(1) Paragraph (1) of section 101 is amended to read as follows:

''(1) For purposes of other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, the term 'Territory' includes Guam and the Virgin Islands.''.

(2) Sections 103, 104(c), 314, 315, 708(d), and 711 are amended by striking ''State and Territory, Puerto Rico and the District of Columbia'' and ''State or Territory, Puerto Rico, and the District of Columbia'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands''.

(3) Sections 104(d), 107, 109, 503, 703, 704, 710, and 712 are amended by striking ''State or Territory, Puerto Rico or the District of Columbia'' and ''State or Territory, Puerto Rico, the Virgin Islands or the District of Columbia'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands''.

(4) Sections 104(a), 505, 702(a), and 708(a) are amended by striking ''State or Territory and Puerto Rico'' and ''State or Territory, Puerto Rico'' each place they appear and inserting ''State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands''.

(5) Section 324 is amended by striking ''State or Territory of whose National Guard he is a member, or by the laws of Puerto Rico, or the District of Columbia, if he is a member of its National Guard'' and inserting ''State of whose National Guard he is a member, or by the laws of the Commonwealth of Puerto Rico, or the District of Columbia, Guam, or the Virgin Islands, whose National Guard he is a member''.

(6) Section 325 is amended by striking ''State or Territory, or of Puerto Rico'' and ''State or Territory or Puerto Rico'' each place they appear and inserting ''State, or of the Commonwealth of Puerto Rico, Guam, or the Virgin Islands''.

(7) Sections 326, 327, and 501 are amended by striking ''States and Territories, Puerto Rico, and the District of Columbia'' each place it appears and inserting ''States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

1101. Extension of eligibility to continue Federal employee health benefits.
1102. Extension of Department of Defense voluntary reduction in force authority.
1103. Extension of authority to make lump sum severence payments.
1104. Authority for heads of agencies to allow shorter length of required service by Federal employees after completion of training.
1105. Authority to waive annual limitation on total compensation paid to Federal civilian employees.
1106. Transportation of family members incident to repatriation of Federal employees held captive.
1107. Permanent extension of Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.

SEC. 1101. EXTENSION OF ELIGIBILITY TO CONTINUE FEDERAL EMPLOYEE HEALTH BENEFITS.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2006'' and inserting ''October 1, 2010''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2007'' and inserting ''February 1, 2011''; and

(B) by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1102. EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

SEC. 1103. EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERENCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1104. AUTHORITY FOR HEADS OF AGENCIES TO ALLOW SHORTER LENGTH OF REQUIRED SERVICE BY FEDERAL EMPLOYEES AFTER COMPLETION OF TRAINING.

Section 4108 of title 5, United States Code, is amended—

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

(2) by striking ''subsection (b)'' in subsection (d) (as so redesignated) and inserting ''subsection (c)''; and

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

''(b) The head of an agency that authorized training for an employee may require a period of service for the employee that is shorter than the period required under subsection (a)(1) if the head of the agency determines it is in the best interests of the agency to require a shorter period. ''.

SEC. 1105. AUTHORITY TO WAIVE ANNUAL LIMITATION ON TOTAL COMPENSATION PAID TO FEDERAL CIVILIAN EMPLOYEES.

(a) WAIVER AUTHORITY.—During 2006 and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency may waive, subject to subsection (b), the limitation established in that section for total compensation (including limitations on the aggregate of basic pay and premium pay payable in a calendar year) of an employee who performs work while in an overseas location that is in the area of responsibility of the commander of the United States Central Command, in direct support of or directly related to a military operation (including a contingency operation as defined in section 101(13) of title 10, United States Code).

(b) $200,000 MAXIMUM TOTAL COMPENSATION.—The total compensation of an employee whose pay is covered by a waiver under subsection (a) may not exceed $200,000 in a calendar year.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay—

(1) shall not be considered to be basic pay for any purpose; and

(2) shall not be used in computing a lump sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

SEC. 1106. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO REPATRIATION OF FEDERAL EMPLOYEES HELD CAPTIVE.

(a) ALLOWANCES AUTHORIZED.—Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 5760. Travel and transportation allowances: transportation of family members incident to repatriation of employees held captive

''(a) ALLOWANCES AUTHORIZED.—(1) The head of an agency may provide the travel and transportation allowances described in subsection (c) to not more than three family members of an employee as defined in section 2105 of this title who—

''(A) was held captive, as determined by the head of the agency, and

''(B) is repatriated to a site in or outside the United States.

''(2) In circumstances determined to be appropriate by the head of the agency concerned, the head of the agency may waive the limitation on the number of family members provided travel and transportation allowances under this section.

''(b) ELIGIBLE PERSONS.—(1) In this section, the term 'family member' has the meaning given that term in section 411h(b) of title 37.

''(2) The head of an agency may also provide such travel and transportation allowances to an attendant who accompanies a family member if the head of the agency determines that—

''(A) the family member is unable to travel unattended because of age, physical condition, or other justifiable reason; and

''(B) no other family member who is receiving the allowances under this section is able to serve as an attendant for the family member.

''(3) If no family member is able to travel to the repatriation site, the head of the agency concerned may provide the travel and transportation allowances to not more than two persons who are related to the member (but who do not satisfy the definition of family member) and are selected by the member.

''(c) ALLOWANCES DESCRIBED.—(1) The transportation authorized by subsection (a) is round-trip transportation between—

''(A) the home of the family member (or the home of an attendant or other person provided transportation pursuant to paragraph (2) or (3) of subsection (b)); and

''(B) the location of the repatriation site or other location determined to be appropriate by the head of the agency concerned.

''(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of title 37.

''(d) PROVISION OF ALLOWANCES.—(1) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the heads of the agencies concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(2) An allowance payable under this subsection may be paid in advance.

''(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

''(e) REGULATIONS.—The heads of the agencies concerned shall prescribe uniform regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by adding at the end the following new item:

''5760. Travel and transportation allowances: transportation of family members incident to repatriation of employees held captive.''.

SEC. 1107. PERMANENT EXTENSION OF SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) PERMANENT EXTENSION.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) by striking ''pilot'' each place it appears in the section and subsection headings and the text;

(2) in subsection (a)—

(A) by striking ''(1)''; and

(B) by striking paragraph (2); and

(3) in subsection (b)—

(A) in paragraph (1)(B), by striking ''undergraduate'' and inserting ''associates degree, undergraduate degree,''; and

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

''(3) Financial assistance provided under a scholarship awarded under this section may be paid directly to the recipient of such scholarship or to an administering entity for disbursement of the funds.''.

(b) CODIFICATION.—

(1) AMENDMENT TO TITLE 10.—Chapter 111 of title 10, United States Code, is amended—

(A) by inserting after section 2192 the following:

"§ 2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program"; and

(B) by transferring and inserting the text of section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note), as amended by subsection (a), so as to appear below the section heading for section 2192a, as added by subparagraph (A).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2192 the following new item:

''2192a. Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Program.''.

(c) CONFORMING AMENDMENT.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended by striking subsections (a), (b), (c), (d), (e), (f), and (h).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

1201. Extension of humanitarian and civic assistance provided to host nations in conjunction with military operations.
1202. Commanders' Emergency Response Program.
1203. Military educational exchanges between senior officers and officials of the United States and Taiwan.
1204. Modification of geographic restriction under bilateral and regional cooperation programs for payment of certain expenses of defense personnel of developing countries.
1205. Authority for Department of Defense to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.
1206. Two-year extension of authority for payment of certain administrative services and support for coalition liaison officers.

Subtitle B—Nonproliferation Matters and Countries of Concern

1211. Report on acquisition by Iran of nuclear weapons.
1212. Procurement sanctions against foreign persons that transfer certain defense articles and services to the People's Republic of China.
1213. Prohibition on procurements from Communist Chinese military companies.

Subtitle C—Other Matters

1221. Purchase of weapons overseas for force protection purposes.
1222. Requirement for establishment of certain criteria applicable to on-going Global Posture Review.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF HUMANITARIAN AND CIVIC ASSISTANCE PROVIDED TO HOST NATIONS IN CONJUNCTION WITH MILITARY OPERATIONS.

(a) LIMITATION ON AMOUNT OF ASSISTANCE FOR CLEARANCE OF LANDMINES, ETC.—Subsection (c)(3) of section 401 of title 10, United States Code is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) EXTENSION AND CLARIFICATION OF TYPES OF HEALTH CARE AUTHORIZED.—Subsection (e)(1) of such section is amended—

(1) by inserting ''surgical,'' before ''dental,'' both places it appears; and

(2) by inserting '', including education, training, and technical assistance related to the care provided'' before the period at the end.

SEC. 1202. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) FISCAL YEAR 2006 AUTHORITY.—During fiscal year 2006, from funds made available to the Department of Defense for operation and maintenance pursuant to title XV, not to exceed $500,000,000 may be used by the Secretary of Defense to provide funds—

(1) for the Commanders' Emergency Response Program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

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

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) LIMITATION ON USE OF FUNDS.—Funds authorized for the Commanders' Emergency Response Program by this section may not be used to provide goods, services, or funds to national armies, national guard forces, border security forces, civil defense forces, infrastructure protection forces, highway patrol units, police, special police, or intelligence or other security forces.

(d) SECRETARY OF DEFENSE GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the commander of the United States Central Command detailed guidance concerning the types of activities for which United States military commanders in Iraq may use funds under the Commanders' Emergency Response Program to respond to urgent relief and reconstruction requirements and the terms under which such funds may be expended. The Secretary shall simultaneously provide a copy of that guidance to the congressional defense committees.

SEC. 1203. MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) DEFENSE EXCHANGES.—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

(b) EXCHANGES DESCRIBED.—For the purposes of this section, the term ''exchange'' means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) FOCUS OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

(1) Threat analysis.

(2) Military doctrine.

(3) Force planning.

(4) Logistical support.

(5) Intelligence collection and analysis.

(6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''senior military officer'' means a general or flag officer of the Armed Forces on active duty.

(2) The term ''senior official'' means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

SEC. 1204. MODIFICATION OF GEOGRAPHIC RESTRICTION UNDER BILATERAL AND REGIONAL COOPERATION PROGRAMS FOR PAYMENT OF CERTAIN EXPENSES OF DEFENSE PERSONNEL OF DEVELOPING COUNTRIES.

Section 1051(b)(1) of title 10, United States Code, is amended—

(1) by inserting ''to and'' after ''in connection with travel''; and

(2) by striking ''in which the developing country is located'' and inserting ''in which the meeting for which expenses are authorized is located''.

SEC. 1205. AUTHORITY FOR DEPARTMENT OF DEFENSE TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.

Subchapter I of chapter 138 of title 10, United States Code, is amended by striking ''of which the United States is a member'' in sections 2341(1), 2342(a)(1)(C), and 2344(b)(4).

SEC. 1206. TWO-YEAR EXTENSION OF AUTHORITY FOR PAYMENT OF CERTAIN ADMINISTRATIVE SERVICES AND SUPPORT FOR COALITION LIAISON OFFICERS.

Section 1051a(e) of title 10, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

Subtitle B—Nonproliferation Matters and Countries of Concern

SEC. 1211. REPORT ON ACQUISITION BY IRAN OF NUCLEAR WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Iran Nonproliferation Act of 2000 (Public Law 106–178) has been a critical tool in preventing the spread of weapons of mass destruction and their associated delivery systems to Iran;

(2) the prevention of the development by Iran of weapons of mass destruction and their associated delivery systems remains the paramount policy goal of the United States with respect to matters associated with Iran; and

(3) the Iran Nonproliferation Act of 2000 should not be weakened by creating exceptions to requirements of such Act that are intended to serve lesser policy priorities.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense and Chairman of the Joint Chiefs of Staff shall submit to Congress a report that examines the strategic and military implications of the acquisition by Iran of nuclear weapons during the five-year period beginning on the date of the enactment of this Act. The report shall include the following:

(1) An assessment of the acquisition by Iran of nuclear weapons on the balance of power among states within the area of responsibility of the United States Central Command.

(2) A description of the active and passive defense systems of the United States that may be able to counter such nuclear weapons based on the future-years defense program under section 221 of title 10, United States Code, extant at the time of the fiscal year 2005 defense budget request.

(3) A description of the military capabilities that the United States possesses that would enable it to deal with the potential acquisition and use of nuclear weapons by Iran within the area of responsibility of the United States Central Command.

(4) An assessment of Iran's ability to deliver and detonate nuclear weapons outside of the area of responsibility of the United States Central Command.

(5) A summary of the entities that have provided technology, knowledge, or assistance useful in the efforts of Iran to develop weapons of mass destruction or their associated delivery systems during the ten-year period ending on the date of the enactment of this Act.

(c) FORM.—The report described in subsection (b) shall be submitted in unclassified form as appropriate, with a classified annex as necessary.

SEC. 1212. PROCUREMENT SANCTIONS AGAINST FOREIGN PERSONS THAT TRANSFER CERTAIN DEFENSE ARTICLES AND SERVICES TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) DECLARATION OF POLICY.—Congress declares that it is the policy of the United States to deny the People's Republic of China such defense goods and defense technology that could be used to threaten the United States or undermine the security of Taiwan or the stability of the Western Pacific region.

(b) PROCUREMENT SANCTION.—(1) The Secretary of Defense may not procure, by contract or otherwise, any goods or services from—

(A) any foreign person the Secretary of Defense determines has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to governmental or nongovernmental entities of the People's Republic of China any item or class of items on the United States Munitions List (or any item or class of items that are identical, substantially identical, or directly competitive to an item or class of items on the United States Munitions List); or

(B) any foreign person the Secretary of Defense determines—

(i) is a successor entity to a person referred to in paragraph (1);

(ii) is a parent or subsidiary of a person referred to in paragraph (1); or

(iii) is an affiliate of a person referred to in paragraph (1) if that affiliate is controlled in fact by such person.

(2) The prohibition under paragraph (1) with respect to a foreign person shall last for a period of five years after a determination is made by the Secretary of Defense with respect to that person under paragraph (1)(A).

(c) PUBLIC AVAILABILITY OF LIST OF SANCTIONED PERSONS.—(1) The Secretary of Defense shall annually publish in the Federal Register a current list of any foreign persons sanctioned under subsection (b). The removal of foreign persons from, and the addition of foreign persons to, the list shall also be so published.

(2) The Secretary shall maintain the list published under paragraph (1) on the Internet website of the Department of Defense.

(d) REMOVAL FROM LIST OF SANCTIONED PERSONS.—The Secretary of Defense may remove a person from the list of sanctioned persons referred to in subsection (c) only after the five-year prohibition period imposed under subsection (b) with respect to the person has expired.

(e) EXCEPTIONS.—(1) Subsection (b) shall not apply—

(A) to contracts, or subcontracts under such contracts, in existence on the date of the enactment of this Act, including options under such contracts;

(B) if the Secretary of Defense determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the goods or services being procured, that the goods or services are essential, and that alternative sources are not readily or reasonably available;

(C) in the case of a contract for routine servicing and maintenance, if the Secretary of Defense determines in writing alternative sources for performing the contract are not readily or reasonably available; or

(D) if the Secretary of Defense determines in writing that goods or services proposed to be procured under the contract are essential to the national security of the United States.

(2) Determinations under paragraph (1) shall be published in the Federal Register.

(f) DEFINITIONS.—In this section:

(1) The term ''foreign person'' has the meaning given the term in section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note).

(2) The term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1213. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) PROHIBITION.—The Secretary of Defense may not procure goods or services, through a contract or any subcontract (at any tier) under a contract, from any Communist Chinese military company.

(b) DEFINITION.—In this section, the term ''Communist Chinese military company'' has the meaning provided that term by section 1237(b)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note).

Subtitle C—Other Matters

SEC. 1221. PURCHASE OF WEAPONS OVERSEAS FOR FORCE PROTECTION PURPOSES.

(a) PURCHASES IN COUNTRIES IN WHICH COMBAT OPERATIONS ARE ONGOING.—

(1) FORCE PROTECTION PURCHASES.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127b the following new section:

''§ 127c. Purchase of weapons overseas: force protection

''(a) AUTHORITY.—When elements of the armed forces are engaged in ongoing military operations in a country, the Secretary of Defense may, for the purpose of protecting United States forces in that country, purchase weapons from any foreign person, foreign government, international organization, or other entity located in that country.

''(b) LIMITATION.—The total amount expended during any fiscal year for purchases under this section may not exceed $15,000,000.

''(c) ANNUAL CONGRESSIONAL REPORT.—Not later than 30 days after the end of each fiscal year during which the authority under subsection (a) is used, the Secretary of Defense shall submit to the congressional defense committees a report on the use of that authority during that fiscal year. Each such report shall include the following:

''(1) The number and type of weapons purchased during that fiscal year under subsection (a), together with the amount spent for those weapons and the Secretary's estimate of the fair market value of those weapons.

''(2) A description of the dispositions (if any) during that fiscal year of weapons purchased under subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127b the following new item:

''127c. Purchase of weapons overseas: force protection.''.

(b) EFFECTIVE DATE.—Section 127c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

SEC. 1222. REQUIREMENT FOR ESTABLISHMENT OF CERTAIN CRITERIA APPLICABLE TO ON-GOING GLOBAL POSTURE REVIEW.

(a) CRITERIA.—As part of the on-going review of overseas basing plans being conducted within the Department of Defense that is referred to as the ''Global Posture Review'', the Secretary of Defense shall develop criteria for assessing, with respect to each type of facility specified in subsection (c), the following factors in deciding whether to seek agreement with a foreign country to establish or maintain such a facility in that country:

(1) The effect on strategic mobility of units deployed to overseas locations in areas in which United States Armed Forces have not traditionally been deployed.

(2) The cost of deploying units to areas referred to in paragraph (1) on a rotational basis (rather than on a permanent basing basis).

(3) The strategic benefit of rotational deployments through countries with which the United States is developing a close or new security relationship.

(4) The relative speed and complexity of conducting negotiations with a particular country.

(5) The appropriate and available funding mechanisms for changes to specific Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(6) The effect on military quality of life of establishing or maintaining any of such types of facilities.

(7) Other criteria as Secretary of Defense determines appropriate.

(b) ANALYSIS OF ALTERNATIVES TO BASING OR OPERATING LOCATIONS.—The Secretary of Defense shall develop a mechanism for analyzing alternatives to any particular overseas basing or operating location. Such a mechanism shall incorporate the factors specified in paragraphs (1) through (4) of subsection (a).

(c) MINIMAL INFRASTRUCTURE REQUIREMENTS FOR OVERSEAS INSTALLATIONS.—The Secretary of Defense shall develop a template of minimal infrastructure requirements for each of the following types of facilities:

(1) Facilities categorized as Main Operating Bases.

(2) Facilities categorized as Forward Operating Bases.

(3) Facilities categorized as Cooperative Security Locations.

(d) CONSULTATION WITH SENIOR MILITARY OFFICERS.—The Secretary of Defense shall carry out subsections (a), (b), and (c) in consultation with the Chairman of the Joint Chiefs of Staff and the commanders of the regional combatant commands.

(e) ANNUAL BUDGET ELEMENT.—The Secretary of Defense shall provide to Congress, as an element of the annual budget request of the Secretary, information regarding the funding sources for changes to individual Main Operating Bases, Forward Operating Bases, or Cooperative Security Locations.

(f) REPORT.—Not later than March 30, 2006, the Secretary of Defense shall submit to Congress a report on the matters specified in subsections (a) through (c).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

1301. Specification of Cooperative Threat Reduction programs and funds.
1302. Funding allocations.
1303. Authority to obligate weapons of mass destruction proliferation prevention funds for nuclear weapons storage security.
1304. Extension of limited waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
1305. Report on elimination of impediments to nuclear threat-reduction and nonproliferation programs in the Russian Federation.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2006 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $78,900,000.

(2) For nuclear weapons storage security in Russia, $74,100,000.

(3) For nuclear weapons transportation security in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,600,000.

(5) For chemical weapons destruction in Russia, $108,500,000.

(6) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. AUTHORITY TO OBLIGATE WEAPONS OF MASS DESTRUCTION PROLIFERATION PREVENTION FUNDS FOR NUCLEAR WEAPONS STORAGE SECURITY.

(a) IN GENERAL.—Subject to subsection (b), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for the purpose listed in subsection (c)(4) of section 1302 for the purpose listed in subsection (c)(2) of that section.

(b) LIMITATION.—The authority provided in subsection (a) may be used only after—

(1) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(2) 15 days have elapsed following the date of the notification.

SEC. 1304. EXTENSION OF LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (22 U.S.C. 5952 note) is amended by adding at the end the following new subsection:

''(f) COVERAGE OF CALENDAR YEARS.—The authority under subsection (a) applies with respect to calendar years 2005, 2006, and 2007 in the same manner as it applies to fiscal years. The authority under this subsection shall expire on December 31, 2007.''.

SEC. 1305. REPORT ON ELIMINATION OF IMPEDIMENTS TO NUCLEAR THREAT-REDUCTION AND NONPROLIFERATION PROGRAMS IN THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress finds that—

(1) despite the importance of programs and activities to assist in securing nuclear weapons and fissile materials in the states of the former Soviet Union, the effective conduct of some programs and activities in the Russian Federation is impeded by numerous legal and administrative disagreements regarding a variety of issues, including issues relating to access to sites, liability, and taxation; and

(2) it has been possible to resolve disagreements of that nature in other republics of the former Soviet Union through committed and high-level discussions between the United States and those republics.

(b) REPORT.—Not later than November 1, 2006, the President shall submit to Congress a report on impediments in the states of the former Soviet Union to the effective conduct of programs and activities of the United States relating to securing nuclear weapons and fissile materials in those states. The report shall—

(1) identify the impediments to the rapid, efficient, and effective conduct of programs and activities of the Department of Defense, the Department of State, and the Department of Energy to assist in securing such materials in those states, including issues relating to access to sites, liability, and taxation; and

(2) describe the plans of the United States to overcome or ameliorate such impediments, including an identification and discussion of new models and approaches that might be used to develop new relationships with entities in Russia capable of assisting in removing or ameliorating those impediments, and any congressional action that may be necessary for that purpose.

TITLE XIV—CONTRACT DISPUTE ENHANCEMENT

Subtitle A—General provisions

1411. Definitions.

Subtitle B—Establishment of civilian and defense Boards of contract appeals

1421. Establishment.
1422. Membership.
1423. Chairmen.
1424. Rulemaking authority.
1425. Authorization of appropriations.

Subtitle C—Functions of defense and civilian Boards of contract appeals

1431. Contract disputes.
1432. Enhanced access for small business.
1433. Applicability to certain contracts.

Subtitle D—Transfers and transition, savings, and conforming provisions

1441. Transfer and allocation of appropriations and personnel.
1442. Terminations and savings provisions.
1443. Contract disputes authority of Boards.
1444. References to agency Boards of contract appeals.
1445. Conforming amendments.

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

1451. Effective date.
1452. Regulations.
1453. Appointment of Chairmen of Defense Board and Civilian Board.

Subtitle A—General Provisions

SEC. 1411. DEFINITIONS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"TITLE II—DISPUTE RESOLUTION

"Subtitle A—General Provisions

"SEC. 201. DEFINITIONS.

''In this title:

''(1) The term 'Defense Board' means the Department of Defense Board of Contract Appeals established pursuant to section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607).

''(2) The term 'Civilian Board' means the Civilian Board of Contract Appeals established pursuant to section 8(b)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607).

''(3) The term 'Board judge' means a member of the Defense Board or the Civilian Board, as the case may be.

''(4) The term 'Chairman' means the Chairman of the Defense Board or the Civilian Board, as the case may be.

''(5) The term 'Board concerned' means—

''(A) the Defense Board with respect to matters within its jurisdiction; and

''(B) the Civilian Board with respect to matters within its jurisdiction.

''(6) The term 'executive agency'—

''(A) with respect to contract disputes under the jurisdiction of the Defense Board, means the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration; and

''(B) with respect to contract disputes under the jurisdiction of the Civilian Board, has the meaning given by section 4(1) of this Act except that the term does not include the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, and the Tennessee Valley Authority.''.

(b) CONFORMING AMENDMENTS.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is further amended—

(1) by inserting the following before section 1:

"TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY";

and

(2) in section 4, by striking out ''As used in this Act:'' and inserting in lieu thereof ''Except as otherwise specifically provided, as used in this Act:''.

Subtitle B—Establishment of Civilian and Defense Boards of Contract Appeals

SEC. 1421. ESTABLISHMENT.

(a) DEFENSE BOARD.—Subsection (a)(1) of section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended to read as follows:

''(a)(1) There is established in the Department of Defense a board of contract appeals to be known as the Department of Defense Board of Contract Appeals.''.

(b) CIVILIAN BOARD.—Subsection (b)(1) of section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) is amended to read as follows:

''(b)(1) There is established in the General Services Administration a board of contract appeals to be known as the Civilian Board of Contract Appeals.''.

SEC. 1422. MEMBERSHIP.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1411, is further amended by adding at the end the following:

"SEC. 202. MEMBERSHIP.

''(a) APPOINTMENT.—(1)(A) The Defense Board shall consist of judges appointed by the Secretary of Defense from a register of applicants maintained by the Defense Board, in accordance with rules issued by the Defense Board for establishing and maintaining a register of eligible applicants and selecting Defense Board judges. The Secretary shall appoint a judge without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Defense Board judge.

''(B) The Civilian Board shall consist of judges appointed by the Administrator for Federal Procurement Policy from a register of applicants maintained by the Administrator, in accordance with rules issued by the Administrator for establishing and maintaining a register of eligible applicants and selecting Civilian Board judges. The Administrator shall appoint a judge without regard to political affiliation and solely on the basis of the professional qualifications required to perform the duties and responsibilities of a Civilian Board judge.

''(2) The members of the Defense Board and the Civilian Board shall be selected and appointed to serve in the same manner as administrative law judges appointed pursuant to section 3105 of title 5, United States Code, with an additional requirement that such members shall have had not fewer than five years of experience in public contract law.

''(3) Notwithstanding paragraph (2) and subject to subsection (b), the following persons shall serve as Board judges:

''(A) For the Defense Board, any full-time member of the Armed Services Board of Contract Appeals serving as such on the day before the effective date of this title.

''(B) For the Civilian Board, any full-time member of any agency board of contract appeals other than the Armed Services Board of Contract Appeals, the Postal Service Board of Contract Appeals, and the board of contract appeals of the Tennessee Valley Authority serving as such on the day before the effective date of this title.

''(b) REMOVAL.—Members of the Defense Board and the Civilian Board shall be subject to removal in the same manner as administrative law judges, as provided in section 7521 of title 5, United States Code.

''(c) COMPENSATION.—Compensation for the Chairman of the Defense Board and the Chairman of the Civilian Board and all other members of each Board shall be determined under section 5372a of title 5, United States Code.''.

SEC. 1423. CHAIRMEN.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1422, is further amended by adding at the end the following:

"SEC. 203. CHAIRMEN.

''(a) DESIGNATION.—(1)(A) The Chairman of the Defense Board shall be designated by the Secretary of Defense to serve for a term of five years. The Secretary shall select the Chairman from among sitting judges each of whom has had at least five years of service as a member of the Armed Services Board of Contract Appeals.

''(B) The Chairman of the Civilian Board shall be designated by the Administrator for Federal Procurement Policy to serve for a term of five years. The Administrator shall select the Chairman from among sitting judges each of whom has had at least five years of service as a member of an agency board of contract appeals other than the Armed Services Board of Contract Appeals.

''(2) A Chairman of a Board may continue to serve after the expiration of the Chairman's term until a successor has taken office. A Chairman may be reappointed any number of times.

''(b) RESPONSIBILITIES.—The Chairman of the Defense Board or the Civilian Board, as the case may be, shall be responsible on behalf of the Board for the executive and administrative operation of the Board, including functions of the Board with respect to the following:

''(1) The selection, appointment, and fixing of the compensation of such personnel, pursuant to part III of title 5, United States Code, as the Chairman considers necessary or appropriate, including a Clerk of the Board, a General Counsel, and clerical and legal assistance for Board judges.

''(2) The supervision of personnel employed by or assigned to the Board, and the distribution of work among such personnel.

''(3) The operation of an Office of the Clerk of the Board, including the receipt of all filings made with the Board, the assignment of cases, and the maintenance of all records of the Board.

''(4) The prescription of such rules and regulations as the Chairman considers necessary or appropriate for the administration and management of the Board.

''(c) VICE CHAIRMEN.—The Chairman of the Defense Board or the Civilian Board, as the case may be, may designate up to two other Board judges as Vice Chairmen. The Vice Chairmen, in the order designated by the Chairman, shall act in the place and stead of the Chairman during the absence of the Chairman.''.

SEC. 1424. RULEMAKING AUTHORITY.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1423, is further amended by adding at the end the following:

"SEC. 204. RULEMAKING AUTHORITY.

''Except as provided by section 1452 of the National Defense Authorization Act for Fiscal Year 2006, the Chairman of the Defense Board and the Chairman of the Civilian Board, in consultation with the Administrator for Federal Procurement Policy, shall jointly issue and maintain—

''(1) such procedural rules and regulations as are necessary to the exercise of the functions of the Boards under section 211; and

''(2) statements of policy of general applicability with respect to such functions.''.

SEC. 1425. AUTHORIZATION OF APPROPRIATIONS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1424, is further amended by adding at the end the following:

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for fiscal year 2006 and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title. Funds for the activities of each Board shall be separately appropriated for such purpose. Funds appropriate pursuant to this section shall remain available until expended.''.

Subtitle C—Functions of Defense and Civilian Boards of Contract Appeals

SEC. 1431. CONTRACT DISPUTES.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1425, is further amended by adding at the end the following:

"Subtitle B—Functions of the Defense and Civilian Boards of Contract Appeals

"SEC. 211. CONTRACT DISPUTES.

''The Defense Board shall have jurisdiction as provided by section 8(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 607(a)). The Civilian Board shall have jurisdiction as provided by section 8(b)(1) of such Act (41 U.S.C. 607(b)).''.

SEC. 1432. ENHANCED ACCESS FOR SMALL BUSINESS.

Section 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 608) is amended by striking out the period at the end of the first sentence and inserting the following: ''or, in the case of a small business concern (as defined in the Small Business Act and regulations under that Act), $150,000 or less.''.

SEC. 1433. APPLICABILITY TO CERTAIN CONTRACTS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 1431, is further amended by adding at the end the following:

"SEC. 212. APPLICABILITY TO CERTAIN CONTRACTS.

''(a) CONTRACTS AT OR BELOW THE SIMPLIFIED ACQUISITION THRESHOLD.—Notwithstanding section 33 of this Act, the authority conferred on the Defense Board and the Civilian Board by this title is applicable to contracts in amounts not greater than the simplified acquisition threshold.

''(b) CONTRACTS FOR COMMERCIAL ITEMS.—Notwithstanding section 34 of this Act, the authority conferred on the Defense Board and the Civilian Board by this title is applicable to contracts for the procurement of commercial items.''.

Subtitle D—Transfers and Transition, Savings, and Conforming Provisions

SEC. 1441. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) TRANSFERS.—

(1) ARMED SERVICES BOARD OF CONTRACT APPEALS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the Armed Services Board of Contract Appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in section 1451), shall be transferred to the Department of Defense Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(2) OTHER BOARDS OF CONTRACTS APPEALS.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions vested by law in the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before the effective date described in section 1451) other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, and the Postal Service Board of Contract Appeals shall be transferred to the Civilian Board of Contract Appeals for appropriate allocation by the Chairman of that Board.

(b) EFFECT ON PERSONNEL.—Personnel transferred pursuant to this subtitle shall not be separated or reduced in compensation for one year after such transfer, except for cause.

(c) REGULATIONS.—(1) The Department of Defense Board of Contract Appeals and the Civilian Board of Contract Appeals shall each prescribe regulations for the release of competing employees in a reduction in force that gives due effect to—

(A) efficiency or performance ratings;

(B) military preference; and

(C) tenure of employment.

(2) In prescribing the regulations, the Board concerned shall provide for military preference in the same manner as set forth in subchapter I of chapter 35 of title 5, United States Code.

SEC. 1442. TERMINATIONS AND SAVINGS PROVISIONS.

(a) TERMINATION OF BOARDS OF CONTRACT APPEALS.—Effective on the effective date described in section 1451, the boards of contract appeals established pursuant to section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607) (as in effect on the day before such effective date), other than the board of contract appeals of the Tennessee Valley Authority and the Postal Service Board of Contract Appeals, shall terminate.

(b) SAVINGS PROVISION FOR CONTRACT DISPUTE MATTERS PENDING BEFORE BOARDS.—(1) This title and the amendments made by this title shall not affect any proceedings pending on the effective date described in section 1451 before any board of contract appeals terminated by subsection (a).

(2) In the case of any such proceedings pending before the Armed Services Board of Contract Appeals, the proceedings shall be continued by the Department of Defense Board of Contract Appeals, and orders which were issued in any such proceeding by the Armed Services Board of Contract Appeals shall continue in effect until modified, terminated, superseded, or revoked by the Department of Defense Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

(3) In the case of any such proceedings pending before an agency board of contract appeals other than the Armed Services Board of Contract Appeals or the board of contract appeals of the Tennessee Valley Authority, the proceedings shall be continued by the Civilian Board of Contract Appeals, and orders which were issued in any such proceeding by the agency board shall continue in effect until modified, terminated, superseded, or revoked by the Civilian Board of Contract Appeals, by a court of competent jurisdiction, or by operation of law.

SEC. 1443. CONTRACT DISPUTES AUTHORITY OF BOARDS.

(a) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended—

(1) in paragraph (2), by striking out '', the United States Postal Service, and the Postal Rate Commission'';

(2) by redesignating paragraph (7) as paragraph (9);

(3) by amending paragraph (6) to read as follows:

''(6) the terms 'agency board' or 'agency board of contract appeals' mean—

''(1) the Department of Defense Board of Contract Appeals established under section 8(a)(1) of this Act;

''(2) the Civilian Board of Contract Appeals established under section 8(b)(1) of this Act;

''(3) the board of contract appeals of the Tennessee Valley Authority; or

''(4) the Postal Service Board of Contract Appeals established under section 8(h) of this Act;''; and

(4) by inserting after paragraph (6) the following new paragraphs:

''(7) the term 'Defense Board' means the Department of Defense Board of Contract Appeals established under section 8(a)(1) of this Act;

''(8) the term 'Civilian Board' means the Civilian Board of Contract Appeals established under section 8(b)(1) of this Act; and''.

(b) Section 8 of the Contract Disputes Act of 1978 (41 U.S.C. 607), as amended by section 1421, is further amended—

(1) by striking out subsection (c);

(2) in subsection (d)—

(A) by striking out the first sentence and inserting in lieu thereof the following: ''The Defense Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, or the National Aeronautics and Space Administration relative to a contract made by that department or agency. The Civilian Board shall have jurisdiction to decide any appeal from a decision of a contracting officer of any executive agency (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, or the Tennessee Valley Authority) relative to a contract made by that agency. Each other agency board shall have jurisdiction to decide any appeal from a decision of a contracting officer relative to a contract made by its agency.''; and

(B) in the second sentence, by striking out ''Claims Court'' and inserting in lieu thereof ''Court of Federal Claims'';

(3) by striking out subsection (h) and inserting in lieu thereof the following:

''(h) There is established an agency board of contract appeals to be known as the 'Postal Service Board of Contract Appeals'. Such board shall have jurisdiction to decide any appeal from a decision of a contracting officer of the United States Postal Service or the Postal Rate Commission relative to a contract made by either agency. Such board shall consist of judges appointed by the Postmaster General who shall meet the qualifications of and serve in the same manner as judges of the Civilian Board of Contract Appeals. This Act and title II of the Office of Federal Procurement Policy Act shall apply to contract disputes before the Postal Service Board of Contract Appeals in the same manner as they apply to contract disputes before the Civilian Board.''; and

(4) by striking out subsection (i).

SEC. 1444. REFERENCES TO AGENCY BOARDS OF CONTRACT APPEALS.

(a) DEFENSE BOARD.—Any reference to the Armed Services Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the Department of Defense Board of Contract Appeals.

(b) CIVILIAN BOARD.—Any reference to an agency board of contract appeals other than the Armed Services Board of Contract Appeals, the board of contract appeals of the Tennessee Valley Authority, or the Postal Service Board of Contract Appeals in any provision of law or in any rule, regulation, or other paper of the United States shall be treated as referring to the Civilian Board of Contract Appeals.

SEC. 1445. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 5372a(a)(1) of title 5, United States Code, is amended by inserting after ''of 1978'' the following: ''or a member of the Department of Defense Board of Contract Appeals or the Civilian Board of Contract Appeals appointed under section 202 of the Office of Federal Procurement Policy Act''.

(b) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by inserting the following before the item relating to section 1:

''TITLE I—FEDERAL PROCUREMENT POLICY GENERALLY''.

(2) The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by adding at the end the following:

''TITLE II—DISPUTE RESOLUTION

''Subtitle A—General provisions

''201. Definitions.
''202. Membership.
''203. Chairmen.
''204. Rulemaking authority.
''205. Authorization of appropriations.

''Subtitle B—Functions of the defense and civilian Boards of contract appeals

''211. Contract disputes.
''212. Applicability to certain contracts.''.

Subtitle E—Effective Date; Regulations and Appointment of Chairmen

SEC. 1451. EFFECTIVE DATE.

Title II of the Office of Federal Procurement Policy Act, as added by this title, and the amendments and repeals made by this title shall take effect 1 year after the date of the enactment of this Act.

SEC. 1452. REGULATIONS.

(a) REGULATIONS REGARDING CLAIMS.—Not later than 1 year after the date of the enactment of this Act, the Chairman of the Armed Services Board of Contract Appeals and the Chairman of the General Services Board of Contract Appeals, in consultation with the Administrator for Federal Procurement Policy, shall jointly issue—

(1) such procedural rules and regulations as are necessary to the exercise of the functions of the Department of Defense Board of Contract Appeals and the Civilian Board of Contract Appeals under sections 211 of the Office of Federal Procurement Policy Act (as added by this title); and

(2) statements of policy of general applicability with respect to such functions.

(b) REGULATIONS REGARDING APPOINTMENT OF JUDGES.—Not later than 1 year after the date of the enactment of this Act—

(1) the Chairman of the Armed Services Board of Contract Appeals shall issue rules governing the establishment and maintenance of a register of eligible applicants and the selection of judges for the Department of Defense Board of Contract Appeals; and

(2) the Administrator for Federal Procurement Policy shall issue rules governing the establishment and maintenance of a register of eligible applicants and the selection of judges for the Civilian Board of Contract Appeals.

SEC. 1453. APPOINTMENT OF CHAIRMEN OF DEFENSE BOARD AND CIVILIAN BOARD.

Notwithstanding section 1451, not later than 1 year after the date of the enactment of this Act—

(1) the Secretary of Defense shall appoint the Chairman of the Department of Defense Board of Contract Appeals; and

(2) the Administrator for Federal Procurement Policy shall appoint the Chairman of the Civilian Board of Contract Appeals.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—General Increases

1501. Purpose.
1502. Army procurement.
1503. Navy and Marine Corps procurement.
1504. Defense-wide activities procurement.
1505. Research, development, test, and evaluation, defense-wide activities.
1506. Operation and maintenance.
1507. Defense working capital funds.
1508. Defense Health Program.
1509. Military personnel.
1510. Iraq Freedom Fund.
1511. Classified programs.
1512. Treatment as additional authorizations.
1513. Transfer authority.
1514. Availability of funds.

Subtitle B—Personnel Provisions

1521. Increase in active Army and Marine Corps strength levels.
1522. Additional authority for increases of Army and Marine Corps active duty end strengths for fiscal years 2007 through 2009.
1523. Military death gratuity enhancement.
1524. Permanent prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.
1525. Permanent authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone.
1526. Permanent increase in length of time dependents of certain deceased members may continue to occupy military family housing or receive basic allowance for housing.
1527. Availability of special pay for members during rehabilitation from combat-related injuries.
1528. Allowance to cover monthly deduction from basic pay for Servicemembers' Group Life Insurance coverage for members serving in Operation Enduring Freedom or Operation Iraqi Freedom.

Subtitle C—Matters Involving Support Provided by Foreign Nations

1531. Reimbursement of certain coalition nations for support provided to United States military operations.

Subtitle A—General Increases

SEC. 1501. PURPOSE.

The purpose of this title is to authorize emergency appropriations for the Department of Defense for fiscal year 2006 to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom. Funds authorized for appropriation in this title are available upon the enactment of this Act.

SEC. 1502. ARMY PROCUREMENT.

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

(1) For weapons and tracked combat vehicles, $574,627,000.

(2) For ammunition, $105,700,000.

(3) For other procurement, $1,945,350,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

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

(1) For weapons procurement, $36,800,000.

(2) For other procurement, $15,300,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $445,400,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of $144,721,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for Defense-wide procurement in the amount of $103,900,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Department of Defense for research, development, test and evaluation, Defense-wide, in the amount of $75,000,000.

SEC. 1506. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $20,305,001,000.

(2) For the Navy, $1,838,000,000.

(3) For the Marine Corps, $1,791,800,000.

(4) For the Air Force, $3,195,352,000.

(5) For Defense-wide, $2,870,333,000.

(6) For the Army National Guard, $159,500,000.

(7) For the Army Reserve, $26,400,000.

SEC. 1507. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the Defense Working Capital Fund in the amount of $1,700,000,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $846,000,000, for Operation and Maintenance.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 a total of $9,390,010,000.

SEC. 1510. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are herby authorized to be appropriated for fiscal year 2006 for the account of the Iraq Freedom Fund in amount of $1,000,000,000, to remain available for transfer to other accounts in this title until April 30, 2006. Amounts of authorization so transferred shall be merged with, and be made available for, the same purposes as the authorization to which transferred.

(b) NOTICE TO CONGRESS.—A transfer may be made from the Iraq Freedom Fund only after the Secretary of Defense notifies the congressional defense subcommittees with respect to the proposed transfer in writing not less than five days before the transfer is made.

SEC. 1511. CLASSIFIED PROGRAMS.

There is hereby authorized to be appropriated for fiscal year 2006 for classified programs the amount of $2,500,000,000.

SEC. 1512. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1513. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

SEC. 1514. AVAILABILITY OF FUNDS.

Funds in this title shall be made available for obligation to the Army, Navy, Marine Corps, Air Force, and Defense-wide components by the end of the second quarter of fiscal year 2006.

Subtitle B—Personnel Provisions

SEC. 1521. INCREASE IN ACTIVE ARMY AND MARINE CORPS STRENGTH LEVELS.

(a) AUTHORIZED END STRENGTHS.—The end strength level authorized for fiscal year 2006 under section 401—

(1) for the Army is hereby increased by 30,000; and

(2) for the Marine Corps is hereby increased by 4,000.

(b) STATUTORY MINIMUM ACTIVE STRENGTH LEVELS.—

(1) ARMY.—The minimum strength for the Army under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (1) of that section) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be the number specified in section 401(1) of this Act, increased by 30,000.

(2) MARINE CORPS.—The minimum strength for the Marine Corps under section 691(b) of title 10, United States Code (notwithstanding the number specified in paragraph (3) of that section) for the period beginning on October 1, 2005, and ending on September 30, 2006, shall be the number specified in section 401(3) of this Act, increased by 4,000.

(c) LIMITATION.—The authorized strengths for the Army and Marine Corps provided in subsection (a) for active duty personnel for fiscal year 2006 are subject to the condition that costs of active-duty personnel of the Army and the Marine Corps for that fiscal year in excess of 482,400 and 175,000, respectively, shall be paid out of funds appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

SEC. 1522. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY AND MARINE CORPS ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2007 THROUGH 2009.

Effective October 1, 2006, the text of section 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1863) is amended to read as follows:

''(a) AUTHORITY.—

''(1) ARMY.—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 20,000.

''(2) MARINE CORPS.—For each of fiscal years 2007, 2008, and 2009, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (3), establish the active-duty end strength for the Marine Corps at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2006 baseline plus 5,000.

''(3) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army and Marine Corps active duty end strengths under paragraphs (1) and (2) are—

''(A) to support operational missions; and

''(B) to achieve transformational reorganization objectives, including objectives for increased numbers of combat brigades and battalions, increased unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces.

''(4) FISCAL-YEAR 2006 BASELINE.—In this subsection, the term 'fiscal-year 2006 baseline', with respect to the Army and Marine Corps, means the active-duty end strength authorized for those services in section 1521 of the National Defense Authorization Act for Fiscal Year 2006.

''(5) ACTIVE-DUTY END STRENGTH.—In this subsection, the term 'active-duty end strength' means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

''(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

''(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

''(d) BUDGET TREATMENT.—

''(1) FISCAL YEAR 2007 BUDGET.—The budget for the Department of Defense for fiscal year 2007 as submitted to Congress shall comply, with respect to funding, with subsections (c) and (d) of section 691 of title 10, United States Code.

''(2) OTHER INCREASES.—If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under subsection (a), then the budget for the Department of Defense for that fiscal year as submitted to Congress shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2006 active duty end strength authorized for that service under section 401 of the National Defense Authorization Act for Fiscal Year 2006.''.

SEC. 1523. MILITARY DEATH GRATUITY ENHANCEMENT.

(a) INCREASE IN AMOUNT.—Section 1478 of title 10, United States Code, is amended—

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

(2) by designating the second sentence of subsection (a) as subsection (b) and by striking therein ''this purpose'' and inserting ''the purpose of subsection (a)'';

(3) in subsection (a), by striking ''title shall be $12,000 (as adjusted under subsection (c)).'' and inserting the following: ''title—

''(1) except as provided in paragraph (2), shall be $12,000 (as adjusted under subsection (e)); and

''(2) in the case of a death described in subsection (d), shall be $100,000.'';

(4) by inserting after subsection (c), as redesignated by paragraph (1), the following new subsection:

''(d) A death referred to in subsection (a)(2) is a death resulting from wounds, injuries, or illnesses that are—

''(1) incurred as described in section 1413a(e)(2) of this title; or

''(2) incurred in an operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.''; and

(5) in subsection (e), as redesignated by paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, immediately after the provisions of the second sentence of section 1013(e)(2) of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1524. PERMANENT PROHIBITION AGAINST REQUIRING CERTAIN INJURED MEMBERS TO PAY FOR MEALS PROVIDED BY MILITARY TREATMENT FACILITIES.

(a) PROHIBITION.—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

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

''(h) NO PAYMENT FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES.—(1) A member of the armed forces who is undergoing medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness, or disease described in paragraph (2) shall not be required to pay, during any month in which the member is entitled to a basic allowance for subsistence under this section, any charge for meals provided to the member by the military treatment facility.

''(2) Paragraph (1) applies with respect to an injury, illness, or disease incurred or aggravated by a member while the member was serving on active duty—

''(A) in support of Operation Iraqi Freedom or Operation Enduring Freedom; or

''(B) in any other operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.''.

(b) REPEAL OF TEMPORARY AUTHORITY.—Section 1023 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of the following:

(1) The date of the enactment of this Act.

(2) September 30, 2005.

SEC. 1525. PERMANENT AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS TO VISIT HOSPITALIZED MEMBERS INJURED IN COMBAT OPERATION OR COMBAT ZONE.

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds $20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking ''under section 1967(c)(1)(A) of title 38''.

SEC. 1526. PERMANENT INCREASE IN LENGTH OF TIME DEPENDENTS OF CERTAIN DECEASED MEMBERS MAY CONTINUE TO OCCUPY MILITARY FAMILY HOUSING OR RECEIVE BASIC ALLOWANCE FOR HOUSING.

Effective as of September 30, 2005, section 1022 of division A of the Emergency Supplemental

Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended—

(1) by striking ''(a)''; and

(2) by striking subsection (b).

SEC. 1527. AVAILABILITY OF SPECIAL PAY FOR MEMBERS DURING REHABILITATION FROM COMBAT-RELATED INJURIES.

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

''§ 327. Combat-related injury rehabilitation pay

''(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned may pay monthly special pay under this section to a member of the armed forces who incurs a combat-related injury in a combat operation or combat zone designated by the Secretary of Defense and is evacuated from the theater of the combat operation or from the combat zone for medical treatment.

''(b) COMMENCEMENT OF PAYMENT.—Subject to subsection (c), the special pay authorized by subsection (a) may be paid to a member described in such subsection for any month beginning after the date on which the member was evacuated from the theater of the combat operation or the combat zone in which the member incurred the combat-related injury.

''(c) TERMINATION OF PAYMENTS.—The payment of special pay to a member under subsection (a) shall terminate at the end of the first month during which any of the following occurs:

''(1) The member is paid a benefit under the traumatic injury protection rider of the Servicemembers' Group Life Insurance Program issued under section 1980A of title 38.

''(2) The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

''(d) AMOUNT OF SPECIAL PAY.—The monthly amount of special pay paid to a member under this section shall be equal to $430.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled or authorized to receive.

''(f) COMBAT-RELATED DISABILITY.—In this section, the term 'combat-related injury', with respect to a member, means a wound, injury, or illness that is incurred (as determined using the criteria prescribed by the Secretary of Defense under section 1413a(e)(2) of title 10) by the member—

''(1) as a direct result of armed conflict;

''(2) while engaged in hazardous service;

''(3) in the performance of duty under conditions simulating war; or

''(4) through an instrumentality of war.''.

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

''327. Combat-related injury rehabilitation pay.''.

(c) EFFECTIVE DATE.—The Secretary of a military department may provide special pay under section 327 of title 37, United States Code, as added by subsection (a), for months beginning on or after the date of the enactment of this Act. A member of the Armed Forces who incurred a combat-related injury, as defined in subsection (f) of such section, before the date of the enactment of this Act may receive such pay for months beginning on or after that date so long as the member continues to satisfy the eligibility criteria specified in such section.

SEC. 1528. ALLOWANCE TO COVER MONTHLY DEDUCTION FROM BASIC PAY FOR SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR MEMBERS SERVING IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) ALLOWANCE TO COVER SGLI DEDUCTIONS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom

''(a) REIMBURSEMENT FOR PREMIUM DEDUCTION.—In the case of a member of the armed forces who has obtained insurance coverage for the member under the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38 and who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom at any time during a month, the Secretary concerned shall pay the member an allowance under this section for that month in an amount equal to the lesser of the following:

''(1) The amount of the deduction actually made for that month from the basic pay of the member for the amount of Servicemembers' Group Life Insurance coverage obtained by the member under section 1967 of title 38.

''(2) The amount of the deduction otherwise made under subsection (a)(1) of section 1969 of title 38 for members who have in effect for themselves the maximum amount of coverage under section 1967(a) of title 38.

''(b) NOTICE OF AVAILABILITY OF ALLOWANCE.—To the maximum extent practicable, in advance of the deployment of a member to a theater of operations referred to in subsection (a), the Secretary concerned shall give the member information regarding the following:

''(1) The availability of the allowance under this section for members insured under the Servicemembers' Group Life Insurance program.

''(2) The ability of members who elected not to be insured under Servicemembers' Group Life Insurance, or elected less than the authorized maximum coverage, to obtain insurance, or to obtain additional coverage, as the case may be, under the authority provided in section 1967(c) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by adding at the end the following new item:

''437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in Operation Enduring Freedom or Operation Iraqi Freedom.''.

(c) EFFECTIVE DATE; NOTIFICATION.—Section 437 of title 37, United States Code, as added by subsection (a), shall apply with respect to service by members of the Armed Forces in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom for months beginning on or after October 1, 2005. In the case of members who are serving in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom as of the date of the enactment of this Act, the Secretary of Defense shall provide such members, as soon as practicable, the information specified in subsection (b) of that section.

(d) FUNDING SOURCE.—Amounts appropriated pursuant to the authorization of appropriations in section 1509 for emergency appropriations for military personnel accounts for the Department of Defense for fiscal year 2006 shall be available to the Secretary of a military department to provide the allowance established by section 437 of title 37, United States Code, as added by subsection (a).

Subtitle C—Matters Involving Support Provided by Foreign Nations

SEC. 1531. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by this title for Defense-Wide Operations and Maintenance, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Iraq, Afghanistan, and the global war on terrorism.

(b) DETERMINATIONS.—Payments authorized under subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in the Secretary's discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided. Any such determination by the Secretary of Defense shall be final and conclusive upon the accounting officers of the United States. To the maximum extent practicable, the Secretary shall develop standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under this section.

(c) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total amount of payments made under the authority of this section during fiscal year 2006 may not exceed $1,500,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a payment under the authority of this section.

(d) CONGRESSIONAL NOTIFICATIONS.—The Secretary of Defense—

(1) shall notify the congressional defense committees not less than 15 days before making any payment under the authority of this section; and

(2) shall submit to those committees quarterly reports on the use of the authority under this section.

TITLE XVI—CONTRACTORS ON THE BATTLEFIELD

1601. Short title.
1602. Findings.
1603. Definitions.
1604. Requirements for commanders of combatant commands relating to contractors accompanying and not accompanying the force.
1605. Requirements for contractors relating to possession of weapons.
1606. Battlefield accountability.

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Contractors on the Battlefield Regulatory Act''.

SEC. 1602. FINDINGS.

Congress finds the following:

(1) Contract personnel have provided invaluable services in support of combat, humanitarian, peacekeeping, and reconstruction operations worldwide, and they should be recognized for their contributions, including in some instances the loss of their lives, in support of such operations.

(2) Contract personnel are appropriately prohibited from performing inherently governmental functions.

(3) Contract personnel will be present on and supporting the battlefield of tomorrow providing crucial goods and services for military, humanitarian, peacekeeping, and reconstruction operations.

SEC. 1603. DEFINITIONS.

In this title:

(1) CONTRACTOR ACCOMPANYING THE FORCE.—

(A) IN GENERAL.—The term ''contractor accompanying the force'' means a contractor for a contract with the Department of Defense, a subcontract at any tier under such a contract, or a task order at any tier issued under such a contract, if the contract, subcontract, or task order—

(i) is paid for using funds appropriated to or for the use of the Department; and

(ii) is for the performance of work that directly supports United States military operations overseas or deployed United States Armed Forces.

(B) EMPLOYEES INCLUDED.—The term includes employees of any contractor described in subparagraph (A).

(2) CONTRACTOR NOT ACCOMPANYING THE FORCE.—

(A) IN GENERAL.—The term ''contractor not accompanying the force'' means a contractor for a contract with the Federal Government, a subcontract at any tier under such a contract, or a task order at any tier issued under such a contract, if the contract, subcontract, or task order is for the performance of work related to private security, reconstruction, humanitarian assistance, peacekeeping, or other activities in an area of responsibility of a commander of a combatant command.

(B) EMPLOYEES INCLUDED.—The term includes employees of any contractor described in subparagraph (A).

(3) COMBATANT COMMAND.—The term ''combatant command'' has the meaning provided in section 161(c) of title 10, United States Code.

SEC. 1604. REQUIREMENTS FOR COMMANDERS OF COMBATANT COMMANDS RELATING TO CONTRACTORS ACCOMPANYING AND NOT ACCOMPANYING THE FORCE.

(a) PROTECTION OF CONTRACTORS BY ARMED FORCES.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to make a determination regarding the appropriate level of security protection by the Armed Forces of contractors accompanying the force in the commander's area of responsibility, and to include in the operational plans of the commander the results of the determination.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—Any requirements for security protection of contractors accompanying the force included in operational plans under paragraph (1) may also be applied by the commander to contractors not accompanying the force.

(b) COMMUNICATIONS PLAN.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to include in the operational plans of the commander a communications plan for contractors accompanying the force in the commander's area of responsibility.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—Such communications plan may be applied by the commander to contractors not accompanying the force in such area.

(3) PROVISION OF PLAN TO CONTRACTORS.—Any communications plan included in operational plans under this subsection shall be provided by the commander concerned to the affected contractors.

(c) SHARING INTELLIGENCE.—

(1) CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to share with contractors accompanying the force open-source intelligence, threat assessments, and information related to contractor movement to avoid hostile or friendly fire incidents and to further the missions of both the Department of Defense and the contractors.

(2) CONTRACTORS NOT ACCOMPANYING FORCE.—The Secretary of Defense shall require each commander of a combatant command to share, to the extent practicable, the intelligence, assessments, and information referred to in paragraph (1) with contractors not accompanying the force.

(3) WAIVER.—The commander of a combatant command may waive the requirements of this subsection if required to ensure operational security in the commander's area of responsibility.

SEC. 1605. REQUIREMENTS FOR CONTRACTORS RELATING TO POSSESSION OF WEAPONS.

(a) REQUIREMENT FOR REGULATIONS REGARDING CARRYING WEAPONS FOR CONTRACTORS ACCOMPANYING FORCE.—The Secretary of Defense shall prescribe regulations describing the type of weapons and circumstances under which contractors accompanying the force may carry a weapon for self defense or in order to perform work required under the contract, and information required to be provided by such contractors relating to such weapons. The regulations shall include the following:

(1) A requirement that a contractor accompanying the force request in writing approval, from the commander of the combatant command for the area in which the contractor is performing work under a contract, for the contractor to carry weapons.

(2) Subject to subsection (b), a requirement that the commander of a combatant command determine whether it is appropriate for a contractor accompanying the force to carry a weapon for self defense or in order to perform work required under the contract, taking into account the duties required to be performed under the contract and the security situation in the area of operations, and, if determined appropriate, to approve a request referred to in paragraph (1).

(3) A requirement that any contractor accompanying the force that is carrying a weapon for self defense use only a firearm that meets United States military specifications for self defense and ammunition that meets United States military specifications.

(4) A requirement that a contractor accompanying the force must have proof of appropriate training for using any firearm for self defense, as determined by the Secretary of Defense.

(b) DEEMED APPROVAL FOR CARRYING WEAPON.—The regulations shall provide that, for purposes of the requirements of paragraphs (1) and (2) of subsection (a), a requirement in a contract awarded by the Department that a contractor carry a weapon to perform work under the contract shall be deemed to be approved by the commander for the contractor to carry such a weapon. The regulations shall require that the contracting officer for such a contract shall notify the appropriate commander of any such requirement.

SEC. 1606. BATTLEFIELD ACCOUNTABILITY.

(a) QUARTERLY LIST OF CONTRACTOR PERSONNEL IN COMMANDER'S AREA.—The Secretary of Defense shall require each commander of a combatant command to obtain quarterly from contractors accompanying the force a list of all contractor personnel who are present in the commander's area of responsibility, with the following information for each individual on the list:

(1) Whether the individual carries a weapon.

(2) Proof of appropriate training with respect to any weapon carried by the individual.

(3) Proof of citizenship.

(b) MEETINGS WITH CONTRACTORS.—The Secretary of Defense shall require each commander of a combatant command to meet regularly with representatives of contractors both accompanying and not accompanying the force who are present in the commander's area of responsibility, in order to provide information about the requirements of the commander with respect to the contractors and recommendations to the contractors regarding security for the protection of the contractors.

(c) DATABASE.—The Secretary of Defense shall require each commander of a combatant command to maintain a central database of the information provided under subsection (a) with respect to all contractors accompanying the force in the commander's area of responsibility and shall allow the commander to maintain such a database with respect to contractors not accompanying the force. The Secretary shall prescribe a design for the information to be collected for the database required under this subsection, which shall be uniform for all combatant commands. To the extent practicable, the Secretary shall rely on existing sources in the Department of Defense for the information to be included in the database and make such existing information available to each commander.

(d) CONTRACTOR REQUIREMENT.—Any contractor accompanying the force, and, upon determination of the commander of a combatant command concerned, any contractor not accompanying the force, shall provide information sought by a commander of a combatant command for purposes of subsection (a), upon request from the commander.

Division B—Military Construction Authorizations

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2006''.

TITLE I—ARMY

2101. Authorized Army construction and land acquisition projects.
2102. Family housing.
2103. Improvements to military family housing units.
2104. Authorization of appropriations, Army.
2105. Modification of authority to carry out certain fiscal year 2004 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,150,000
	Fort Rucker	$9,700,000
	Redstone Arsenal	$4,700,000
Alaska	Fort Wainwright	$33,560,000
Arizona	Ft. Huachuca	$5,100,000
California	Concord	$11,850,000
	Fort Irwin	$21,250,000
Colorado	Fort Carson	$70,622,000
Georgia	Fort Benning	$30,261,000
	Fort Gillem	$3,900,000
	Fort Stewart/Hunter Army Air Field	$57,980,000
Hawaii	Pohakuloa Training Area	$43,300,000

***Army: Inside the United States**—Continued*

State	Installation or Location	Amount
	Schofield Barracks	$53,900,000
Illinois	Rock Island Arsenal	$7,400,000
Indiana	Crane Army Ammunition Activity	$5,700,000
Kansas	Fort Riley	$23,000,000
Kentucky	Fort Campbell	$108,175,000
Louisiana	Fort Polk	$28,887,000
Missouri	Fort Leonard Wood	$8,100,000
New Jersey	Picatinny Arsenal	$4,450,000
New York	Fort Drum	$73,350,000
	United States Military Academy, West Point	$4,000,000
North Carolina	Fort Bragg	$301,250,000
Ohio	Joint Systems Manufacturing Center, Lima	$11,600,000
Oklahoma	Fort Sill	$5,850,000
	McAlester	$6,500,000
Pennsylvania	Letterkenny Depot	$6,300,000
South Carolina	Fort Jackson	$1,600,000
Texas	Fort Bliss	$5,000,000
	Fort Hood	$57,888,000
Utah	Dugway Proving Ground	$25,000,000
Virginia	Fort A.P. Hill	$2,700,000
	Fort Belvoir	$18,000,000
	Fort Lee	$3,900,000
	Fort Myer	$15,200,000
Washington	Fort Lewis	$99,949,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$84,081,000
Italy	Pisa	$5,254,000
Korea	Camp Humphreys	$114,162,000
	Yongpyong	$1,450,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Units	Amount
Alaska	Fort Richardson	117	$49,000,000
	Fort Wainwright	180	$91,000,000
Arizona	Fort Huachuca	131	$31,000,000
	Yuma Proving Ground	35	$11,200,000
Oklahoma	Fort Sill	129	$24,000,000
Virginia	Fort Lee	96	$19,500,000
	Fort Monroe	21	$6,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,536,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $300,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,955,400,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $985,172,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $204,947,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $168,023,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $549,636,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $803,993,000.

(6) For the construction of phase 3 of the Lewis & Clark instructional facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $42,642,000.

(7) For the construction of phase 2 of a barracks complex at Vilseck, Germany, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), as amended by section 2105 of this Act, $13,600,000.

(8) For the construction of phase 2 of the Drum Road upgrade at Helemano Military Reservation, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $41,000,000.

(9) For the construction of phase 2 a vehicle maintenance facility at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,656,000.

(10) For the construction of phase 2 of a barracks complex, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,650,000.

(11) For the construction of phase 2 of trainee barracks, Basic Training Complex 1 at Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act

of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $21,000,000.

(12) For the construction of phase 2 of a library and learning center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $25,470,000.

(13) For the construction of phase 2 of a barracks complex renewal project at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $30,611,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $16,500,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for Fort Drum, New York).

(3) $31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 2nd Brigade at Fort Bragg, North Carolina).

(4) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 3nd Brigade at Fort Bragg, North Carolina).

(5) $77,400,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for divisional artillery at Fort Bragg, North Carolina).

(6) $13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road for Fort Belvoir, Virginia.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF OUTSIDE THE UNITED STATES PROJECT.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1698) is amended—

(1) in the item relating to Vilseck, Germany, by striking ''$31,000,000'' in the amount column and inserting ''$26,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$226,900,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(6) of that Act (117 Stat. 1700) is amended by striking ''$18,900,000'' and inserting ''$13,900,000''.

TITLE II—NAVY

2201. Authorized Navy construction and land acquisition projects.
2202. Family housing.
2203. Improvements to military family housing units.
2204. Authorization of appropriations, Navy.
2205. Modification of authority to carry out certain fiscal year 2004 project.
2206. Modifications of authority to carry out certain fiscal year 2005 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$3,637,000
California	Air-Ground Combat Center, Twentynine Palms	$24,000,000
	Marine Corps Air Station, Camp Pendelton	$1,400,000
	Marine Corps Air Station, Miramar	$5,070,000
	Marine Corps Base, Camp Pendleton	$90,437,000
	Naval Air Station, Lemoore	$8,480,000
	Naval Air Station, North Island	$13,700,000
	Naval Air Warfare Center, China Lake	$19,158,000
	Naval Postgraduate School	$6,500,000
Florida	Diving&Salvage Training Center, Panama City	$9,678,000
	Naval Air Station, Jacksonville	$88,603,000
	Naval Air Station, Pensacola	$8,710,000
	Naval Station, Mayport	$15,220,000
Georgia	Naval Submarine Base, Kings Bay	$6,890,000
	Marine Corps Logistics Base, Albany	$5,840,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$5,700,000
	Naval Base, Pearl Harbor	$29,700,000
Illinois	Recruit Training Command, Great Lakes	$167,750,000
Maryland	Naval Air Warfare Center, Patuxent River	$5,800,000
	Naval Surface Warfare Center, Indian Head	$13,460,000
	United States Naval Academy, Annapolis	$51,720,000
New Hampshire	Portsmouth Naval Shipyard	$8,100,000
North Carolina	Marine Corps Air Station, Cherry Point	$29,147,000
	Marine Corps Air Station, New River	$6,840,000
	Marine Corps Base, Camp Lejeune	$44,590,000
Pennsylvania	Naval Station Weapons Center, Philadelphia	$4,780,000
Rhode Island	Naval Station, Newport	$4,870,000
Texas	Naval Air Station, Kingsville	$16,040,000
Virginia	Marine Corps Air Field, Quantico	$19,698,000
	Marine Corps Base, Quantico	$4,270,000
	Naval Air Station, Oceana	$11,680,000
	Naval Amphibious Base, Little Creek	$36,034,000
	Naval Station, Norfolk	$111,033,000
Washington	Naval Station, Everett	$70,950,000
	Naval Submarine Base, Bangor	$60,160,000
	Naval Air Station, Whidbey Island	$4,010,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Naval Station, Guam.	$55,473,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Guam	Commander Naval Region, Marianas	126	$43,495,000

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $178,644,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,916,779,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $802,311,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $25,584,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $36,029,000.

(4) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $218,942,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $588,660,000.

(5) For the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), as amended by section 2205 of this Act, $54,432,000.

(6) For the construction of increment 3 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $40,200,000.

(7) For the construction of increment 2 of the apron and hangar at Naval Air Facility, El Centro, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $18,666,000.

(8) For the construction of increment 2 of the White Side complex, Marine Corps Air Facility, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $34,730,000.

(9) For the construction of increment 2 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $47,095,000.

(10) For the construction of increment 2 of the lab consolidation at Strategic Weapons Facility Pacific, Bangor, Washington authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $9,430,000.

(11) For the construction of increment 2 of the presidential helicopter programs support facility at Naval Air Station, Patuxent River, Maryland, authorized by section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of this Act, $40,700,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $37,721,000 (the balance of the amount authorized under section 2201(a) for a reclamation and conveyance project for Camp Pendleton, California).

(3) $43,424,000 (the balance of the amount authorized under section 2201(a) for a helicopter hangar replacement at Naval Air Station, Jacksonville, Florida).

(4) $45,850,000 (the balance of the amount authorized under section 2201(a) for infrastructure upgrades to Recruit Training Command, Great Lakes, Illinois).

(5) $26,790,000 (the balance of the amount authorized under section 2201(a) for construction of a field house at United States Naval Academy, Annapolis, Maryland).

(6) $31,059,000 (the balance of the amount authorized under section 2201(a) for replacement of Ship Repair Pier 3 at Norfolk Naval Shipyard, Virginia).

(7) $21,000,000 (the balance of the amount authorized under section 2201(a) for construction of bachelor quarters for Naval Station, Everett, Washington).

(8) $29,889,000 (the balance of the amount authorized under section 2201(b) for wharf upgrades at Naval Station, Guam).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703) is amended—

(1) in the item relating to Naval Weapons Station, Earle, New Jersey, by striking ''$123,720,000'' in the amount column and inserting ''$140,372,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,352,524,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act (117 Stat. 1706) is amended by striking ''$96,980,000'' and inserting ''$113,632,000''.

SEC. 2206. MODIFICATIONS OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105) is amended—

(1) in the item relating to Marine Corps Air Facility, Quantico, Virginia, by striking ''$73,838,000'' in the amount column and inserting ''$74,462,000'';

(2) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$138,060,000'' in the amount column and inserting ''$147,760,000''; and

(3) by striking the amount identified as the total in the amount column and inserting ''$962,379,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (118 Stat. 2107) is amended—

(1) in paragraph (4), by striking ''$34,098,000'' and inserting ''$34,722,000'';

(2) by redesignating paragraph (7) as paragraph (8) and, in such paragraph—

(A) by striking ''$65,982,000'' and inserting ''$66,614,000''; and

(B) by striking ''at an unspecified location'' and inserting ''at Naval Air Station, Patuxent River, Maryland''; and

(3) by inserting after paragraph (6) the following new paragraph (7):

''(7) $9,700,000 (the balance of the amount authorized under section 2201(a) for naval laboratory consolidation, Strategic Weapons Facility Pacific, Bangor, Washington).''.

TITLE III—AIR FORCE

2301. Authorized Air Force construction and land acquisition projects.
2302. Family housing.
2303. Improvements to military family housing units.
2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$14,900,000
Alaska	Clear Air Force Base	$20,000,000
	Elmendorf Air Force Base	$84,820,000
Arizona	Davis-Monthan Air Force Base	$8,600,000
	Luke Air Force Base	$13,000,000
Arkansas	Little Rock Air Force Base	$8,900,000

***Air Force: Inside the United States**—Continued*

State	Installation or Location	Amount
California	Beale Air Force Base	$14,200,000
	Edwards Air Force Base	$103,000,000
	Travis Air Force Base	$31,600,000
	Vandenberg Air Force Base	$16,845,000
Colorado	Buckley Air Force Base	$20,100,000
	Peterson Air Force Base	$25,500,000
	United States Air Force Academy	$13,000,000
Delaware	Dover Air Force Base	$19,000,000
District of Columbia	Bolling Air Force Base	$14,900,000
Florida	Hurlburt Field	$2,540,000
	MacDill Air Force Base	$107,200,000
	Tyndall Air Force Base	$21,500,000
Georgia	Robins Air Force Base	$7,600,000
Hawaii	Hickam Air Force Base	$13,378,000
Idaho	Mountain Home Air Force Base	$9,835,000
Massachusetts	Hanscom Air Force Base	$10,000,000
Mississippi	Keesler Air Force Base	$47,500,000
Missouri	Whiteman Air Force Base	$5,721,000
Nebraska	Offutt Air Force Base	$50,280,000
Nevada	Indian Springs Auxiliary Field	$60,724,000
	Nellis Air Force Base	$23,311,000
New Jersey	McGuire Air Force Base	$13,185,000
New Mexico	Kirtland Air Force Base	$6,600,000
North Dakota	Minot Air Force Base	$8,700,000
Ohio	Wright Patterson Air Force Base	$32,620,000
Oklahoma	Tinker Air Force Base	$31,960,000
South Carolina	Charleston Air Force Base	$2,583,000
	Shaw Air Force Base	$16,030,000
Texas	Goodfellow Air Force Base	$4,300,000
	Laughlin Air Force Base	$7,900,000
	Sheppard Air Force Base	$36,000,000
Utah	Hill Air Force Base	$24,100,000
Virginia	Langley Air Force Base	$44,365,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$11,650,000
	Spangdahlem Air Base	$12,474,000
Guam	Andersen Air Base	$18,500,000
Italy	Aviano Air Base	$22,660,000
Korea	Kunsan Air Base	$50,900,000
	Osan Air Base	$40,719,000
Portugal	Lajes Field, Azores	$12,000,000
Turkey	Incirlik Air Base	$5,780,000
United Kingdom	Royal Air Force Lakenheath	$5,125,000
	Royal Air Force Mildenhall	$13,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Alaska	Eielson Air Force Base	392	$55,794,000
California	Edwards Air Force Base	226	$59,699,000
District of Columbia	Bolling Air Force Base	157	$48,223,000
Florida	MacDill Air Force Base	109	$40,982,000
Idaho	Mountain Home Air Force Base	194	$56,467,000
Missouri	Whiteman Air Force Base	111	$26,917,000
Montana	Malmstrom Air Force Base	296	$68,971,000
North Carolina	Seymour Johnson Air Force Base	255	$48,868,000
North Dakota	Grand Forks Air Force Base	300	$86,706,000
	Minot Air Force Base	223	$44,548,000
South Carolina	Charleston Air Force Base	10	$15,935,000
South Dakota	Ellsworth Air Force Base	60	$14,383,000
Texas	Dyess Air Force Base	190	$43,016,000
Germany	Ramstein Air Base	101	$62,952,000
	Spangdahlem Air Base	79	$45,385,000
Turkey	Incirlik Air Base	100	$22,730,000
United Kingdom	Royal Air Force Lakenheath	107	$48,437,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $37,104,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $409,103,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,162,877,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $871,297,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $193,308,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $91,733,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,236,220,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $755,319,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a):

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $30,000,000 (the balance of the amount authorized under section 2301(a) for construction of a C–17 maintenance complex at Elmendorf Air Force Base, Alaska).

(3) $66,000,000 (the balance of the amount authorized under section 2301(a) for construction of a main base runway at Edwards Air Force Base, California).

(4) $29,000,000 (the balance of the amount authorized under section 2301(a) for construction of a joint intelligence center at MacDill Air Force Base, Florida.)

TITLE IV—DEFENSE AGENCIES

2401. Authorized Defense Agencies construction and land acquisition projects.

2402. Energy conservation projects.

2403. Authorization of appropriations, Defense Agencies.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Stewart/Hunter Army Air Field	$16,629,000
North Carolina	Fort Bragg	$18,075,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	$7,900,000

Defense Logistics Agency

State	Installation or Location	Amount
Arizona	Yuma Proving Ground	$7,300,000
California	Defense Distribution Depot, Tracy	$33,635,000
	Miramar	$23,000,000
Kansas	McConnell Air Force Base	$15,800,000
New Mexico	Cannon Air Force Base	$13,200,000
North Carolina	Seymour Johnson Air Force Base	$18,500,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$6,500,000
Virginia	Fort Belvoir	$4,500,000
	Naval Station, Norfolk	$6,700,000

National Security Agency

State	Installation or Location	Amount
Georgia	Augusta	$61,466,000
Maryland	Fort Meade	$28,049,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Surface Warfare Center, Coronado	$28,350,000
Florida	Hurlburt Field	$6,500,000
	Eglin Air Force Base	$12,800,000
Georgia	Fort Stewart/Hunter Army Air Field	$10,000,000
Kentucky	Fort Campbell	$37,800,000
North Carolina	Fort Bragg	$14,769,000
Washington	Fort Lewis	$53,300,000

TRICARE Management Activity

State	Installation or Location	Amount
California	Beale Air Force Base	$18,000,000
	Naval Hospital, San Diego	$15,000,000
Colorado	Peterson Air Force Base	$1,820,000
Maryland	Fort Detrick	$55,200,000

***TRICARE Management Activity**—Continued*

State	Installation or Location	Amount
	Uniformed Services University, Bethesda	*$10,350,000*
Mississippi	*Keesler Air Force Base*	*$14,000,000*
Nevada	*Nellis Air Force Base*	*$1,700,000*
South Carolina	*Charleston*	*$35,000,000*
Texas	*Lackland Air Force Base*	*$11,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Location	Installation or City	Amount
Germany	*Landstuhl*	*$6,543,000*
	Vilseck	*$2,323,000*
Guam	*Agana*	*$40,578,000*
Korea	*Taegu*	*$8,231,000*
Spain	*Naval Station, Rota*	*$7,963,000*

Defense Logistics Agency

Location	Installation or City	Amount
Greece	*Souda Bay*	*$7,089,000*

Missile Defense Agency

Location	Installation or City	Amount
Kwajalein	*Kwajalein Atoll*	*$4,901,000*

National Security Agency

Location	Installation or City	Amount
United Kingdom	*Menwith Hill*	*$44,997,000*

TRICARE Management Activity

Location	Installation or City	Amount
Bahrain		*$4,750,000*

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $50,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $2,973,848,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $586,843,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $126,404,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $15,736,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $135,681,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $50,000,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, $377,827,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, $1,570,466,000.

(9) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $46,391,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 2 of the hospital replacement at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112), $57,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

2501. Authorized NATO construction and land acquisition projects.

2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $206,858,000.

TITLE VI—GUARD AND RESERVE FORCES FACILITIES

2601. Authorized Guard and Reserve construction and land acquisition projects.

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $410,624,000; and

(B) for the Army Reserve, $138,425,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $45,226,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $225,727,000; and

(B) for the Air Force Reserve, $110,847,000.

TITLE VII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

2701. Expiration of authorizations and amounts required to be specified by law.
2702. Extension of authorizations of certain fiscal year 2003 projects.
2703. Extension of authorizations of certain fiscal year 2002 projects.
2704. Effective date.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2700), authorizations set forth in the tables in subsection (b), as provided in section 2301, 2302, or 2401 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

Installation or Location	Project	Amount
Aviano Air Base, Italy	Area consolidation	$5,000,000
Eglin Air Force Base, Florida	Family housing (134 units)	$15,906,000
	Family housing office	$597,000
Keesler Air Force Base, Mississippi	Family housing (117 units)	$16,505,000
Randolph Air Force Base, Texas	Family housing (112 units)	$14,311,000
	Housing maintenance facility	$447,000

Defense Wide: Extension of 2003 Project Authorization

Installation or Location	Project	Amount
Stennis Space Center, Mississippi	SOF Training Range	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101 or 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Pohakuloa Training Area, Hawaii	Land acquisition	$1,500,000

Air Force: Extension of 2002 Project Authorization

Installation or Location	Project	Amount
Barksdale Air Force Base, Louisiana	Family housing (56 units)	$7,300,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2005; or

(2) the date of the enactment of this Act.

TITLE VIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

2801. Modification of congressional notification requirements for certain military construction activities.
2802. Improve availability and timeliness of Department of Defense information regarding military construction and family housing accounts and activities.
2803. Expansion of authority to convey property at military installations to support military construction.
2804. Effect of failure to submit required report on need for general and flag officers quarters in National Capital Region.
2805. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
2806. Clarification of moratorium on certain improvements at Fort Buchanan, Puerto Rico.

Subtitle B—Real Property and Facilities Administration

2811. Consolidation of Department of Defense land acquisition authorities and limitations on use of such authorities.
2812. Report on use of utility system conveyance authority and temporary suspension of authority pending report.
2813. Authorized military uses of Papago Park Military Reservation, Phoenix, Arizona.

Subtitle C—Base Closure and Realignment

2821. Additional reporting requirements regarding base closure process and use of Department of Defense base closure accounts.

2822. Termination of project authorizations for military installations approved for closure in 2005 round of base realignments and closures.
2823. Expanded availability of adjustment and diversification assistance for communities adversely affected by mission realignments in base closure process.
2824. Sense of Congress regarding consideration of national defense industrial base interests during Base Closure and Realignment Commission review of Department of Defense base closure and realignment recommendations.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

2831. Modification of land conveyance, Engineer Proving Ground, Fort Belvoir, Virginia.
2832. Land conveyance, Army Reserve Center, Bothell, Washington.

PART II—NAVY CONVEYANCES

2841. Land conveyance, Marine Corps Air Station, Miramar, San Diego, California.

PART III—AIR FORCE CONVEYANCES

2851. Purchase of build-to-lease family housing, Eielson Air Force Base, Alaska.
2852. Land conveyance, Air Force property, Jacksonville, Arkansas.

Subtitle E—Other Matters

2861. Lease authority, Army Heritage and Education Center, Carlisle, Pennsylvania.
2862. Redesignation of McEntire Air National Guard Station, South Carolina, as McEntire Joint National Guard Base.
2863. Assessment of water needs for Presidio of Monterey and Ord Military Community.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF CONGRESSIONAL NOTIFICATION REQUIREMENTS FOR CERTAIN MILITARY CONSTRUCTION ACTIVITIES.

(a) CONTINGENCY CONSTRUCTION.—Section 2804(b) of title 10, United States Code, is amended—

(1) by striking ''21-day period'' and inserting ''14-day period''; and

(2) by striking ''14-day period'' and inserting ''seven-day period''.

(b) ACQUISITION IN LIEU OF CONSTRUCTION.—Section 2813(c) of such title is amended—

(1) by striking ''30-day period'' and inserting ''21-day period''; and

(2) by striking ''21-day period'' and inserting ''14-day period''.

SEC. 2802. IMPROVE AVAILABILITY AND TIMELINESS OF DEPARTMENT OF DEFENSE INFORMATION REGARDING MILITARY CONSTRUCTION AND FAMILY HOUSING ACCOUNTS AND ACTIVITIES.

(a) MAINTENANCE OF INFORMATION ON INTERNET.—Section 2851 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) MAINTENANCE OF MILITARY CONSTRUCTION INFORMATION ON INTERNET; ACCESS.—(1) The Secretary of Defense shall maintain, as part of the Internet site of the Department of Defense, a link that, when activated by a person authorized under paragraph (3), will permit the person to access and view on a separate page of the Internet site a document or other file containing information regarding—

''(A) a specific military construction project or military family housing project, including the information required by paragraph (2); and

''(B) the accounts that are used to fund the project or support the operation and maintenance of military family housing.

''(2) The information required to be maintained under this subsection shall include the following:

''(A) The solicitation date and award date (or anticipated dates) for each contract entered into (or to be entered into) by the United States in connection with a military construction project or a military family housing project.

''(B) The contract recipient, contract award amount, and current working estimate of the cost of the project.

''(C) The latest form 1391 for the project and the status of design and construction for the project.

''(D) The date (or anticipated date) for completion of the project.

''(E) If funds appropriated for the project exceed (or are likely to exceed) the amount required to complete the project, the amount of the excess and the purpose for which the excess funds will be used.

''(F) If funds appropriated for the project are insufficient (or are likely to be insufficient) to complete the project, the additional amount necessary to complete the project and the source of the additional funds.

''(G) For accounts such as planning and design, unspecified minor construction, and family housing operation and maintenance, detailed information regarding expenditures and anticipated expenditures under these accounts and the purposes for which the expenditures are made.

''(3) Access to the Internet page referred to in paragraph (1) shall be restricted to the following persons:

''(A) Members of the congressional defense committees and their staff.

''(B) Staff of the congressional defense committees.

''(4) The Secretary shall update the information required to be maintained under this subsection as promptly as practicable to ensure that the information is available to persons referred to in paragraph (3) in a timely manner.''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''SUPERVISION OF MILITARY DEPARTMENT PROJECTS.__'' after ''(a)''; and

(2) in subsection (b), by inserting ''SUPERVISION OF DEFENSE AGENCY PROJECTS.__'' after ''(b)''.

SEC. 2803. EXPANSION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO SUPPORT MILITARY CONSTRUCTION.

(a) INCLUSION OF ALL MILITARY INSTALLATIONS.—Subsection (a) of section 2869 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''The Secretary concerned'';

(3) by striking ''located on a military installation that is closed or realigned under a base closure law'' and inserting ''described in paragraph (2)''; and

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

''(2) Paragraph (1) applies with respect to real property under the jurisdiction of the Secretary concerned that—

''(A) is located on a military installation that is closed or realigned under a base closure law; or

''(B) is determined to be surplus to the needs of the Federal Government.''.

(b) ADVANCE NOTICE OF USE OF AUTHORITY; CONTENT OF NOTICE.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''closed or realigned under the base closure laws is to be conveyed'' and inserting ''is proposed for conveyance'';

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) The Secretary concerned may not enter into an agreement under subsection (a) for the conveyance of real property until—

''(A) the Secretary submits to Congress notice of the conveyance, including—

''(i) the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the conveyance of the property; and

''(ii) the amount of any payment to be made under subsection (b) by the recipient of the property to equalize the fair market values of the property to be conveyed and the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the property; and

''(B) a period of 21 days has elapsed from the date of receipt of the notice or, if over sooner, a period of 14 days has elapsed from the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title''.

(c) DEPOSIT AND USE OF FUNDS.—Subsection (e) of such section is amended to read as follows:

''(e) DEPOSIT AND USE OF FUNDS.—(1) The Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'.

''(2) The funds deposited under paragraph (1) shall be available, in such amounts as provided in appropriation Acts, for the purpose of paying increased costs of overseas military construction and family housing construction or improvement associated with unfavorable fluctuations in currency exchange rates. The use of such funds for this purpose does not relieve the Secretary concerned from the duty to provide advance notice to Congress under section 2853(c) of this title whenever the Secretary approves an increase in the cost of an overseas project under such section.''.

(d) ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.—Subsection (f) of such section is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by inserting before the period at the end the following: ''and of surplus real property at military installations'';

(3) by striking ''(f)'' and all that follows through ''the following:'' and inserting the following:

''(f) ANNUAL REPORTS; EFFECT OF FAILURE TO SUBMIT.—(1) Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a report detailing the following:''; and

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

''(2) If the report for a year is not submitted to Congress by the date specified in paragraph (1), the Secretary concerned may not enter into an agreement under subsection (a) after that date for the conveyance of real property until the date on which the report is finally submitted.''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military construction''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2689. Conveyance of property at military installations to support military construction.''.

(f) CONFORMING AMENDMENTS TO OTHER LAWS.—Section 2883(c) of such title is amended—

(1) in paragraph (1), by striking subparagraph (F); and

(2) in paragraph (2), by striking subparagraph (F).

SEC. 2804. EFFECT OF FAILURE TO SUBMIT REQUIRED REPORT ON NEED FOR GENERAL AND FLAG OFFICERS QUARTERS IN NATIONAL CAPITAL REGION.

Section 2802(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2120) is amended—

(1) by inserting ''(1)'' before ''Not later than March 30, 2005,''; and

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

''(2) Until the report required by this subsection is submitted to the congressional defense committees, amounts appropriated for the Department of Defense for fiscal year 2006 may not be used for the operation, maintenance, or repair of housing units for general officers and flag officers in the National Capital Region.''.

SEC. 2805. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) CONDITIONAL EXTENSION.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), is further amended—

(1) in subsection (a), by striking ''fiscal year 2005'' and inserting ''fiscal years 2005 and 2006''; and

(2) in subsection (d)(2)—

(A) by striking ''during fiscal year 2005'' and inserting ''during a fiscal year'';

(B) by inserting ''for that fiscal year'' after ''commence''; and

(C) by striking ''for fiscal year 2004'' and inserting ''for the preceding fiscal year''.

(b) ADVANCE NOTICE OF PROPOSED OBLIGATION OF FUNDS.—Subsection (b) of such section 2808 is amended—

(1) in the first sentence—

(A) by striking ''Within seven days after'' and all that follows through ''are first'' and inserting ''Not later than seven days before the date on which appropriated funds available for operation and maintenance will be first''; and

(B) by striking ''the obligation'' and inserting ''the proposed obligation'';

(2) in paragraph (2), by striking ''are being obligated'' and inserting ''will be obligated''; and

(3) in paragraph (4), by striking ''obligated'' and inserting ''to be obligated''.

(c) QUARTERLY REPORTS; EFFECT OF FAILURE TO SUBMIT.—Subsection (d) of such section 2808 is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) Not later than 30 days after the end of each fiscal-year quarter during which appropriated funds available for operation and maintenance are obligated or expended to carry out construction projects outside the United States, the Secretary of Defense shall submit to the congressional committees specified in subsection (f) a report on the worldwide obligation and expenditure during that quarter of such appropriated funds for such construction projects. If the report for a fiscal-year quarter is not submitted to such committees by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date under the authority of this section to carry out construction projects outside the United States until the date on which the report is finally submitted.''.

SEC. 2806. CLARIFICATION OF MORATORIUM ON CERTAIN IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

(a) EXCEPTIONS TO MORATORIUM.—Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–355) is amended—

(1) in subsection (a), by striking ''conversion, rehabilitation, extension, or improvement'' and inserting ''or extension'';

(2) in subsection (b)(1), by inserting '', repair, or convert'' after ''maintain''; and

(3) in subsection (c), by striking ''conversion, rehabilitation, extension, or improvement'' and inserting ''or extension''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) do not trigger the termination of the moratorium on certain improvements at Fort Buchanan, Puerto Rico, as provided by subsection (c) of section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CONSOLIDATION OF DEPARTMENT OF DEFENSE LAND ACQUISITION AUTHORITIES AND LIMITATIONS ON USE OF SUCH AUTHORITIES.

(a) LAND ACQUISITION AUTHORITY.—Chapter 159 of title 10, United States Code, is amended—

(1) in section 2663—

(A) by striking the section heading and inserting the following new section heading:

***''§2663. Land acquisition authorities''**;*

(B) in subsection (a)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(ii) in subparagraph (C), as so redesignated, by striking ''clause (2)'' and inserting ''subparagraph (B)''; and

(iii) by inserting ''ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—(1)'' before ''The Secretary'' ;

(C) by redesignating subsection (b) as paragraph (2) and, in such paragraph, by striking ''subsection (a)'' and inserting ''paragraph (1)'';

(D) by redesignating subsection (c) as subsection (b) and, in such subsection, by inserting ''ACQUISITION BY PURCHASE IN LIEU OF CONDEMNATION.—'' before ''The Secretary''; and

(E) by striking subsection (d);

(2) by transferring subsections (a), (b), and (d) of section 2672 to section 2663 and inserting such subsections in that order after subsection (b), as redesignated by paragraph (1)(D);

(3) in subsection (a), as transferred by paragraph (2), by striking ''(a) ACQUISITION AUTHORITY'' and inserting ''(c) ACQUISITION OF LOW-COST INTERESTS IN LAND'';

(4) in subsection (b), as transferred by paragraph (2)—

(A) by striking ''(b) ACQUISITION OF MULTIPLE PARCELS.—This section'' and inserting ''(3) This subsection'';

(B) by striking ''subsection (a)(1)'' and inserting ''paragraph (1)''; and

(C) by striking ''subsection (a)(2)'' and inserting ''paragraph (2)'';

(5) in subsection (d), as transferred by paragraph (2)—

(A) by striking ''(d) AVAILABILITY OF FUNDS.—Appropriations'' and inserting ''(4) Appropriations''; and

(B) by striking ''this section'' and inserting ''this subsection'';

(6) by transferring subsections (a), (c), and (b) of section 2672a to section 2663 and inserting such subsections in that order after subsection (c), as redesignated and amended by paragraphs (3), (4), and (5);

(7) in subsection (a), as transferred by paragraph (6)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking ''(a) The Secretary'' and inserting ''(d) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary'';

(8) in subsection (c), as transferred by paragraph (6)—

(A) by striking ''(c)'' and inserting ''(2)''; and

(B) by striking ''this section'' and inserting ''this subsection'';

(9) in subsection (b), as transferred by paragraph (6)—

(A) by striking ''(b)'' and inserting ''(3)'';

(B) by striking ''this section'' in the first sentence and inserting ''this subsection''; and

(C) by striking the second sentence;

(10) by transferring subsection (b) of section 2676 to section 2663 and inserting such subsection after subsection (d), as redesignated and amended by paragraphs (7), (8), and (9); and

(11) in subsection (b), as transferred by paragraph (10), by striking ''(b) Authority'' and inserting ''(e) SURVEY AUTHORITY; ACQUISITION METHODS.—Authority''.

(b) LIMITATIONS ON ACQUISITION AUTHORITY.—Section 2676 of such title, as amended by subsection (a)(10), is further amended—

(1) in subsection (a)—

(A) by inserting ''AUTHORIZATION FOR ACQUISITION REQUIRED.—'' before ''No military department''; and

(B) by striking '', as amended'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''COST LIMITATIONS.—'' before ''(1)'';

(B) in paragraph (2)—

(i) by striking ''A land'' and inserting ''Until subsection (d) is complied with, a land''; and

(ii) by striking ''lesser,'' and all that follows through the period at the end and inserting ''lesser.'';

(3) in subsection (d), by inserting ''CONGRESSIONAL NOTIFICATION.—'' before ''The limitations''; and

(4) in subsection (e), by inserting ''PAYMENT OF JUDGEMENTS AND SETTLEMENTS.—'' before ''The Secretary''.

(c) TRANSFER AND REDESIGNATION OF REVISED LIMITATION SECTION.—Section 2676 of such title, as amended by subsections (a)(10) and (b)—

(1) is inserted after section 2663 of such title, as amended by subsection (a); and

(2) is amended by striking the section heading and inserting the following new section heading:

''§2664. Limitations on real property acquisition''.

(d) INCLUSION OF LIMITATION ON LAND ACQUISITION COMMISSIONS.—Subsection (c) of section 2661 of such title is transferred to section 2664 of such title, as redesignated by subsection (c)(2), is inserted after subsection (a) of such redesignated section, and is redesignated as subsection (b).

(e) CONFORMING REPEALS.—Sections 2672 and 2672a of such title are repealed.

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 159 of such title is amended—

(1) by striking the items relating to sections 2663, 2672, 2672a, and 2676; and

(2) by inserting after the item relating to section 2662 the following new items:

''2663. Land acquisition authorities.

''2664. Limitations on real property acquisition.''.

SEC. 2812. REPORT ON USE OF UTILITY SYSTEM CONVEYANCE AUTHORITY AND TEMPORARY SUSPENSION OF AUTHORITY PENDING REPORT.

(a) REPORT ON USE OF AUTHORITY.—Subsection (e) of section 2688 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''QUARTERLY REPORT.—'' and inserting ''REPORTING REQUIREMENTS.—(1)''; and

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

''(2) Not later than March 15, 2006, the Secretary of Defense shall submit to Congress a report containing—

''(A) a discussion of the methodology by which a military department conducts the economic analyses of proposed utility system conveyances under this section, including the economic analysis referred to in this subsection,

and any guidance issued by the Department of Defense related to conducting such economic analyses;

''(B) a list of the steps taken to ensure the reliability of completed economic analyses, including post-conveyance reviews of actual costs and savings to the United States versus the costs and savings anticipated in the economic analyses;

''(C) a review of the costs and savings to the United States resulting from each utility system conveyance carried out under this section;

''(D) a discussion of the requirement for consideration equal to the fair market value of a conveyed utility system, as specified in subsection (c), and any guidance issued by the Department of Defense related to implementing that requirement, and the effect of that requirement and guidance on the costs and savings to the United States resulting from procuring by contract the utility services provided by the utility system;

''(E) a discussion of the effects that permanent conveyance of ownership in a utility system may have on the ability of the Secretary concerned to renegotiate contracts for utility services provided by the utility system or to procure such services from another source;

''(F) a discussion of the efforts and direction within the Department of Defense to oversee the implementation and use of the utility system conveyance authority under this section and to ensure the adequacy of utilities services for a military installation after conveyance of a utility system; and

''(G) a discussion of the effect of utility system conveyances on the operating budgets of military installations at which the conveyances were made.''.

(b) SUSPENSION OF AUTHORITY.—Such section is further amended by adding at the end the following new subsection:

''(j) TEMPORARY SUSPENSION OF CONVEYANCE AUTHORITY.—The Secretary concerned may not convey a utility system, including any part of a utility system, under subsection (a) or make a contribution under subsection (g) toward the cost of construction, repair, or replacement of a utility system by another entity until the later of the following dates:

''(1) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

''(2) The date that is one year after the date of the submission of the report required by subsection (e)(2).''.

SEC. 2813. AUTHORIZED MILITARY USES OF PAPAGO PARK MILITARY RESERVATION, PHOENIX, ARIZONA.

The Act of April 7, 1930 (Chapter 107; 46 Stat. 142), is amended in the first designated paragraph, relating to the Papago Park Military Reservation, by striking ''as a rifle range''.

Subtitle C—Base Closure and Realignment

SEC. 2821. ADDITIONAL REPORTING REQUIREMENTS REGARDING BASE CLOSURE PROCESS AND USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS.

(a) INFORMATION ON FUTURE RECEIPTS AND EXPENDITURES.—

(1) 1990 ACCOUNT.—Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (A)—

(i) by striking ''committees of the amount'' and inserting ''committees of—

''(i) the amount'';

(ii) by striking ''such fiscal year and of the amount'' and inserting ''such fiscal year;

''(ii) the amount''; and

(iii) by striking ''such fiscal year.'' and inserting ''such fiscal year;

''(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

''(iv) the amount and nature of anticipated expenditures to be made made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting ''and installation'' after ''subaccount''; and

(ii) by adding at the end the following new clause:

''(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is before January 1, 2005.''.

(2) 2005 ACCOUNT.—Section 2906A(c)(1) of such Act is amended—

(A) in subparagraph (A)—

(i) by striking ''committees of the amount'' and inserting ''committees of—

''(i) the amount'';

(ii) by striking ''such fiscal year and of the amount'' and inserting ''such fiscal year;

''(ii) the amount''; and

(iii) by striking ''such fiscal year.'' and inserting ''such fiscal year;

''(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

''(iv) the amount and nature of anticipated expenditures to be made made pursuant to section 2905(a) during the first fiscal year commencing after the submission of the report.''; and

(B) in subparagraph (B)—

(i) in clause (i), by inserting ''and installation'' after ''subaccount''; and

(ii) by adding at the end the following new clause:

''(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations the date of approval of closure or realignment of which is after January 1, 2005.''.

(b) INFORMATION ON BRAC PROCESS.—Section 2907 of such Act is amended—

(1) by striking ''fiscal year 1993'' and inserting ''fiscal year 2007'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting a semicolon; and

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

''(3) a description of the closure or realignment actions already carried out at each military installation since the date of the installation's approval for closure or realignment under this part and the current status of the closure or realignment of the installation, including whether—

''(A) a redevelopment authority has been recognized by the Secretary for the installation;

''(B) the screening of property at the installation for other Federal use has been completed; and

''(C) a redevelopment plan has been agreed to by the redevelopment authority for the installation;

''(4) a description of redevelopment plans for military installations approved for closure or realignment under this part, the quantity of property remaining to be disposed of at each installation as part of its closure or realignment, and the quantity of property already disposed of at each installation;

''(5) a list of the Federal agencies that have requested property during the screening process for each military installation approved for closure or realignment under this part, including the date of transfer or anticipated transfer of the property to such agencies, the acreage involved in such transfers, and an explanation for any delays in such transfers;

''(6) a list of known environmental remediation issues at each military installation approved for closure or realignment under this part, including the acreage affected by these issues, an estimate of the cost to complete such environmental remediation, and the plans (and timelines) to address such environmental remediation; and

''(7) an estimate of the date for the completion of all closure or realignment actions at each military installation approved for closure or realignment under this part.''.

SEC. 2822. TERMINATION OF PROJECT AUTHORIZATIONS FOR MILITARY INSTALLATIONS APPROVED FOR CLOSURE IN 2005 ROUND OF BASE REALIGNMENTS AND CLOSURES.

(a) PROJECT TERMINATION.—If a military installation is approved for closure in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), any authorization for a military construction project, land acquisition, or family housing project that is related to that installation and contained in title XXI, XXII, XXIII, or XXIV of this Act or in an Act authorizing funds for a prior fiscal year for military construction projects, land acquisition, and family housing projects (and authorizations of appropriations therefor) shall terminate and no longer constitute authority under section 2676, 2802, 2821, or 2822 of title 10, United States Code, to carry out the military construction project, land acquisition, or family housing project.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, or family housing projects (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the date of approval of the military installation for closure under the Defense Base Closure and Realignment Act of 1990. In this subsection, the term ''date of approval'' has the meaning given that term in section 2910(8) of such Act.

SEC. 2823. EXPANDED AVAILABILITY OF ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY MISSION REALIGNMENTS IN BASE CLOSURE PROCESS.

(a) ELIGIBILITY REQUIREMENTS.—Subsection (b)(3) of section 2391 of title 10, United States Code, is amended—

(1) by striking ''significantly reduced operations of a defense facility'' and inserting ''realignment of a military installation'';

(2) by striking ''cancellation,'' and inserting ''closure or realignment, cancellation or''; and

(3) by striking ''community'' and all that follows through the period at the end and inserting ''community or its residents.''.

(b) ADDITION OF DEFINITION OF REALIGNMENT.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(4) The term 'realignment' has the meaning given that term in section 2910(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).''.

SEC. 2824. SENSE OF CONGRESS REGARDING CONSIDERATION OF NATIONAL DEFENSE INDUSTRIAL BASE INTERESTS DURING BASE CLOSURE AND REALIGNMENT COMMISSION REVIEW OF DEPARTMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

It is the sense of Congress that national defense industrial base interests, including the relationships between military installations and proximate commercial facilities and the maintenance of, and accessibility to, skills and knowledge critical to military installations and their operation, are an integral part of military value, and should be given full consideration by the Base Closure and Realignment Commission when it conducts its review and analysis of the

recommendations made by the Secretary of Defense regarding the closure or realignment of military installations.

Subtitle D—Land Conveyances

PART 1—ARMY CONVEYANCES

SEC. 2831. MODIFICATION OF LAND CONVEYANCE, ENGINEER PROVING GROUND, FORT BELVOIR, VIRGINIA.

(a) CONSIDERATION.—Subsection (b)(4) of section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314) is amended by striking '', jointly determined'' and all that follows through ''Ground'' and inserting ''equal to $3,880,000''.

(b) REPLACEMENT OF FIRE STATION.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Building 5089'' and inserting ''Building 191''; and

(B) by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)'';

(2) in paragraph (2), by striking ''Building 5089'' and inserting ''Building 191''; and

(3) by striking paragraph (3).

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, BOTHELL, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Army may convey to the Snohomish County Fire Protection District #10 (in this section referred to as the ''Fire District'') all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre at the Army Reserve Center in Bothell, Washington, and currently occupied, in part, by the Queensborough Firehouse for the purpose of supporting the provision of fire and emergency medical aid services.

(b) IN-KIND CONSIDERATION.—As consideration for the conveyance under subsection (a), the Fire District shall provide in-kind consideration acceptable to the Secretary with a total value equal to not less than the fair market value of the conveyed real property, as determined by the Secretary.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Fire District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Fire District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Fire District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART 2—NAVY CONVEYANCES

SEC. 2841. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres along the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the property as public open space and reopen the tract known as the Stowe Trail to public use.

(b) CONSIDERATION.—

(1) IN-KIND CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall provide in-kind consideration with a total value equal to not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) TYPES OF CONSIDERATION.—The in-kind consideration provided by the County shall be in a form and quantity that is acceptable to the Secretary, and may include the following forms of in-kind consideration:

(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary.

(B) Construction of new facilities for the Secretary.

(C) Provision of facilities for use by the Secretary.

(D) Facilities operation support for the Secretary.

(E) Provision of such other services as the Secretary considers appropriate.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United states Code, shall not apply to any new facilities whose construction is accepted as in-kind consideration under this subsection.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under subsection (c) if—

(1) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities; or

(2) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration.

(2) TREATMENT OF AMOUNTS RECEIVED.—Section 2695(c) of title 10, United States Code, shall apply to any amounts received by the Secretary under paragraph (1). If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by the Secretary under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) EXEMPTIONS.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a), and the authority to make the conveyance shall not be considered to render the property excess or underutilized.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

PART 3—AIR FORCE CONVEYANCES

SEC. 2851. PURCHASE OF BUILD-TO-LEASE FAMILY HOUSING, EIELSON AIR FORCE BASE, ALASKA.

(a) AUTHORITY TO PURCHASE.—After the expiration of the contract for the lease of a 300-unit military family housing project at Eielson Air Force Base, Alaska, that was entered into by the Secretary under the authority of former subsection (g) of section 2828 of title 10, United States Code (now section 2835 of such title), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 782), the Secretary of the Air Force may purchase the entire interest of the developer in the military family housing project if the Secretary determines that the purchase of the project is in the best economic interests of the Air Force.

(b) CONSIDERATION.—The consideration paid by the Secretary to purchase the interest of the developer in the military family housing project under subsection (a) may not exceed the fair market value of the military family housing project, as determined by the Secretary.

(c) CONGRESSIONAL NOTIFICATION.—If a decision is made to purchase the interest of the developer in the military family housing project under subsection (a), the Secretary shall submit a report to the congressional defense committees on that decision. The report shall include—

(1) the economic analyses used by the Secretary to determine that purchase of the military family housing project is in the best economic interests of the Air Force, as required by subsection (a); and

(2) a schedule for, and an estimate of the costs and nature of, any renovations or repairs that will be necessary to ensure that all units in the military family housing project meet current housing standards.

(d) PURCHASE DELAY.—A contract to effectuate the purchase authorized by subsection (a) may be entered into by the Secretary only after the end of the 30-day period beginning on the date the report required by subsection (c) is received by the congressional defense committees or, if earlier, the end of the 21-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

SEC. 2852. LAND CONVEYANCE, AIR FORCE PROPERTY, JACKSONVILLE, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Jacksonville, Arkansas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to real property consisting of approximately 45.024 acres around an existing short line railroad in Pulaski County, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the conveyed real property, as established by the assessment of the property conducted under contract for the Corps of Engineers and dated 15 September 2003.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the lease agreement dated October 29, 1982, as amended, between the Secretary and the Missouri Pacific Railroad Company (and its successors and assigns) and any other easement, lease, condition, or restriction of record, including streets, roads, highways, railroads, pipelines, and public utilities, insofar as the easement, lease, condition, or restriction is in existence on the date of the enactment of this Act and lawfully affects the conveyed property.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) EXEMPTION FROM FEDERAL SCREENING.—The conveyance authorized by subsection (a) is exempt from the requirement to screen the property for other Federal use pursuant to sections 2693 and 2696 of title 10, United States Code.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2861. LEASE AUTHORITY, ARMY HERITAGE AND EDUCATION CENTER, CARLISLE, PENNSYLVANIA.

Section 2866 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1333) is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

''(e) LEASE OF FACILITY.—(1) Under such terms and conditions as the Secretary considers appropriate, the Secretary may lease portions of the facility to the Military Heritage Foundation to be used by the Foundation, consistent with the agreement referred to in subsection (a), for—

''(A) generating revenue for activities of the facility through rental use by the public, commercial and nonprofit entities, State and local governments, and other Federal agencies; and

''(B) such administrative purposes as may be necessary for the support of the facility.

''(2) The annual amount of consideration paid to the Secretary by the Military Heritage Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the annual operations and maintenance of the facility.

''(3) Amounts paid under paragraph (2) may be used by the Secretary, in such amounts as provided in advance in appropriation Acts, to cover the costs of operation of the facility.''.

SEC. 2862. REDESIGNATION OF MCENTIRE AIR NATIONAL GUARD STATION, SOUTH CAROLINA, AS MCENTIRE JOINT NATIONAL GUARD BASE.

McEntire Air National Guard Station in Eastover, South Carolina, shall be known and designated as ''McEntire Joint National Guard Base'' in recognition of the use of the installation to house both Air National Guard and Army National Guard assets. Any reference to McEntire Air National Guard Station in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to McEntire Joint National Guard Base.

SEC. 2863. ASSESSMENT OF WATER NEEDS FOR PRESIDIO OF MONTEREY AND ORD MILITARY COMMUNITY.

Not later than April 7, 2006, the Secretary of Defense shall submit to Congress an interim assessment of the current and reasonable future needs of the Department of the Defense for water for the Presidio of Monterey and the Ord Military Community.

Division C—Department of Energy National Security Authorizations and Other Authorizations

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

3101. National Nuclear Security Administration.
3102. Defense environmental management.
3103. Other defense activities.
3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

3111. Reliable Replacement Warhead program.
3112. Report on assistance for a comprehensive inventory of Russian nonstrategic nuclear weapons.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,100,852,000, to be allocated as follows:

(1) For weapons activities, $6,455,744,000.

(2) For defense nuclear nonproliferation activities, $1,515,239,000.

(3) For naval reactors, $786,000,000.

(4) For the Office of the Administrator for Nuclear Security, $343,869,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for weapons activities, the following new plant projects:

Project 06–D–140, project engineering and design, various locations, $14,113,000.

Project 06–D–160, Facilities and Infrastructure Recapitalization Program, project engineering and design, various locations, $5,811,000.

Project 06–D–180, Defense Nuclear Nonproliferation Program project engineering and design, National Security Laboratory, Pacific Northwest National Laboratory, $5,000,000.

Project 06–D–401, Central Office Building 2, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,000,000.

Project 06–D–402, replace fire stations no. 1 and no. 2, Nevada Test Site, $8,284,000.

Project 06–D–403, Tritium Facility Modernization, Lawrence Livermore National Laboratory, $2,600,000.

Project 06–D–404, Building B–3 remediation, restoration, and upgrade, Nevada Test Site $16,000,000.

Project 06–D–601, electrical distribution system upgrade, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 06–D–602, gas main and distribution system upgrade, Pantex Plant, Amarillo Texas, $3,700,000.

Project 06–D–603, steam plant life extension project, Y–12 national security complex, Oak Ridge, Tennessee, $729,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for environmental management activities in carrying out programs necessary for national security in the amount of $6,311,433,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,480,102,000.

(2) For defense environmental services, $831,331,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for other defense activities in carrying out programs necessary for national security in the amount of $635,998,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $351,447,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) IN GENERAL.—Subtitle A (50 U.S.C. 2521 et seq.) of title XLVII of the Atomic Energy Defense Act is amended by adding at the end the following new section:

''SEC. 4214. RELIABLE REPLACEMENT WARHEAD PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, in consultation with the Secretary of Defense, shall carry out a program, to be known as the Reliable Replacement Warhead program, to develop reliable replacement components that are producible and certifiable for the existing nuclear weapons stockpile.

''(b) OBJECTIVES.—The objectives of the Reliable Replacement Warhead program shall be—

''(1) to increase the reliability, safety, and security of the United States nuclear weapons stockpile;

''(2) to further reduce the likelihood of the resumption of nuclear testing;

''(3) to remain consistent with basic design parameters by using, to the extent practicable, components that are well understood or are certifiable without the need to resume underground nuclear testing;

''(4) to ensure that the United States develops a nuclear weapons infrastructure that can respond to unforeseen problems, to include the ability to produce replacement warheads that are safer to manufacture, more cost-effective to produce, and less costly to maintain than existing warheads;

''(5) to achieve reductions in the future size of the nuclear weapons stockpile based on increased reliability of the reliable replacement warheads;

''(6) to use the design, certification, and production expertise resident in the nuclear complex to develop reliable replacement components to fulfill current mission requirements of the existing stockpile; and

''(7) to serve as a complement to, and potentially a more cost-effective and reliable long-term replacement for, the current Stockpile Life Extension Programs.''.

(b) REPORT.—Not later than March 1, 2007, the Nuclear Weapons Council shall submit to the congressional defense committees a report on the feasibility and implementation of the Reliable Replacement Warhead program required by section 4214 of the Atomic Energy Defense Act (as added by subsection (a)). The report shall—

(1) identify existing warheads recommended for replacement by 2035 with an assessment of the weapon performance and safety characteristics of the replacement warheads;

(2) discuss the relationship of the Reliable Replacement Warhead program within the Stockpile Stewardship Program and its impact on the current Stockpile Life Extension Programs;

(3) provide an assessment of the extent to which a successful Reliable Replacement Warhead program could lead to reductions in the nuclear weapons stockpile;

(4) discuss the criteria by which replacement warheads under the Reliable Replacement Warhead program will be designed to maximize the likelihood of not requiring nuclear testing, as well as the circumstances that could lead to a resumption of testing;

(5) provide a description of the infrastructure, including pit production capabilities, required to support the Reliable Replacement Warhead program; and

(6) provide a detailed summary of how the funds made available pursuant to the authorizations of appropriations in this Act, and any funds made available in prior years, will be used.

(c) INTERIM REPORT.—Not later than March 1, 2006, the Nuclear Weapons Council shall submit to the congressional defense committees an interim report on the matters required to be covered by the report under subsection (b).

SEC. 3112. REPORT ON ASSISTANCE FOR A COMPREHENSIVE INVENTORY OF RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) there is an insufficient accounting for, and insufficient security of, the nonstrategic nuclear weapons of the Russian Federation; and

(2) because of the dangers posed by that insufficient accounting and security, it is in the national security interest of the United States to assist the Russian Federation in the conduct of a comprehensive inventory of its nonstrategic nuclear weapons.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than November 1, 2005, the Secretary of Energy shall submit to Congress a report containing—

(A) the Secretary's evaluation of past and current efforts by the United States to encourage or facilitate a proper accounting for and securing of the nonstrategic nuclear weapons of the Russian Federation; and

(B) the Secretary's recommendations regarding the actions by the United States that are most likely to lead to progress in improving the accounting for, and securing of, those weapons.

(2) CONSULTATION WITH SECRETARY OF DEFENSE.—The report under paragraph (1) shall be prepared in consultation with the Secretary of Defense.

(3) CLASSIFICATION OF REPORT.—The report under paragraph (1) shall be in unclassified form, but may be accompanied by a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2006, $22,032,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

3301. Authorized uses of National Defense Stockpile funds.
3302. Revision of fiscal year 1999 authority to dispose of certain materials in the National Defense Stockpile.
3303. Revision of fiscal year 2000 authority to dispose of certain materials in the National Defense Stockpile.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2006, the National Defense Stockpile Manager may obligate up to $52,132,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISION OF FISCAL YEAR 1999 AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

(a) REQUIRED RECEIPTS FROM DISPOSALS.—Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2193), is amended by striking paragraph (5) and inserting the following new paragraph:

''(5) $1,000,000,000 by the end of fiscal year 2011.''.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) will result in the continued disposal of certain materials in the National Defense Stockpile after September 30, 2005, pursuant to the disposal authority provided by section 3303 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, and allow the National Defense Stockpile Manager to take advantage of favorable market conditions for the sales of several of the materials authorized for disposal, such as tungsten ferro, tungsten metal power, and tungsten ores and concentrates.

SEC. 3303. REVISION OF FISCAL YEAR 2000 AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1788), is amended by striking paragraph (4) and inserting the following new paragraph:

''(4) $550,000,000 by the end of fiscal year 2011.''.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $18,500,000 for fiscal year 2006 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

3501. Authorization of appropriations for fiscal year 2006.
3502. Payments for State and regional maritime academies.
3503. Maintenance and repair reimbursement pilot program.
3504. Tank vessel construction assistance.
3505. Improvements to the Maritime Administration vessel disposal program.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

Funds are hereby authorized to be appropriated for fiscal year 2006, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $113,650,000, of which $10,000,000 shall be available only for paying reimbursement under section 3517 of the National Defense Authorization Act for Fiscal Year 2004, as amended by section 3503 of this Act.

(2) For administrative expenses related to loan guarantee commitments under the program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $3,526,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $21,000,000.

SEC. 3502. PAYMENTS FOR STATE AND REGIONAL MARITIME ACADEMIES.

(a) ANNUAL PAYMENT.—Section 1304(d)(1)(C)(ii) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(d)(1)(C)(ii)) is amended by striking ''$200,000'' and inserting ''$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter''.

(b) SCHOOL SHIP FUEL PAYMENT.—Section 1304(c)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1295c(c)(2)) is amended—

(1) by striking ''The Secretary may pay to any State maritime academy'' and inserting ''(A) The Secretary shall, subject to the availability of appropriations, pay to each State maritime academy''; and

(2) by adding at the end the following:

''(B) The amount of the payment to a State maritime academy under this paragraph shall not exceed—

''(i) $100,000 for fiscal year 2006;

''(ii) $200,000 for fiscal year 2007; and

''(iii) $300,000 for fiscal year 2008 and each fiscal year thereafter.''.

SEC. 3503. MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.

Section 3517 of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended—

(1) in subsection (a)(1) by striking ''may'' each place it appears and inserting ''shall'';

(2) in subsection (a)(2) by striking ''LIMITATION.—The Secretary may not'' and inserting ''REQUIREMENT OF AGREEMENT.—The Secretary shall, subject to the availability of appropriations,'';

(3) in subsection (d)(2) by striking ''80 percent of''; and

(4) by amending subsection (g) to read as follows:

''(g) ANNUAL REPORT.—The Secretary shall submit a report to the Congress each year on the program under this section. The report shall include a listing of future inspection schedules for all vessels included in the Maritime Security Fleet established by chapter 531 of title 46, United States Code.''.

SEC. 3504. TANK VESSEL CONSTRUCTION ASSISTANCE.

(a) REQUIREMENT TO ENTER CONTRACTS.—Section 3543(a) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking ''may'' and inserting ''shall, to the extent of the availability of appropriations,''.

(b) AMOUNT OF ASSISTANCE.—Section 3543(b) of the National Defense Authorization Act for Fiscal Year 2004 (46 U.S.C. 53101 note) is amended by striking ''up to 75 percent of''.

SEC. 3505. IMPROVEMENTS TO THE MARITIME ADMINISTRATION VESSEL DISPOSAL PROGRAM.

(a) COMPREHENSIVE MANAGEMENT PLAN.—

(1) REQUIREMENT TO DEVELOP PLAN.—The Secretary of Transportation shall prepare, publish, and submit to the Congress by not later than 120 days after the date of the enactment of this Act a comprehensive plan for management of the vessel disposal program of the Maritime Administration in accordance with the recommendations made in the Government Accountability Office in report number GAO–05–264, dated March 2005.

(2) CONTENTS OF PLAN.—The plan shall—

(A) include a strategy and implementation plan for disposal of obsolete Maritime Administration vessels (including vessels added to the fleet after the enactment of this Act) in a timely manner, maximizing the use of all available disposal methods, including dismantling, use for artificial reefs, donation, and Navy training exercises;

(B) identify and describe the funding and other resources necessary to implement the plan, and specific milestones for disposal of vessels under the plan;

(C) establish performance measures to track progress toward achieving the goals of the program, including the expeditious disposal of ships commencing upon the date of the enactmemt of this Act;

(D) develop a formal decisionmaking framework for the program; and

(E) identify external factors that could impede successful implementation of the plan, and describe steps to be taken to mitigate the effects of such factors.

(b) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) REQUIREMENT TO IMPLEMENT.—The Secretary shall implement the vessel disposal program of the Maritime Administration in accordance with—

(A) the management plan submitted under subsection (a); and

(B) the requirements set forth in paragraph (2).

(2) UTILIZATION OF DOMESTIC SOURCES.—In the procurement of services under the vessel disposal program of the Maritime Administration, the Secretary shall—

(A) use full and open competition; and

(B) utilize domestic sources to the maximum extent practicable.

(c) FAILURE TO SUBMIT PLAN.—

(1) PRIVATE MANAGEMENT CONTRACT FOR DISPOSAL OF MARITIME ADMINISTRATION VESSELS.—The Secretary of Transportation, subject to the availability of appropriations, shall promptly award a contract using full and open competition to expeditiously implement all aspects of disposal of obsolete vessels of the Maritime Administration.

(2) APPLICATION.—This subsection shall apply beginning 120 days after the date of the enactment of this Act, unless the Secretary of Transportation has submitted to the Congress the comprehensive plan required under subsection (a)

(d) TEMPORARY AUTHORITY TO TRANSFER OBSOLETE COMBATANT VESSELS TO NAVY FOR DISPOSAL.—The Secretary of Transportation shall, subject to the availability of appropriations and consistent with section 1535 of title 31, United States Code, popularly known as the Economy Act, transfer to the Secretary of the Navy during fiscal year 2006 for disposal by the Navy, no fewer than 4 combatant vessels in the nonretention fleet of the Maritime Administration that are acceptable to the Secretary of the Navy.

The Acting CHAIRMAN. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 109–96 and amendments en bloc described in section 3 of House Resolution 293.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the resolution, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for division of the question. Each amendment shall be debatable as specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc shall be considered read, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the Congressional RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 20 printed in House Reports 109–96.

AMENDMENT NO. 20 OFFERED BY MR. GOODE

Mr. GOODE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. GOODE:

At the end of subtitle D of title X (page 372, after line 8), add the following new section:

SEC. 1035. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Secretary of Homeland Security; and

''(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

''(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

''(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

''(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).''.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by

subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would permit military personnel to secure America's borders. It authorizes, but does not require the Secretary of Defense to utilize members of the Army, Navy, Air Force, Marine Corps and Reserves under certain circumstances and subject to certain conditions to assist the Department of Homeland Security upon the request of the Department of Homeland Security in the performance of its border functions.

This amendment has passed in the two previous Congresses, and prior to my offering this amendment in the past two Congresses, it was offered by other Members and it has passed the House, but has not survived conference. I hope this year it will pass the House and then survive a conference.

I want to emphasize, this is an authorization measure so that the Department of Homeland Security and the Department of Defense would not be subject to posse comitatus charges if they utilize this in a nonemergency situation.

This simply makes it clear that if the Secretary of Homeland Security requests of the Secretary of Defense the utilization of forces to assist the border patrol in combating illegal drugs, combating illegal immigration or to reduce the threat of terrorism, that authority exists and it would not require the declaring of a national emergency by the executive branch.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I claim time in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to express strong opposition to my good friend, the gentleman from Virginia (Mr. GOODE's) amendment.

I understand his concern. There has been a lot of talk both on the floor of Congress, throughout the country about border control. I understand the need to increase enforcement along our borders to protect against terrorism and drug trafficking.

Mr. Chairman, as a former Border Patrol agent with 26½ years' experience along our Nation's border, I know firsthand the difficulties that we have protecting our borders. But I also know that what we need are more trained law enforcement professionals, not military forces and, most certainly, not untrained civilians and vigilantes.

I know how difficult it is to secure our Nation's borders and the need for additional resources; however, this amendment is the wrong solution to our current problem along the border. The military has been more than willing to provide assistance to law enforcement already, but, Mr. Chairman, let me just for the record state that the Department of Defense opposes this amendment.

The Department of Homeland Security needs more border patrol agents, not troops on the border. The President already has the constitutional authority to deploy troops, as necessary, during a national emergency. There is no reason for this amendment.

□ 1330

We have recently authorized an additional 1,500 border agents and have funded those 1,500 border agents.

Last August, we passed the intelligence reform legislation that has a provision for 2,000 border patrol agents per year for the next 5 years. That is the solution, in my opinion, that we need: professional trained Spanish-speaking border patrol agents that know and understand the challenge they face.

Our military today is already stressed. Just last month, the U.S. Army told us that their recruitment was down some 42 percent. We do not have the forces, we do not have the Reserves, and we do not have the National Guard because of the commitments overseas.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODE. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I rise today in strong support of the Goode amendment. The terrorist attacks on our homeland highlighted the potential disastrous effects of porous borders and the need to bolster border security. While we continue to fight the war on terror overseas, we cannot neglect our homeland and must increase our efforts at fighting terrorism at home by controlling immigration and strengthening our borders.

The defense authorization bill we are considering today makes excellent progress in setting funding levels for our troops and staging the war on terror overseas, but cannot and should not neglect our borders here at home. The Goode amendment will protect terrorists, illegal immigrants, and drug traffickers from entering the country.

Mr. Chairman, border security cannot be taken too seriously. I urge my colleagues to support the Goode amendment so we can continue fighting terror in the streets of Baghdad and in the mountains of Afghanistan rather than in our cities and communities. We must increase our efforts at achieving closed borders with open, guarded doors.

The Goode amendment helps accomplish that goal and supplements the greater objectives of the national defense authorization bill we are considering today. Without the Goode amendment, the authorization bill is incomplete and its goals are unmet.

In fighting the war on terror overseas, we have made our Nation and indeed the whole world a much safer place. Let us make sure we continue to build on that historic progress by protecting our homeland and defending our borders, when necessary. Vote for the Goode amendment and for the passage of the defense authorization bill.

Mr. REYES. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. ORTIZ), a former sheriff who knows and understands border issues.

Mr. ORTIZ. Mr. Chairman, I oppose the provision regarding troops on the border. Our servicemen and -women are simply spread too thin. But one of the things that we need to remember is that we are in Iraq fighting a war in order not to fight in our homeland; that we need to fight the terrorists in Iraq. Well, just from the beginning of the year to today, we have had over 17,000 OTMs, other than Mexicans; and most of them are from Brazil. If you go to Brazil, you do not need a visa to go into Mexico.

It is good to see that we have given the border patrol 1,500 more border patrolmen, but we have no detention centers. If you have no detention centers, the illegals come in knowing one thing: when they come to the border, they turn themselves in to the border patrol. And you know what they ask for? I want my walking papers. I am not a Mexican; I can stay here, and I can appear before a judge.

I would like to engage my good friend, the gentleman from Texas (Mr. REYES), for a few moments because he was the border patrol sector chief in McAllen. Not only that, we are beginning to see gangs coming in, the Mara Salvatrucha gang, and many other people. And unless we build detention centers, they are going to continue to come. My friend has talked to some of the border patrol officers down in the McAllen sector.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. ORTIZ. I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, we have been in contact with border patrol agents that currently are telling us that they are demoralized. Because if you are an other-than-Mexican undocumented individual, you can come in. We have instances where they are actually flagging down our border patrol agents and they are asking local residents to call the border patrol so they can get what they call their permiso, or their permit, to be able to travel anywhere in the United States.

This is an abuse of our immigration laws, and it is all because we will not

fund and we will not establish temporary detention facilities. When I was chief in McAllen sector, we had the same situation in the mid-1980s, where we had Central Americans coming in to the country. I was told that my agents were to issue I–210 letters, which is that permiso, that permit, they want today and wanted in the mid-1980s. I said, no, we are going to arrest them, and we are going to detain them.

We put together a plan. We put temporary detention facilities down in south Texas, and guess what, Mr. Chairman? It worked. They stopped coming. And more importantly, Mexico had to become engaged to make sure that people coming from Central America did not come into Mexico and create difficulties for them.

There is a solution, my colleagues, to this issue. The solution is enforcing our laws. If we put military on the border, all they are going to be doing is refer these undocumented other-than-Mexican aliens to the border patrol so they can be issued another permit to go anywhere in the country that they want. Does that make sense? Is that what we want to use our military for, just the equivalent of tour guides, referring illegals to the border patrol for issuing of a permit so they can go anywhere in the country?

Mr. ORTIZ. Reclaiming my time, Mr. Chairman, I just want to say something. We have had experience. About 12 years ago, we had 57,000 individuals, illegal, come from Central America when Attorney General Meese said if you fear for your life, come to the United States. My colleagues, we had to put up tents, and my colleague from Texas remembers that; 57,000. It impacts on your infrastructure, on your highways, on everything else.

So this is one of the reasons I oppose this bill. We need to build detention centers, otherwise the problem will never be solved.

Mr. GOODE. Mr. Chairman, how much time remains on each side?

The Acting CHAIRMAN (Mr. BASS). The gentleman from Virginia (Mr. GOODE) has 11 minutes remaining, and the gentleman from Texas (Mr. REYES) has 7½ minutes.

Mr. GOODE. Mr. Chairman, I yield 4½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I rise in strong support of the Goode amendment, and I do so with the utmost respect for the preceding speakers on the other side of the aisle. Because in pointing out the symptoms and the challenges of the problems we confront on our border, rather than arguing against the amendment, as is the intent of my friends from Texas, in fact they are bolstering the argument for the very reason we should support this amendment.

Here is why, Mr. Chairman. National security and border security are one and the same. As my colleagues from Texas, who share a common border as I do in my home State in Arizona, as we share a common border with the Republic of Mexico, I would remind my colleagues that to our north there is a border stretching with Canada that is close to 8,000 miles, when you take a look at all the ins and outs. So it is not directed absolutely at our neighbors in the south. There is a danger to our north.

This has little to do with morale or professionalism of border patrol agents. Instead, it has to do with the incredible job we ask our border patrol to do across that vast northern border and across our important southern border. It is because of the tenor of the times, in the wake of 9/11, and, Mr. Chairman, precisely because of what we heard our former colleague, Mr. Goss of Florida, now Director of the Central Intelligence Agency, say in an open session to a committee in the other body, that his greatest concern is the introduction of some sort of weapon or some hostile action taken by those crossing our porous borders.

My colleagues from Texas just pointed out, in terms of those other-than-Mexicans coming across our southern border, and as the Director of the FBI confirmed to a subcommittee of this House, there are individuals coming in to this Nation through our southern border who are coming from nations that export Islamofascism and terrorism and they are adopting Hispanic-sounding surnames as their aliases. And my good friend, the gentleman from Texas (Mr. ORTIZ), took a direct hand in pointing out those who are involved in creating security risks along our border. He mentioned the threat of the MS–13 gangs and all that is going on.

My colleagues, the Goode amendment is needed now more than ever. And I say that as one from a border State who stood in opposition to amendments of this type during my previous years in Congress. But the bottom line, Mr. Chairman, is this: yes, we have troops in the field; we have troops far from home fighting on the streets of Tikrit so we do not see a fight on the streets of Tucson; fighting on the streets of Baghdad so we do not see this on the streets of Boston.

But by the same token, 1 week ago, when we discussed the challenges that we were confronting in terms of border security and national security, I would suggest that a vacuum exists, because we hear so much debate in this House about resources for first responders.

Mr. Chairman, I would recommend and I would suggest that there is an interim vacuum that we should take into account. Not only are men and women in uniform on the offensive around the world in a global war on terror, but we also must deal with the ability of the Secretary of Defense in coordination with the Secretary of the Department of Homeland Security to utilize our military personnel. If we had in place the adequate manpower and resources for first defenders on our borders, perhaps the first responders would not be needed.

Mr. Chairman, I respect my colleagues from Texas. I understand their concerns. Indeed, there is much on this topic where we have agreement. We understand the danger we confront. But we have seen the results of force multiplication, or at least the presence of American citizens on the border in my home State. Force multiplication, and another option here is what is needed. Support the Goode amendment.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume to remind my friend from Arizona that the Department of Defense opposes this amendment, and the President already has the constitutional authority.

Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. KLINE), who is, coincidentally, from the northern border that the gentleman from Arizona was just speaking about and who is a member of our committee.

Mr. KLINE. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to the amendment put forward by my good friend, the gentleman from Virginia (Mr. GOODE). While I support his intention with all my heart to provide increased border security to our Nation, I would remind my colleagues that we have been taking action in this Congress, and will take more, to increase the number of border patrol, and as my friend, the gentleman from Texas, said, to pass a REAL ID Act, and to take steps where professional law enforcement officials are stepping up to provide security for our borders.

I oppose this amendment because of my fear of what it does to our Armed Forces at a time when we are stretched incredibly thin. I think back to my days on active duty, and my son's service now on active duty, and how hard they are training for this war on terror, how much time they are spending deployed, and to think we are now going to ask more of them.

My colleague from Arizona mentioned 8,000 miles of border. I am afraid that in our eagerness to defend the border, we will call more and more on our men and women in the Armed Forces and put them in a very untenable position where they are poorly trained to do a job that should be done by professional law enforcement officers and taking them away from their primary mission and stretching them ever thinner in their primary duties. So, reluctantly, I oppose this amendment.

□ 1345

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

Just to comment briefly, this amendment does not require forces on the border, it simply authorizes the Department of Homeland Security and the Department of Defense to utilize them if necessary to supplement the border control, and they have to be trained.

This amendment is a message-sender to tell the world we are serious about

illegal immigration, drug trafficking and the threat of terrorism coming across the border.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman from Virginia (Mr. GOODE) for yielding me this time and for bringing this amendment before this Chamber.

We look at our borders of this Nation. No nation without borders can be a sovereign nation. Without borders, you have no nation. We have borders that are absolutely porous, and we are hearing from the criticizing media that we cannot control the borders between Iraq and Syria, between Iraq and Iran. What about controlling the borders between the United States of America and our neighbors to the south and to the north?

We know we have troops that are training all over this country at bases around America and around the world. We also know it is good for morale to be engaged in something that is meaningful. What better terrain than, particularly, our southern border where coffee-stain camouflage matches that terrain as well as it does the terrain they are in in Iraq today.

We are dealing with this giant haystack of illegal immigration, and we have a policy that says we are going to look for OTMs and terrorists and criminals. And we have 8 or 12 or 14 million illegals that have come across the border and live in this country today, or more; and that number is so great, we stopped 1,139,000 from coming across the border in the past year. That is how many we caught.

Most people will tell you that two out of every three make it through. So out of that number and that huge haystack of 3 million or more pouring across our borders, we are going to reach in and find the needles, the terrorists or criminals or OTMs? I do not think so.

I think this Nation has to mobilize the resources that is has, consistent with the Goode amendment, training the military, put them on the border not as a protection force that is going to draw from our national security at other places in the world, but put them where they can protect our national security while they train to be deployed elsewhere as well.

The Minute Men that stood on the border set that standard, and I think the United States military can follow through.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I remind my good friend, the gentleman from Iowa (Mr. KING), that the Department of Defense is opposed to this amendment. The President already has the authority.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, as California's border Congressman, I rise to oppose this amendment.

I am amazed at some of the arguments supporting this amendment. Members who agree that we need more security on the border, yet every one of them voted for a budget that only had 10 percent of the border patrol increase that this Congress has authorized. So they talk about more border patrol, but they voted for a budget that did not include it!

Mr. Chairman, I would not vote for an amendment that militarizes my colleagues' districts, and I urge my colleagues to oppose the amendment aimed at militarizing my district on the California-Mexico border.

We have a highly trained military. It is the best in the world, but it is not trained to perform domestic security duties. It is not trained to go on patrol in my neighborhood. It is trained to pursue and kill foreign enemies, not to check if visas have expired.

We do need more border security, but we should give the border patrol the support they need to do the job. They are the professionals. Let us give them the critical manpower and equipment they need. Let us invest in 21st century technology.

The gentleman from Iowa (Mr. KING) talked about a haystack. As our border patrol looks for the dangerous needle in the haystack, we can use technology to make that haystack smaller. Let us pass more support for the border patrol, let us pass comprehensive immigration reform. Let us allow the border patrol and other homeland security officials to focus on the real dangers to our national security.

We must have a secure and efficient border, but do not confuse immigrants with terrorists, and do not send the Army into my neighborhood. The Goode amendment is bad!

Mr. GOODE. Mr. Chairman, I yield myself such time as I may consume.

I would point out to the gentleman from California, I did vote for his motion to recommit to increase funding to add more border patrol officers. This is simply an authorization measure to allow the United States, if the Department of Homeland Security and if the Department of Defense thought necessary, to utilize forces to supplement the border control.

There are troops on the border today, but they are not U.S. troops, they are Mexican troops. We should certainly allow, not mandate, just give the permission for our troops to be there and not have them violate posse comitatus.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to say to the gentlemen on the other side, I do not have two better friends than the two gentlemen handling the opposition to this, but this is not about anything except responding to the people of America who are concerned about what is happening at our borders. I support my good friend from Virginia because, as the gentleman says, this is an authorization bill.

But I can say to Members today, the American people are fed up, tired about the fact we have between 8,000 and 10,000 illegal aliens coming across the border each and every week. People in this country feel we are not doing our job as elected officials in Washington, D.C.

I have one of the best staffs in eastern North Carolina, in the State of North Carolina, of helping people who want to come to this country legally. We do everything we can to help them. But what the Goode amendment is proposing is absolutely a national security issue. It is no more or no less than national security.

How in the world, when we have terrorists that are planting themselves down in Central and South America, and we have had this told to us on the Committee on Armed Services, we know this is happening; how can we not say to the American people that their security is of the utmost importance?

I heard the gentleman from Minnesota (Mr. KLINE), whom I have great respect for, talking about our troops being stressed. I would say to the gentleman from Minnesota (Mr. KLINE), we need to start bringing those troops back from Iraq, but that is not the debate here today. The debate here today is the fact that we need to do what the American people think we were sent here for, and that is to represent their interests.

I was so disappointed when the President of the United States called the ''Minute Men'' in Arizona ''vigilantes.'' I would tell Members that in the Third Congressional District of North Carolina, where we have 60,000 retired military, those men that served on that border did not do anything but help those who came here illegally go back without any threat to them. Those men that stood on the borders of Arizona, they are, in the Third District of North Carolina, heroes.

I say that to the President.

I hope we will support the Goode amendment because we should care about the national security of America.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

I would say to the gentleman from North Carolina (Mr. JONES) that I have the utmost respect for him, but I would remind the gentleman that it is poor public policy to allow citizens to take the law into their own hands, whether it is Arizona or not.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA), who represents a border district.

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to the Goode amendment. As a Member whose district lies along the U.S.-Mexico border, I understand my colleague's frustration with our inability to stop illegal immigration. However, placing military troops on the border is not the solution. Border patrol agents are highly trained to handle the jobs of border security, as has been stated this afternoon.

Mr. Chairman, we need to be providing more funding to hire more border patrol personnel. We also need to provide more detention space facilities for immigrants who are apprehended, but we do not have the money to build them. The Homeland Security bill, which we passed last week, takes steps in this direction, although I wish it would have gone further.

We will never stop illegal immigration until this country has a comprehensive, realistic immigration policy. I urge the gentleman from Virginia (Mr. GOODE) to support immigration reform legislation that has been introduced by the gentleman from Arizona (Mr. KOLBE), the gentleman from Arizona (Mr. FLAKE) and the gentleman from Illinois (Mr. GUTIERREZ).

When we are already facing military recruitment shortages, when our National Guard and Reserves are going into their second year of active service, when this bill will remove thousands of women from support positions and when commanders in Iraq and Afghanistan are crying out for more troops, we do not need to be giving our military the additional mission of securing our borders.

I urge my colleagues to oppose the amendment.

Mr. GOODE. Mr. Chairman, I yield 30 seconds to the gentleman from California (Chairman HUNTER).

Mr. HUNTER. Mr. Chairman, I want to say, we all know one thing in this House Chamber, those who know the record of the gentleman from Texas (Mr. REYES), he is the finest border patrol chief probably in the history of our country. He has done a wonderful job.

We are on opposite sides of this vote. I think the gentleman pointed out very clearly one reason we can be on opposite sides of this vote, and that is, this is a permission which, arguably, the President already has. It is not a mandate; it is a permission. I would contemplate this would only be used in extraordinary circumstances.

Nonetheless, it is a resource that the Department of Homeland Security should have at their disposal should they need it for some exigency in the future.

I want to support the Goode amendment, as I have historically. I thank Members on both sides for a very high-level debate.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member on the Subcommittee on Immigration.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, it should be known that the gentleman from Texas (Mr. REYES) has years of very profound experience, serving our country not only in the United States military, but certainly as a border patrol agent and certainly a leader in that particular profession.

Let me suggest to my colleagues that albeit there is a crisis and a need for Federal intervention on immigration, I would join my colleagues and ask that we join it in comprehensive immigration reform, legislative initiatives that have been offered by the Senate and the House. I have just introduced a Save America comprehensive immigration reform bill; and frankly, if we would fund fully border patrol agents and ICE agents, the problem would be solved.

Putting military at the borders is a violation of the Posse Comitatus Act of 1878, and it misuses our military whose basic training is defense and shoot to kill. Migrants and immigrants are not enemy combatants. And, frankly, if you come to the border of Texas where people live in harmony, those who happen to look possibly alike, illegal immigrants, there is a great possibility of danger, danger to the soldiers and danger to those civilians.

Border patrol agents are serving our country. In fact, in testimony yesterday before our Subcommittee on Homeland Security, when I spoke to one of their representatives, he indicated what is the sense of training military personnel who are temporarily in the United States Army or Marines, and then lose or eliminate that training by them leaving the service and losing the investment, where you would have border patrol agents who have the long-term investment.

Mr. Chairman, yes, this sounds great and it has an emotional appeal as we go toward Memorial Day, but I have the greatest respect and honor for the United States military as they fight to defend this Nation. To use them in a civilian capacity that is the responsibility of the Federal Government is an outrage and should not be done.

Let us work together harmoniously to secure the American borders in the right way, and let us allow the United States military to serve their Nation and defend this country in the way that they have been trained to do it, not water down their duties and add to the danger of civilian/military conflict.

I rise in opposition to this amendment. It would authorize the Secretary of Defense to assign members of the Army, the Navy, the Air Force, and the Marines to assist the Department of Homeland Security in the performance of border protection functions.

I share my colleague's desire for a secure border, but this is not the way to do it. Border security is a civilian responsibility that has been assigned to the Department of Homeland Security, not to the military. I also want to express my disapproval of permitting civilian volunteers such as the minutemen to assist in securing our borders. We can provide the additional support the Department needs by increasing the number of border patrol agents. Soldiers are not necessary or desirable as border patrolmen.

Putting troops on the border would violate the Posse Comitatus Act of 1878, which prohibits the United States military from patrolling within United States borders.

The United States military is stretched thin from wars in Afghanistan and Iraq. Putting troops at our border would further strain our capabilities abroad.

Migrants are not enemy combatants. They are seeking better economic opportunities for their families. Their plight should not be combated with military force, but rather with immigration reform.

The United States Border Patrol actively cooperates with the military in many areas—from infrastructure construction to the implementation of new high-tech monitoring such as unmanned aerial vehicles. The Border Patrol already knows when and how to ask for cooperation from the military.

The military is not trained to operate in United States civilian communities, as is the case with much of the border. More than 10 million people live along the American side of the Mexico border. Putting military patrols in their communities would put many people at risk.

For instance, on May 20, 1997, a Marine shot and killed an 18-year-old goat herder, Ezekiel "Zeke" Hernandez. The incident occurred on the eastern outskirts of the village of Redford, Texas. The Marines were on the border to patrol against drug smugglers. Ezekiel was shot because he was carrying a gun to protect his flock, and fired a shot, most likely to scare away predators threatening his herd. In view of the fact the Marines were camouflaged, it is unlikely that Ezekiel saw them. I do not want to see more incidents like this take place on American soil.

I urge you to vote against this amendment.

□ 1400

Mr. GOODE. Mr. Chairman, I yield myself the balance of my time.

I would like to say that I think the gentlewoman from Texas (Ms. JACKSON-LEE) was right on target when she said allowing troops on the border under current law in the United States would violate posse comitatus. I am not sure that it would, but if they were requested tomorrow by the Secretary of Homeland Security and went there, I assure you there would be lawsuits and national media saying we were violating posse comitatus. Pass this amendment and we will not have that obstruction to protecting the security of the United States of America.

I want to salute the gentleman from Texas (Mr. REYES) for his conducting of this debate, a great debate. I also want to thank him for his service which was truly outstanding, as the gentleman from California said.

I would like to close by urging you to vote for the security of the United States and simply give to the Department of Homeland Security with the concurrence of the Department of Defense the authorization to use troops without running afoul of posse comitatus.

Mr. REYES. Mr. Chairman, it is my pleasure to yield 30 seconds to the gentleman from Missouri (Mr. SKELTON), the ranking member of the committee.

Mr. SKELTON. I thank the gentleman for yielding time.

Mr. Chairman, if there is anyone in this Chamber that understands the border and the business at the border, it is the former border patrol chief, the gentleman from Texas (Mr. REYES). His expertise is beyond question.

At a time when we are stretching our young people in uniform, particularly

the United States Army, at a time when 40 percent of those in Iraq and Afghanistan are Reservists or National Guardsmen, at a time when we are having a difficult time in recruiting and problems rising in retention, we just cannot afford to put additional troops on the border. That is the purpose of the border patrol, and it is up to this body in other amendments and other bills to authorize and appropriate more border patrolmen for that necessary job.

Mr. REYES. Mr. Chairman, I yield myself the balance of my time. I want to also thank the gentleman from Virginia (Mr. GOODE) for a great debate here and all the Members that participated.

Mr. Chairman, this is an issue that is very much discussed around the country. As my friend from South Carolina said, this is in response to the issue that the American people seek relief on. But this is a false response. The Department of Defense opposes this amendment. Homeland Security needs more border patrol agents, more technology, more resources, not troops, to help them. The President already has the constitutional authority to deploy troops as necessary.

I would ask all Members that have spoken on this very important issue, let us get together and let us ask for hearings so that we can have relief in areas like my friend and colleague from south Texas (Mr. ORTIZ) articulated. Border patrol agents are demoralized today because they are the equivalent of tourist enterprises, in terms of passing out letters to other-than-Mexican undocumented people that are allowed to travel anywhere in the country.

I urge my colleagues to oppose this amendment and support efforts to recruit, train, and deploy additional border patrol agents and resources. That is the way we ought to be going.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Virginia (Mr. GOODE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODE) will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

The Clerk designated the amendments en bloc, as follows:

Amendments en bloc offered by Mr. HUNTER printed in House Report 109–96 consisting of amendment No. 2; amendment No. 3; amendment No. 7; amendment No. 10; amendment No. 13; amendment No. 15; amendment No. 21; amendment No. 28; amendment No. 18; and amendment No. 25.

AMENDMENT NO. 2 OFFERED BY MR. ORTIZ

The text of the amendment is as follows:

Page 45, line 18, insert ''(a) IN GENERAL.—'' before ''Section 216''.

Page 47, after line 6, insert the following:

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

AMENDMENT NO. 3 OFFERED BY MS. KAPTUR

The text of the amendment is as follows:

At the end of subtitle B of title III (page 70, after line 11), insert the following new section:

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

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

(b) ELEMENTS.—The study shall include—

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

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

(3) an assessment of the current and future commercial availability of biodiesel and ethanol fuel, including facilities for the production, storage, transportation, distribution, and commercial sale of such fuel;

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

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

(c) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''ethanol fuel'' means fuel that is 85 percent ethyl alcohol.

(2) The term ''biodiesel'' means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of title 42, United States Code.

AMENDMENT NO. 7 OFFERED BY MR. SIMMONS

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), add the following new section:

SEC. 575. ELIGIBILITY OF CERTAIN PERSONS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY OF ''GRAY AREA'' RETIREES AND SPOUSES.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641a the following new section:

''§ 2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses

''(a) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

''(b) DEPENDENTS.—The dependent of a member or former member under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title, shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2641a the following new item:

''2641b. Space-available travel on Department of Defense aircraft: Reserve members eligible for retired pay but for age; spouses.''.

AMENDMENT NO. 10 OFFERED BY MR. FILNER

The text of the amendment is as follows:

At the end of title VI (page 279, after line 6), add the following new section:

SEC. ____. REPORT ON SPACE-AVAILABLE TRAVEL FOR CERTAIN DISABLED VETERANS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility of providing transportation on Department of Defense aircraft on a space-available basis for any veteran with a service-connected disability rating of 50 percent or higher. The Secretary of Defense shall prepare the report in consultation with the Secretary of Veterans Affairs.

AMENDMENT NO. 13 OFFERED BY MS. DELAURO

The text of the amendment is as follows:

At the end of title VII (page 297, after line 26), insert the following new section:

SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.

(a) PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(b) MATTERS COVERED.—The program developed under subsection (a) shall be designed to—

(1) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(2) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(3) increase awareness of mental health issues that may arise in dependents referred to in paragraphs (1) and (2) whose sponsor is deployed to a combat theater.

(c) TOLL-FREE NUMBER.—In carrying out this section, the Secretary of Defense shall establish a toll-free informational telephone number and website devoted to helping members of the Armed Forces and their dependents recognize, and locate treatment providers for, post-traumatic stress disorder and other forms of combat stress.

(d) COORDINATION.—The Secretary may permit the Department of Defense to coordinate the program developed under subsection (a) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(e) AVAILABILITY IN OTHER LANGUAGES.—The Secretary shall ensure that the program developed under subsection (a) is made available in foreign languages if necessary to aid

comprehension among persons to be helped by the program.

AMENDMENT NO. 15 OFFERED BY MR. MANZULLO

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. BUY AMERICAN REQUIREMENT FOR PROCUREMENTS OF GOODS CONTAINING COMPONENTS.

(a) REQUIREMENT.—Notwithstanding any agreement described in subsection (b), with respect to any manufactured end product procured by the Department of Defense—

(1) the end product shall be manufactured in the United States; and

(2) the cost of components of the end product that are mined, produced, or manufactured inside the United States shall exceed 50 percent of the cost of all components of the end product.

(b) AGREEMENT DESCRIBED.—An agreement referred to in subsection (a) is any reciprocal defense procurement memorandum of understanding between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act (41 U.S.C. 10a et seq.) for certain products in that country.

AMENDMENT NO. 21 OFFERED BY MR. CROWLEY

The text of the amendment is as follows:

At the end of title X (page 402, after line 22), add the following new section:

SEC. 1048. SENSE OF CONGRESS RECOGNIZING THE DIVERSITY OF THE MEMBERS OF THE ARMED FORCES KILLED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND HONORING THEIR SACRIFICES AND THE SACRIFICES OF THEIR FAMILIES.

(a) FINDINGS.—Congress finds the following:

(1) Over 1,500 members of the United States Armed Forces have been killed while serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The members of the Armed Forces killed in Operation Iraqi Freedom and Operation Enduring Freedom came from diverse ethnic backgrounds.

(3) All of these members of the Armed Forces lost their lives defending the cause of freedom, democracy, and liberty.

(4) Diversity is an essential part of the strength of the Armed Forces, in which members having different ethnic backgrounds and faiths share the same goal of defending the cause of freedom, democracy, and liberty.

(5) The Armed Forces are representative of the diverse culture and backgrounds that make the United States a great nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) recognize and celebrate the diversity of the Armed Forces; and

(2) recognize and honor the sacrifices being made by the diverse members of the Armed Forces and their families in the war against terrorism.

AMENDMENT NO. 28 OFFERED BY MR. SPRATT

The text of the amendment is as follows:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. WAR-RELATED REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—The Secretary of Defense shall submit to Congress, in accordance with this section, war-related reports on costs, military personnel force levels, reconstitution, and military construction for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

(b) COSTS.—

(1) COSTS.—Each report prepared under subsection (a) shall specify, for each operation named in that subsection, for each fiscal year beginning with fiscal year 2001, the following:

(A) The initial planned allocation of budget authority, by funding source and appropriation account.

(B) The amount of budget authority made available through reported and below-threshold funding transfers, categorized by account and type of expense.

(C) A monthly obligation plan for the year, by appropriation account.

(D) Amounts of obligations and outlays, by appropriation account and type of expense.

(2) SUBMISSION REQUIREMENTS.—The Secretary of Defense shall submit the initial report, which shall document cost data for each fiscal year beginning with fiscal year 2001 through fiscal year 2005, no later than 180 days after the date of the enactment of this Act. Thereafter, the Secretary of Defense shall submit cost reports monthly, no later than 45 days after the end of each reporting month.

(c) MILITARY PERSONNEL FORCE LEVELS.—

(1) MILITARY PERSONNEL FORCE LEVELS.—Each report prepared under subsection (a) shall specify the following:

(A) The number of military personnel supporting Operation Iraqi Freedom and Operation Enduring Freedom by component (active and reserve).

(B) The number of Guard and reserve personnel backfilling in the United States or elsewhere, training up, or demobilizing in support of Iraqi Freedom or Operation Enduring Freedom each month from September 2001 to the present.

(C) The number of Guard and reserve activations by service, for each of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Noble Eagle, starting with 2002, and including the number of personnel activated once, twice, and three times in the previous four years in support of those operations.

(D) The number of active-duty personnel who have deployed once, twice, and three times in support of Operation Enduring Freedom and Operation Iraqi Freedom in the previous four years.

(E) The number of personnel by primary occupational skill for reservist-component personnel who were activated more than once and active-duty personnel who were deployed more than once in support of those operations.

(2) SUBMISSION REQUIREMENTS.—The first report required by paragraph (1) shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. Thereafter, the Secretary of Defense shall submit reports monthly updating personnel information no later than 45 days after the end of each reporting month.

(d) RECONSTITUTION.—

(1) PROCUREMENT.—The report prepared under subsection (a) shall identify, for each war-related procurement funding request since fiscal year 2003, end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—The report prepared under subsection (a) shall provide an assessment that compares peacetime versus wartime equipment maintenance requirements. The assessment should include the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the present. It should also examine the extent that war operations have precluded maintenance from being performed because equipment was unavailable.

(3) SUBMISSION REQUIREMENTS.—The report under this subsection shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit updated procurement and equipment maintenance reports concurrently with future war-related funding requests.

(e) MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION.—The report prepared under subsection (a) shall identify all funded military construction projects, including temporary projects funded with operations and maintenance funds, in the Iraq and Afghanistan theaters of operations in each fiscal year beginning with 2003. For each such project, the report shall identify the funding amount, purpose, location, and whether the project is for a temporary or permanent structure. The report shall also identify the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operations Iraq Freedom and Enduring Freedom are supported.

(2) SUBMISSION REQUIREMENTS.—The report shall be submitted the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated military construction report concurrently with future war-related funding requests.

AMENDMENT NO. 18 OFFERED BY MR. SIMMONS

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 3), add the following new section:

SEC. 818. DOMESTIC SOURCE RESTRICTION FOR LITHIUM ION CELLS AND BATTERIES.

Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) LITHIUM ION CELLS AND BATTERIES.—Lithium ion cells and batteries and manufacturing technology for lithium ion cells and batteries.''.

AMENDMENT NO. 25 OFFERED BY MR. ISRAEL

The text of the amendment is as follows:

Page 409, line 9, strike ''**SCHOLARSHIP**'' and insert ''**EDUCATION**''.

Page 409, line 18, strike ''and''.

Page 409, after line 19, insert:

(C) by inserting ''foreign languages,'' after ''engineering,''; and

MODIFICATION TO AMENDMENT NO. 13 AND AMENDMENT NO. 28 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that amendment No. 13 offered by the gentlewoman from Connecticut (Ms. DELAURO) and amendment No. 28 offered by the gentleman from South Carolina (Mr. SPRATT) and printed in House Report 109–96 be modified in the form I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Modification to amendment No. 13 offered by Ms. DELAURO:

The amendment as modified is as follows:

At the end of title VII (page 297, after line 26), insert the following new section:

SEC. 718. MENTAL HEALTH AWARENESS FOR DEPENDENTS.

(a) PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a program to improve awareness of the availability of mental health services for, and warning signs about mental health problems in, dependents of members of the Armed Forces whose sponsor served or will serve in a combat theater during the previous or next 60 days.

(b) MATTERS COVERED.—The program developed under subsection (a) shall be designed to—

(1) increase awareness of mental health services available to dependents of members of the Armed Forces on active duty;

(2) increase awareness of mental health services available to dependents of Reservists and National Guard members whose sponsors have been activated; and

(3) increase awareness of mental health issues that may arise in dependents referred to in paragraphs (1) and (2) whose sponsor is deployed to a combat theater.

(c) COORDINATION.—The Secretary may permit the Department of Defense to coordinate the program developed under subsection (a) with an accredited college, university, hospital-based, or community-based mental health center or engage mental health professionals to develop programs to help implement this section.

(d) AVAILABILITY IN OTHER LANGUAGES.—The Secretary shall evaluate whether effectiveness of the program developed under subsection (a) would be improved by providing materials in languages other than English and take action accordingly

(e) REPORT.—Not later than one year after implementation of the program developed under subsection (a), the Secretary shall submit to Congress a report on the effectiveness of the program, including the extent to which the program is used by low-English-proficient individuals.

Modification to amendment No. 28 offered by Mr. SPRATT:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. WAR-RELATED REPORTING REQUIREMENTS.

(a) REPORTS REQUIRED FOR OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION NOBLE EAGLE.—The Secretary of Defense shall submit to the congressional defense committees, in accordance with this section, war-related reports on costs, reconstitution, and military construction for each of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle.

(b) SUBMISSION TO GAO OF CERTAIN REPORTS ON COSTS.—The Secretary of Defense shall submit to the Comptroller General, no later than 45 days after the end of each reporting month, the Department of Defense Supplemental and Cost of War Execution reports. Based on these reports, the Comptroller General shall provide Congress quarterly updates on war costs.

(c) RECONSTITUTION.—

(1) PROCUREMENT.—The report prepared under subsection (a) shall identify, for each war-related procurement funding request since fiscal year 2003, end-item quantities requested and the purpose of the request (such as replacement for battle losses, improved capability, increase in force size, restructuring of forces), shown by service.

(2) EQUIPMENT MAINTENANCE.—The report prepared under subsection (a) shall provide an assessment that compares peacetime versus wartime equipment maintenance requirements. The assessment should include the effect of war operations on the backlog of maintenance requirements over the period of fiscal years 2003 to the present. It should also examine the extent that war operations have precluded maintenance from being performed because equipment was unavailable.

(3) SUBMISSION REQUIREMENTS.—The report under this subsection shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit updated procurement and equipment maintenance reports concurrently with future war-related funding requests.

(d) MILITARY CONSTRUCTION.—

(1) MILITARY CONSTRUCTION.—The report prepared under subsection (a) shall identify the number of United States military personnel that can be supported by the facility infrastructure in Iraq and Afghanistan and in the neighboring countries from where Operation Iraq Freedom and Operation Enduring Freedom are supported.

(2) SUBMISSION REQUIREMENTS.—The report shall be submitted to Congress not later than 180 days after the date of the enactment of this Act. The Secretary of Defense shall submit an updated military construction report concurrently with future war-related funding requests.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments, as modified, be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. Without objection, the modifications are agreed to.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in strong support of the en bloc amendments. I would like to draw particular attention to one portion of the en bloc amendments that deals with space-available travel, space-available, or space-A travel for certain military personnel.

One of the benefits of serving in the U.S. military is that you are allowed to access available spaces on military aircraft flying around the country or, indeed, flying around the world. It is a benefit that we extend to our active duty servicemembers, to some of the Guard and the Reserve. But if you happen to be a retired member of the U.S. Army reserve or a retired member of the Guard, not yet 60 years old, you are not eligible for space-A, or space-available travel.

What my amendment does is extends to those members of our Guard and Reserve who are retired but under 60 years old the benefit of allowing them to go on space-A travel for themselves and for their dependents. This would affect all branches of service, for those Guardsmen and those retirees from the U.S. Army and other branches of the Reserve. This eligibility is cost free. After all, the airplanes are flying. They have empty seats. So why should we not extend this privilege to those retired members of our Guard and Reserve?

I think that in recent years, we have come to understand and respect the fact that members of the Guard and the Reserve are stepping up to the plate when it comes to deployments in the war against terror. The least that we can do here in this body, in this amendment, is extend to them the privilege of space-available travel when they retire.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, my amendment would require the Department of Defense to implement a new mental health awareness campaign for families of servicemembers who are soon to be deployed or have recently been deployed to a combat theater.

The amendment is important for families of National Guardsmen and Reservists whose families face unique challenges when loved ones are deployed. Unlike their active duty counterparts, Reserve and Guard families often live far from a military base and the wider array of social, family, and medical services that can be found there.

According to the Army, one in six soldiers serving in Operation Iraqi Freedom suffers from post-traumatic stress disorder. More than 900 soldiers have been evacuated from Iraq because of problems related to mental health. Today, mental illnesses like PTSD remain a stigma for many in our society. We know the damage mental illnesses can do away from the battlefield, ruining families, causing alcoholism, drug abuse, and homelessness. It is a difficult time for troops and their families when our soldiers are deployed.

In April 2004, I met with many families of the Army Reserve's 439th Quartermaster Company. Initially what was supposed to be a 6-month tour of duty was extended twice and the unit wound up serving for 14 months or longer. I met with their families. I saw the unbelievable strain they were under, bills mounting, responsibilities to family multiplying, frustrated in their efforts to get the answers they needed regarding the unit's status. It illustrated what we need to do for our Reservists, what it means for what they leave behind, not only their families, their jobs and their lives back home. That is what happens when Reservists are activated. Everyone sacrifices. We need to make sure that when all our soldiers come home that their homecomings are accompanied by any services and treatment that they and their families may need. They deserve no less.

This is a commonsense amendment. I want to thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON)

for their advice and my colleagues on the Rules Committee for making this amendment in order. I urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to speak in support of the en bloc amendment and also a particular provision of it whereby the leadership of the committee has worked with me to include some reporting requirements. They are not as complete as I would like. In fact, we have pared them back three or four times in order to reach consensus, but nevertheless I am glad that we will put them in here because they relate to reporting and oversight of our commitment in Iraq and Afghanistan and Operation Nobel Eagle.

There are three main areas that will be covered in these war-related reports: costs with numerous breakdowns, the reconstitution of equipment, and military construction, partly because it is a good indicator of where we are headed. The Congress has just passed an $82 billion supplemental making the total amount provided this year for Afghanistan and Iraq over $100 billion. Only 2 weeks after its enactment, the Army is already hinting that they may run out of O&M funds. As a consequence, we have a bridge provision in this particular bill authorizing an additional $49 billion. The House Appropriations Committee just approved a $45 billion bridge, a supplemental that is intended to carry the services through the early months of fiscal year 2006, at which time another supplemental will be needed.

We need a better system for tracking these costs as they are incurred. We do not get it in advance on the Committee on Armed Services. That is why we are providing an advance authorization in this bill. But we need to have at least the information retrospectively so that we can see where the costs are being incurred and we can keep tabs on some of the contingencies that are going to have to be paid down the road, costs that are being incurred now like repairing equipment which has suffered greatly in the environment in Afghanistan and in Iraq.

These are, I think, essential amendments if we are to do our oversight job on the Committee on Armed Services. I appreciate the chairman and the ranking member working with me to see that they are included in the en bloc amendments.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise today to express concerns about the recent Department of Defense study, ''Domestic Dependent Elementary and Secondary Schools Transfer Study,'' that was released in February. It is called DDESS. It calls for significant changes to a number of the 58 elementary, middle and high schools on U.S. military installations that would, I believe, be viewed as a reduction in benefits for our military personnel. These are first-class schools, all 58 of which provide prekindergarten programs, special education programs, and maintain significantly higher student achievement in national test results.

My district is home to West Point, the U.S. Military Academy. The elementary school at the academy is the finest of its kind in the Department of Defense. During a recent study, it was ranked number one out of 55 in the entire Nation. The school maintains a number of advantages that simply cannot be duplicated, including the maintenance of a federally funded pre-K program, onsite provision for 95 percent of special education services, and minority achievement scores which meet or exceed national averages. Notwithstanding these factors, the DOD study recommended the students be transferred to the local school system. Similarly, seemingly unsupportable recommendations were made for other DOD schools.

Mr. Chairman, given this, I ask that the committee and Congress give careful consideration before allowing the Secretary of Defense to implement any recommendation of the DDESS transfer study to close any Department of Defense domestic dependent elementary or secondary school or to transfer any faculty or students of the Department of Defense domestic dependent elementary or secondary schools system to an entity of a State or local government.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I understand the gentlewoman's concern. I look forward to working with her to prevent unnecessary closures or transfers not just at West Point but also at DDESS across the country. I agree it is important to provide such benefits for our military personnel to not only recruit the best for our military but to provide the safety, security, and necessary programs to the DDESS students and their parents.

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Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member, for yielding me this time.

Mr. Chairman, I rise in support of the Defense Authorization bill. I want to thank the gentleman from California (Chairman HUNTER), chairman of the committee; and, again, his counterpart, the gentleman from Missouri (Mr. SKELTON), a man whom I greatly respect for crafting along, with the gentleman from California (Mr. HUNTER), a very bipartisan bill.

While this is not a perfect bill, in today's environment here on Capitol Hill, it is a testament to both of these men and their staffs that they are able to work so well together to put a bill forward that so many of us can support; and to both of them we are extremely grateful.

I would also like to thank the Committee on Rules for making our amendment in order for debate today. My amendment is a Sense of Congress honoring the diversity of the men and women who have given their lives in defense of our country. The people of our Armed Forces are put in harm's way on a daily basis, and I am so proud of them for having the ability to keep fighting to protect our Nation's security.

Over 1,500 members of the armed services have been killed while serving in Operation Iraqi Freedom and Operation Enduring Freedom. And I believe it is important for this body to recognize the sacrifices being made by these diverse members of the Armed Forces and their families in the war on terror. Several members of our Armed Forces from my district have been killed while serving in defense of our Nation.

I happen to represent one of the most diverse districts in our country today, and I am proud to say that this diversity is strongly represented in the military today as well. When I am back in my district, I make it my business to meet with veterans and members of the Armed Forces who have just returned from service, and I have found that many of these brave men and women are from the Latino and African American communities. While they are so happy to be home with their families, many of them still have the sense that their mission is not over, and they want to continue to protect our Nation against those who look to do us harm.

The military is an opportunity for minority communities to start a better way of life for themselves, whether it is going to college after service or using the skills they have learned in the military to find a good job.

I commend these men and women and send my sincerest condolences to the families of those who have lost loved ones in their service to our Nation.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would like to speak against the Manzullo amendment, which is part of the en bloc amendments, and also the Blunt amendment.

The Manzullo amendment, basically, will radically change the current application of the Buy American Act. I think it could place the United States in violation of more than 20 critical defense memoranda of understanding with some of our strong allies like Australia, Canada, Israel, and the United Kingdom.

Under DOD policies, under Buy American, there is a 50 percent cost differential if they cannot certify that a product is made with more than half

of its components in the United States. In a global economy it is often hard to certify, and we actually put some of these companies at risk with their certifications. Some companies have had to set up costly accounting procedures so that they can track where different pieces of a product's components are assembled around the world to add up: Does it comply with the Buy American Act or does it not comply with the Buy American Act?

This amendment would sweep away the current waivers of the Buy American Act that have been carefully negotiated with our strongest military partners, and I am afraid will invoke retaliation if they are upheld. The restriction would cause the Department of Defense problems in purchasing the best goods for a fair price, particularly commercial technologies, so we would be denied in some cases the best cameras, the best laboratory and surveillance equipment. Even the BlackBerrys, which Members have, would be subject to this because 50 percent of its components are not assembled in the United States.

With this we would deprive our soldiers of the best equipment, the best equipment in many cases that would make them more efficient. In some cases it could make them even less safe. And that is the problem with this amendment. Our soldiers deserve the best wherever its components are assembled, and this blanks out some of the waiver provisions that we have under the current law.

We are already challenged to compete in a global marketplace where we do not always have a competitive advantage. Dismantling the regime of defense memoranda of understanding that have helped create and support the vibrant world marketplace in the end only hurts American workers.

Besides violating our defense MOUs, this provision will require DOD to pay an artificially high price for products it needs to protect all of us. Defense dollars are already scarce. We need to be getting the maximum bang for our bucks, and the difficulty with our procurement system is that the Members try to do too many things with them.

In the Blunt amendment case, they want to give a differentiation for people who hire a number of National Guard or Reserve officers; in this case, it is Buy American; in other cases, it may be a small or minority business. At the end of the day, this creates many inefficiencies in our procurement system that cost our taxpayers billions of dollars when, in fact, we do not have them.

I think when we go out and procure goods for our soldiers, we ought to get the best goods, we ought to get them at the lowest price. The American taxpayer demands it and our soldiers demand it.

Under this amendment, more businesses would be required to certify compliance with the Buy American Act, potentially exposing them to civil false claims and other sanctions even if they have made a good-faith effort to comply with these government-unique requirements. This creates significant financial and legal burdens for industry, given that more and more IT, information technology, so critical for our defense efforts, is being sourced, in a global economy, from around the world.

Some companies have responded by setting up costly, labor-intensive product tracking systems that are not needed in their commercial business simply to sell to the government. That ends up costing the taxpayer more. Some companies have simply stopped selling certain products in the Federal marketplace, denying us access to some of the latest, most cost-effective, safest products for our soldiers.

This radical expansion of the application of the Buy American Act will impose financial and legal burdens on commercial companies that sell to the government. In fact, it could well prevent our brave servicemembers from obtaining the best technology to protect them and to protect our Nation.

This increased restriction on DOD's ability to obtain needed technology from the world market is basically a Cold War anachronism. Given DOD's growing reliance on information technology and other products and the current global nature, these are crippling in their restrictive provisions.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. BEAUPREZ), who has exhibited enormous concern and support for our men and women in uniform.

Mr. BEAUPREZ. Mr. Chairman, I appreciate the chairman's comments.

I rise for the purpose of engaging the gentleman from Maryland (Mr. BARTLETT), the chairman of the Projection Forces Subcommittee of the Committee on Armed Services, in a colloquy.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BEAUPREZ. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I would be happy to join my colleague in a colloquy.

Mr. BEAUPREZ. Mr. Chairman, reclaiming my time, as the chairman is aware, our larger ships such as carriers, amphibious, and logistic ships with many sailors and Marines embarked, could be vulnerable to torpedo attack. The threat increases when we move our ships from open ocean to restricted littoral waters where torpedo launch platforms such as diesel submarines and surface patrol craft can get closer to our ships and our reaction time is lessened.

Currently, there is a proliferation of torpedoes of various types available on the world market that could cause significant damage to our surface ships. These weapons could be launched from the shoreline or small boats, threats that we were not too worried about until the USS *Cole* incident.

The gentleman and the Committee on Armed Services have provided the leadership needed for defense of our Navy ships and its sailors from torpedo attack through their support of the Surface Ship Torpedo Defense program. I agree with the gentleman that this is a very important program and believe that the Anti-Torpedo Torpedo is a key element of the program.

My concern, Mr. Chairman, is that we have not made the type of progress on this issue that we likely should have. I would appreciate the chairman's thoughts on this.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BEAUPREZ. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, I agree with the gentleman from Colorado (Mr. BEAUPREZ) that the Surface Ship Torpedo Defense program is extremely important for the protection of our high-value ships and sailors at sea. I will encourage the Navy to move expeditiously to field this system with the Anti-Torpedo Torpedo.

Mr. BEAUPREZ. Mr. Chairman, reclaiming my time, I thank the gentleman from Maryland for his commitment to this issue and look forward to working with him and the House Committee on Armed Services on this critical problem.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON), ranking member, for yielding me this time.

I also want to thank the gentleman from California (Chairman HUNTER) for including the amendment concerning America's energy independence in the en bloc amendments. I thank him for helping us move toward energy independence.

We all know that our Nation is petroleum addicted, that those supplies are being drawn down from the most undemocratic places in the world. America has to change and the world has to change in this century.

This amendment requires the Department of Defense and related agencies to conduct a study and report back to Congress on the use of new fuels, biodiesel and ethanol, that can be manufactured right here in the good old U.S.A. and used by the Armed Forces and the defense agencies, as compared to how the Department currently uses petroleum.

The study requires a review of requirements for increased use of biodiesel and ethanol by the U.S. Department of Defense. It requires a forecast of the requirements of the Armed Forces and the Department for the use of biodiesel and ethanol fuels for each of the years 2007 through 2012.

It requires a review of what actions the Department of Defense has taken to work in collaboration with State and local governments to support the expansion of alternative fuel refueling

stations that are accessible to the public. Members might think about the one that is located right across the street, the Citgo station, from the Pentagon itself.

We know that the Department of Defense has the largest vehicle fleet in the United States Government. It should be a leader in the use of new fuels and power systems. It should be a leader also in alternative fuels research to help America transition to a new day. So we are really looking to this report to help us meet that growing need for energy independence.

I end with a story as a member of the Defense Subcommittee of the Committee on Appropriations. It was shocking to me to hear the Secretary of Defense, Mr. Rumsfeld, when he came before us and I asked him, ''Mr. Secretary, what is your role and your department's role, in helping America to move toward energy independence?'' Again, over two-thirds of the petroleum we use is imported and it puts America in a very vulnerable position strategically on the globe.

And his answer was, ''I do not have anything to do with it. That is the job of another department.''

No, Mr. Secretary. It is every department's job, and it is every household's job in this country to convert. You and your department—the largest in the government of the U.S.—are not exempt. In fact, you must be the leader.

I thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for including this amendment in the en bloc. amendments and the membership to ask support the measure.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me this time.

I thank the gentleman from San Diego, California (Mr. HUNTER), for including my amendment in the en bloc amendment.

My amendment would call for a study by the Secretary of Defense in conjunction with the Secretary of the Department of Veterans Affairs on the feasibility of allowing veterans with a service-connected disability rating 50 percent or higher access to transportation on military aircraft on a space available, or Space-A, basis. Such a study is supported by the national organization, Disabled American Veterans.

Space-A, of course, is used for government-owned or contracted aircraft where there is space available that is unused for the primary purpose of the flight. Currently, disabled veterans are not eligible for this Space-A travel solely on the basis of their disability. But other groups are, whether they are members of the uniformed services and their families, foreign exchange servicemembers on permanent duty with the Department of Defense, civilian employees of the Department of Defense stationed overseas, American Red Cross personnel stationed overseas. All these are eligible for Space-A travel.

We should allow disabled veterans the same access to Space-A travel. From all indications, the Department of Defense would incur no cost by allowing disabled veterans access to this Space-A travel. We need to allow the seats which would otherwise go unused to be occupied by men and women who have been disabled in their service to our great Nation.

Again, I thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) for including the amendment in the bill.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the DeLauro amendment because every time we send our young men and women into a combat situation, we are asking them to make a sacrifice for the rest of us. When they return we must honor them by giving them the services they need. The lives and health of our soldiers are the real cost of war.

The new England Journal of Medicine recently reported that a many as one out of four veterans of the wars in Afghanistan and Iraq treated at VA Hospitals in the past 16 months were diagnosed with mental disorders. Alarmingly, veterans of these wars are already showing up in our homeless populations.

We must take steps to protect those who protect us. I urge my colleagues to join me in supporting the DeLauro amendment to expand mental health services to our soldiers.

□ 1430

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). All time having expired on this debate, the question is on the amendments, en bloc, as modified, offered by the gentleman from California (Mr. HUNTER).

The amendments, en bloc, as modified, were agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 24 printed in House Report 109–96.

AMENDMENT NO. 24 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mrs. JO ANN DAVIS of Virginia:

At the end of title X (page 402, after line 22), add the following new section:

SEC. 1048. DEPARTMENT OF DEFENSE SUPPORT FOR YOUTH ORGANIZATIONS, INCLUDING THE BOY SCOUTS OF AMERICA.

(a) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit the Department of Defense from providing any form of support described in subsection (b) to a youth organization (including the Boy Scouts of America and any group officially affiliated with the Boy Scouts of America) described in part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years that would result in the Department of Defense providing less support to that youth organization than was provided by the Department of Defense during each of the preceding four fiscal years.

(b) TYPES OF SUPPORT.—Support referred to in subsection (a) includes—

(1) holding meetings, camping events, or other activities on defense property; and

(2) hosting any official event of the youth organization.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and a Member opposed each will control 15 minutes.

Mr. DINGELL. Mr. Chairman, although not opposed, I ask unanimous consent to claim the 15 minutes in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan (Mr. DINGELL) will control the 15 minutes in opposition.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment in support of the Boy Scouts of America in order to reaffirm their long-standing partnership with the Department of Defense. This summer an estimated 40,000 Boy Scouts and their leaders will take to the 76,000 acres of land at Fort A.P. Hill to do something traditionally American: they will go camping. The Boy Scout Jamboree at A.P. Hill is a quadrennial gathering of Scouts and a celebration of what is good in America.

Mr. Chairman, I think we can all agree that institutions like the Boy Scouts and their Boy Scout Jamboree are welcome sights in our current times. I remind my colleagues that the Supreme Court asked that ''God save the United States and this honorable Court,'' and that our national currency reads ''In God We Trust,'' and that the military and congressional oaths of office end with ''so help me God.''

There are some who believe that this simple acknowledgment of God by young men is reason to sever a nearly 100-year-old relationship between the Boy Scouts and the Federal Government. This amendment will ensure that the Boy Scouts are treated fairly by guaranteeing their right to equal access to public facilities, forums and programs, and will clarify Federal law so that the Boy Scouts of America will receive the same amount of support from the Department of Defense as any other nonprofit organization in this country, including the right to continue the Boy Scout Jamboree at Fort A.P. Hill in Caroline County, Virginia, in my district.

The Department of Defense has every right to support the activities of the Boy Scouts of America, and this amendment will protect this important

relationship. This relationship between the Scouts and DOD should not be manipulated or infringed upon. The national jamboree is an incomparable opportunity for training our military, and it would be a detriment to our armed services and to the Boy Scouts to jeopardize it by frivolous lawsuits. Since 1937 when the Boy Scouts have held the national jamboree, six jamborees have taken place at Fort A.P. Hill since 1981.

Mr. Chairman, this relationship between DOD and the Boy Scouts of America is a mutually beneficial partnership, as many former Scouts choose to join the ranks of our Nation's Armed Forces.

It is worth noting that every enlistee and officer swear a similar oath before God as a prerequisite for service to our country.

In a time of uncertainty and angst, our Nation's young people face more challenges than ever before. As a parent and a concerned citizen, I have seen the temptations and the dangers that meet our children every day of their lives. I have seen the decisions that they must make, and I have seen the repercussions from poor decisions.

Yet here is a refuge, an institution that teaches civility, friendship, loyalty, honor, and character. It is an institution that encompasses all that is good in our society: faith, family, and country. The Boy Scouts of America has made a lasting contribution to America, and the partnership between the Pentagon and the Boy Scouts has played an important role in this contribution.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Mrs. JO ANN DAVIS of Virginia. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentlewoman for her amendment, she is a valued member of the committee, and let her know I support her amendment very strongly. I think it is an excellent partnership, and one that has taken place for many, many years. We hope at some point to have a Shining Sea Scout March from the shores of California all the way out to A.P. Hill, almost to the ocean.

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in strong support of the amendment. I thank my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), for introducing a very important amendment to support the Boy Scouts of America and their jamborees. I also would like to thank my colleagues, the gentleman from Missouri (Mr. BLUNT) and the gentleman from Colorado (Mr. HEFLEY), for their hard work on this issue.

Mr. Chairman, in 1937, the first jamboree was held at the base of the Washington Monument on the National Mall. Interestingly enough, as a young boy, I attended, not as a Scout, but as an observer, that wonderful event. Since then, there have been 15 national scout jamborees, with the last six being held at Fort A.P. Hill.

These jamborees have given better than 600,000 young Americans the opportunity to celebrate the skills and lessons they have learned in scouting. They have had the opportunity to learn to hike, camp, learn about citizenship, leadership, and service to their community. In short, the Scouts teach our young people important skills and values that will help them throughout their lives and make them more productive and more valuable citizens.

I recently introduced H.R. 1301, which, if passed, would restore the ability of our Armed Forces to directly support Scout troops and to ensure that Scouts will continue to have the use of Fort A.P. Hill and the assistance of our Armed Forces for its jamborees as they have for so many years. I believe this amendment furthers that objective, and I support it strongly for that reason.

I grew up, Mr. Chairman, as a Boy Scout. I became a scoutmaster and I watched proudly as both of my sons became Scouts and my two daughters became Girl Scouts. It is important for Scouts to continue to be able to hold their national jamborees at A.P. Hill and for us to remove impediments to proper contributions by this government to the citizenship of our young people.

Mr. Chairman, I urge my colleagues to support the Davis amendment, and I urge the adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentlewoman for yielding me time and for her leadership on this issue. I also appreciate the leadership of our chairman, the gentleman from California (Chairman HUNTER), and the support from our friends on the other side. This is a very important issue, providing for the ability of the Department of Defense to support youth organizations, including the Boy Scouts of America.

I am very pleased about scouting and what it means as a worldwide movement to so many young people and how it has been so inspiring in promoting character, education, and training. I also know that you can look at young people and tell and forecast success, because persons involved in scouting, nearly 70 percent of the persons who attend the different academies of the United States have been members of scouting: 23 of the 26 first American astronauts were active in scouting; 85 percent of FBI agents have been active in scouting. This has a great impact on our Nation.

Additionally, I know the hard work of the adult leaders. We have people in my home community with the Indian Waters Council, the past president, John Hipp, has raised phenomenal amounts of money to promote scouting camps so young people have opportunities during the summer. We have got good people, such as our commissioner, Larry Brown, who is now leading our council, so that we have opportunities for young people.

I know firsthand, too, and am very pleased about the national jamboree. I have had two sons attend at Camp A.P. Hill. Additionally, I am very familiar that the Naval Academy provides the Eagle Scout Association Weekend with opportunities for the Scouts to learn about opportunities at the Naval Academy at Annapolis.

I have worked very closely with Scouts units in visiting here in Washington to tour Washington. We have the ability of Scouts to stay overnight with space available for Scouts to come and visit and tour Washington, to go to Philmont, the Boy Scout camp in New Mexico.

A final point I would like to make is personally I have worked with Troop 1, Faith Lutheran Church in West Columbia, and I have three sons who are Eagle Scouts. All three are now military officers in the military of the United States. The fourth will be an Eagle Scout later this year.

A highlight for us is that our second son, a Navy lieutenant, arrives for service in San Diego today, so we are very proud that he will be in the company of our chairman, the gentleman from California (Chairman HUNTER).

In conclusion, God bless our troops. We will never forget September 11.

Mr. DINGELL. Mr. Chairman, with great pleasure, I yield 2 minutes to my dear friend, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Michigan for yielding me time.

Mr. Chairman, there are magic moments in a person's life. One of those magic moments happened to me in April 1948 in Kansas City, Missouri, at the Music Hall Auditorium, where I manned the stage with a good number of other Boy Scouts, my mother walking up the steps with me, a rose being handed to me which I handed to her, and I shook hands with the sponsor of the Eagle Scout class, Dr. Milton Eisenhower, the then-president of Kansas State University. It was a moment to remember. That was my Eagle Scout Code of Honor. Of course, I am pleased to say that we have a son also that is an Eagle Scout.

Scouting builds good citizenship. I have been around it all my life. Looking back, I have so much to thank my scoutmaster, John L. Marchetti, old Troop 418, for the young men he worked with and molded into good Missouri citizens.

It is important that young Scouts have the finest places to camp, the finest places to learn the skills, the camping, the frontiering, learn the active parts of the Scout law: to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. They can learn these on reservations that are and do belong to our military. As a matter of fact, a good number of Scouts that come through the Scouts ranks volunteer and become part of the military, many of them for a career.

So it certainly is fitting that the gentlewoman from Virginia offers this amendment. I thoroughly endorse it. I certainly hope it passes overwhelmingly. I thank the gentleman from Michigan (Mr. DINGELL) again for giving me this opportunity to speak in support thereof.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), our majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentlewoman for yielding me time, and I am pleased to be here on the floor as she brings this amendment to this bill. I am also pleased to be part of the debate that is joined by my good friend, the gentleman from Michigan (Mr. DINGELL), and my good friend, the gentleman from Missouri (Mr. SKELTON), and to listen a moment ago when the gentleman from South Carolina (Mr. WILSON) gave such a great sense of what scouting has meant to America and to so many American lives.

At one time I know the military academy applications had the question on there, ''Were you an Eagle Scout?'' It mattered if you were, just as it matters now if people realize you received that kind of recognition, had that kind of dedication to scouting, the value of scouting to our country, the value of scouting to individuals, the memories like the one that the gentleman from Missouri (Mr. SKELTON) just mentioned, which are important.

But the values of scouting are also important, and as we evaluate those values, you have to ask yourselves based on the reason to have this debate today, what is next? What other core value of America would begin to stand in the way of institutions that have been so much part of what we are? Extremist groups want to remove God from the national symbols, attack the Pledge of Allegiance, and now even the Boy Scouts.

There is no more American symbol of our Scouts than the understanding that the Scouts represent the values of America. Some groups well outside the mainstream of our society have wanted to penalize the Scouts for representing those mainstream values by isolating them, by not allowing them to use some public facilities, some public forums, to really see a fundamental change in these programs that should not be changed because they are based on fundamentals.

□ 1445

So as we bring this amendment today, obviously our goal is to support the Scouts, support their commitment to God and country, support the Jo Ann Davis of Virginia amendment, and ensure that our Scouts have access to Department of Defense facilities, and the support and encouragement of this Congress.

Mr. DINGELL. Mr. Chairman, I have no requests for time at this time, so I reserve the balance of my time. If the gentlewoman wants to terminate the debate, I will be supportive of that.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have several other speakers. I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), who is chairman of the Boy Scout Caucus.

Mr. AKIN. Mr. Chairman, I am the cochair, with the gentleman from Missouri (Mr. SKELTON), and I rise in support of this good amendment of the gentlewoman from Virginia.

I am a father of four Eagle Scouts, and I have to say I am a little proud of that. I have had a chance to work with Eagle Scouts and Boy Scouts now for a good many years, more than I would care to publicly admit. I have to say that this is an institution just as American and just as fine as any American tradition. I have seen so many young Boy Scouts come in, and they hardly know their right hand from their left hand, and after a couple years of scouting, they emerge as young leaders. It is always an encouragement to work with them.

Now, what the Jo Ann Davis of Virginia amendment would do would be to reaffirm the Boy Scouts' long-standing partnership with the Department of Defense. I was really opposed to and offended by the fact that the Department of Defense gave instruction to its bases worldwide that precluded official sponsorship of Boy Scout troops. While this policy allows military personnel to sponsor scouting events and troops in a private capacity, this unsound policy was reached as a partial settlement to a lawsuit filed against the Department of Defense in 1999 by the ACLU, because the ACLU did not like the scouting oath of allegiance to God.

Now, this is particularly ironic, is it not, that they do not like the Boy Scouts having a pledge saying that this is under God, and, yet, the armed services take the same oath when they join the armed services. There seems to be some sort of an irony here, I suppose.

The amendment would further clarify that relationship between the Department of Defense and the Boy Scouts of America, and it would specifically authorize meetings, jamborees, camporees or other scouting activities on Federal property as long as the scouting troops obtain the appropriate permission.

So I think this is an excellent amendment, and I thank my colleagues so much for their consideration of this amendment.

Hats off to the gentlewoman from Virginia (Mrs. DAVIS), and I strongly urge the support of my colleagues.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in support of the Jo Ann Davis of Virginia amendment which would allow the Department of Defense to continue its prior support of youth organizations, including the Boy Scouts of America and its affiliates.

The Boy Scouts of America is a valuable organization which has served thousands of children and young adults since 1910, teaching them the value of family, community, service and leadership. The Department of Defense has sponsored affiliates of the Boy Scouts of America for years, providing valuable support by holding meetings, camping events and other activities on Defense property, as well as hosting official events. That partnership will come to a halt if Congress does not act.

In order to settle a lawsuit, the Department of Defense agreed to instruct its bases worldwide not to sponsor Boy Scout troops because of the Scouts' oath of allegiance to God. How can we as a Nation punish an organization for a pledge similar to that which every single enlistee and officer swears before God as a prerequisite for service to our country?

By passing this amendment, we will ensure that youth organizations, including the Boy Scouts of America, are not discriminated against because of their values and beliefs; and for that reason, I urge adoption of this amendment.

Mr. DINGELL. Mr. Chairman, I have no further requests for time on this side. If the gentlewoman would like, then, we could yield back time and conclude the debate and have a vote.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I have no further speakers either, and I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chairman, I urge the adoption of the amendment.

Mr. DUNCAN. Mr. Chairman, I rise in support of the gentlelady from Virginia's amendment to allow the Department of Defense to allow Boy Scout troops on military bases. The Boy Scouts of America is probably one of the finest organizations in the Nation today.

The Scouts teach young boys to support God and family and Country, and this Nation would be a stronger place today if we had more organizations like the Boy Scouts. The Scouts also teach young boys all sorts of skills and how to work to achieve ranks and merit badges that they certainly would not learn from any other group.

Most young people today have grown up with the television as a babysitter and have been taught to worship the computer. I have nothing against either television or computers, but anything that we can do to get young people outdoors or actually into constructive activities rather than just staring at a screen is a

really good thing in my opinion. The Boy Scouts do this.

I was a Scout leader for two years prior to coming to Congress and several years ago was given the highest designation given to any adult in Scouts, the Silver Beaver Award. Only about 16 percent of all boys ever start in Scouts in the first place, and these are probably primarily our finest boys. Anything we can do to get more boys involved in Scouting is a good thing for this Country, and I think Scouting will lead many young boys to consider careers in the military. So, I strongly support the amendment by Mrs. DAVIS and urge my colleagues to do likewise.

Mr. DINGELL. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). All time having expired, the question is on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) will be postponed.

The Acting CHAIRMAN. It is now in order to consider Amendment No. 12 printed in House report 109–96.

AMENDMENT NO. 12 OFFERED BY MRS. DAVIS OF CALIFORNIA

Mrs. DAVIS of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. DAVIS of California:

Add at the end of title VII the following new section:

SEC. 7___. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting ''in the United States'' after ''Defense''.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentlewoman from California (Mrs. DAVIS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering how the Defense bill can best provide for the men and women serving overseas. The Davis-Harman-Sanchez amendment lifts the current restriction on reproductive care in overseas military hospitals and permits servicewomen to walk into a U.S. military hospital, a familiar and trusted place, to use their own private funds for safe and legal pregnancy termination services.

Under current law, women have to return home for medical services after obtaining permission from their commanding officer and finding space on military transport. The other option for them is venturing out to a hospital in a foreign country if, in fact, they are able to do that.

Servicewomen do not receive the protection of the Constitution they defend. Mr. Chairman, let me repeat that again. Servicewomen do not receive the protection of the Constitution they defend.

We trust women in the military to secure our safety. We ask women to put their lives at risk for our freedoms. So why is it that we do not support them when they require safe and legal medical services?

I want to clarify a few points about this amendment. No Federal funds would be used for these procedures. Military women would use their own funds. This amendment only affects overseas military hospitals and would not violate host country laws. It will, however, open up reproductive services at bases in countries where abortion is legal. And it does not compel any doctor, any doctor who opposes these procedures on principle, to perform one.

I ask that all the Members support our servicewomen, support our servicewomen by supporting the Davis-Sanchez-Harman amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Mr. Chairman, I rise in opposition, and I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose the Davis amendment. Allowing self-funded abortions would simply turn our military hospitals overseas into abortion clinics.

This amendment is not about equal access to health care; it is simply offered to make a political point. Female military personnel who are stationed overseas already have access to abortion clinics where they are legal. In some cases, women prefer to have abortions in the United States, and that option is available under the current law that is now in operation.

Furthermore, overseas military hospitals already offer self-funded abortions when the life of the mother is in danger or the pregnancy is the result of rape or incest.

Abortion services are already available, and there is no demonstrated need for expanding abortion access. Furthermore, this amendment does not seek to address operational requirements or ensure access to an entitlement.

Although this amendment is presented as providing for solely self-funded abortion, the fact is that American taxpayers will be forced to pay for the use of military facilities, the procurement of additional equipment needed to perform abortions, and the use of needed military personnel to perform these abortions.

Military doctors signed up to save the lives of our dedicated servicemen and women, not to end the lives of babies. Many military doctors, even those who are pro-choice, would not want to perform abortions.

I think it is important to note that this amendment was offered in the Committee on Armed Services where only 19 of the committee's 64 members supported it.

I ask my colleagues to vote against turning our military hospitals into abortion clinics and to vote against the Davis amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank my colleague for yielding me this time and other colleagues from California for letting me speak early in this debate.

Mr. Chairman, I was a member of the Committee on Armed Services for 6 years and, during that time, every single year, played a role in sponsoring this worthy amendment. I urge its adoption again this year.

Mr. Chairman, I just returned from the Middle East and the World Economic Forum where the First Lady spoke. Her speech, which emphasized the importance of women's equality in the region, was extremely well received.

Mrs. Bush serves as a wonderful ambassador to the world, but she is just one woman. There are over 200,000 women serving in the U.S. military and 19,000 women currently in Iraq and Afghanistan. These women are flying helicopters and fighter aircraft. They are saving lives as nurses and doctors. They are driving support vehicles, patrolling bomb-ridden highways, and standing duty at checkpoints, shouldering weapons. They serve as an example and an inspiration to the women they come into contact with, and they break down stereotypes held by many men.

With this in mind, I urge my colleagues to support this amendment which would lift the current ban on privately funded abortions in military overseas hospitals.

The amendment does not force military doctors to perform abortions, and it does not place an undue focus on the procedure in such facilities, because abortions in the case of incest, rape, or life endangerment are already performed there. What this amendment does is to give servicewomen and female military dependents stationed abroad the same constitutional rights as women living here.

Separate from this amendment, but also enormously important, is the issue of career opportunities for women in the military. I applaud the Committee on Armed Services for coming back from the precipice and removing language barring women from serving in forward support companies. I am confident that following the Pentagon's review of its personnel policies, assessing what positions should be open to

servicewomen, we will be here on the floor to heap praise on our GI Janes, rather than barring them from opportunities to serve our country.

Vote for the Davis-Harman-Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

□ 1500

Ms. FOXX. Mr. Chairman, I rise today in strong opposition to the Davis amendment.

Military treatment centers which are dedicated to healing, nurturing and saving life should not be forced to facilitate the taking of the most innocent human life, the child in the womb. This amendment is a barely germane, blatant distraction from the important bill we are considering today.

The amendment would mandate that Federal dollars be used to fund abortions, and contradicts fundamental U.S. military values such as honor, courage, and taking responsibility for one's own actions.

Mr. Chairman, as stewards of hard-working Americans' tax dollars, we cannot ask our constituents to fund the killing of human life on our military installations.

Life does begin at conception, and it is sacred.

As Members of Congress, we should do all we can to protect life.

Instead, while we stand here today to fund our troops and protect our great Nation, opportunist Members of the Democratic Party are once again belittling and devaluing the sanctity of human life.

If this inappropriate amendment were adopted, not only would taxpayer-funded facilities be used to provide abortion on demand, but resources could be used to search for, hire, and transport new personnel simply so that abortions could be performed.

That is right. Instead of hiring new personnel to operate tanks, fly planes, fight insurgents, train coalition forces, treat troops and defend America, this amendment asks taxpayers to pay new personnel to perform abortions and kill human fetuses.

Mr. Chairman, that is despicable.

This amendment must be defeated so we can return to the meaningful consideration of the national defense authorization bill.

I urge my colleagues to join me in protecting human life by voting against the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I would like to thank the gentlewoman from California for introducing this very important and necessary amendment.

Members of the Armed Forces are entitled to quality of life equal to that of the Nation that they are pledged to defend. Female military servicemembers and military dependents are stationed overseas, and they deserve the same rights as their counterparts who are stationed here in the United States.

Whether you are pro-choice or pro-life, agree or disagree with the merits of reproductive freedom, the fact remains: women of the United States have a constitutional right to these services.

Military women should not be forced to go to off-post medical facilities where language barriers and questionable conditions can be insurmountable obstacles. Nor should they be forced to arrange for leave and military transport to return stateside, requiring the intensely personal reason for their leave to be, at best, an open secret, if not outright common knowledge.

If your daughter or your wife or your sister or friend had to make this tough reproductive choice and was stationed overseas, do you believe that, as an adult woman, they should be required to disclose this information to their commanding officer? Would you want to put her on a plane, alone? Our servicewomen and their dependents deserve better.

This amendment allows military personnel and their dependents serving overseas to use their private funds to obtain safe, legal abortion services in overseas military hospitals. No Federal funds will be used.

This amendment will not violate host country laws, nor does it compel any doctor who opposes abortion on principle to perform one. It will, however, open up reproductive services at bases and countries where abortion is legal.

Current law treats the women who so bravely defend our country like second-class citizens in terms of their legal right to have an abortion. And this injustice needs to end.

Mr. Chairman, I urge my colleagues to vote for the rights of our servicewomen and dependents abroad. And again I thank the gentlewoman from California (Mrs. DAVIS) for introducing this amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JOANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the gentlewoman from California. For the last 9 years, without fail, this body has voted against funding abortions in DOD medical treatment facilities, and I trust that today we will make that number 10.

Military physicians and personnel are tasked to provide life-saving and nurturing care to our men and women of the armed services. In this amendment, we are asking them to facilitate the exact opposite of their mission by performing abortions.

Particularly at a time when their resources are devoted to addressing the needs of servicemembers suffering from wounds and trauma sustained in Operations Iraqi Freedom and Enduring Freedom, we must continue to support the doctors and nurses of the military in their effort to save and sustain life.

Mr. Chairman, American taxpayer dollars should not be used to pay for abortions, directly or indirectly, wherever they occur. Supporters of this amendment claim that taxpayer dollars would not actually pay for abortions, as you just heard. However, as previously pointed out, this simply is not true.

Taxpayers would be paying for these abortions by subsidizing the cost of the physician services, the hospitals, and the abortion equipment. Our current law protects against this, and I urge my colleagues to keep this commonsense policy intact.

Mrs. DAVIS of California. Mr. Chairman, I yield one minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of the Davis-Harman amendment. Today, and over the last few years, we continually have voiced our support for our troops many, many times over, passing resolutions of support, providing our troops with adequate training and equipment, just the beginning. And I know of no better way to demonstrate our genuine support than by finally giving women in our Armed Forces and the wives and the daughters of the men in our military, the ability to exercise their constitutional right to choose, to choose their reproductive options while being stationed abroad.

We routinely ask servicewomen to put their lives on the line in defense of our country and our country's ideals. That is why we must not require them to put their lives on the line when seeking constitutionally protected reproductive services. Please join me in supporting our troops by supporting this much needed amendment. Lift the current ban on life-threatening procedures withheld from our women serving overseas.

Mr. RYUN of Kansas. Mr. Chairman, may I inquire as to how much time I have left.

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from Kansas has 10½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, this is the second time this week that the House has considered the important issue of life of the unborn.

I rise in strong opposition to the Davis amendment which attempts for the ninth time in 9 years to repeal a provision of law which prevents military doctors from performing abortions at overseas military hospitals.

As a physician, I have dedicated my life to healing and nurturing human life. Military hospitals, which are paid entirely with taxpayer dollars, should not facilitate the taking of innocent human lives. Additionally, this does not take away a single existing right for women serving overseas, as they do have the option to travel to other locations for the procedure.

Mr. Chairman, I urge my colleagues to preserve military hospitals as a place of healing and to vote against the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the amendment being offered by the gentlewoman from California (Mrs. DAVIS), the gentlewoman from California (Ms. HARMAN), and the gentlewoman from California (Ms. LORETTA SANCHEZ).

No one here would dare question the contributions being made by American woman living on military bases overseas.

Whether they are active servicemembers, spouses or dependents of military personnel, every last one of them is making a great sacrifice to support our country abroad.

Every last one of them should have access to safe medical procedures that are legally available to every American woman here in the United States.

Why would our government tell these women that they can receive abortion care in the U.S., that with their own private funds that it is too bad they are serving in our military and happen to be overseas, and therefore be denied access to care they could receive right here on terra firma?

Why would our government tell women who are willing to die to protect their country that their country's laws on health care services do not extend to them when they leave U.S. soil?

Regardless of one's personal feelings on abortion, I would hope that everyone could agree that it is most certainly wrong to discriminate against women in the military.

For our government to tell this essential and noble group of women, some of whom literally dodge bullets to protect our interests, that we will not allow them the same range of quality care available to women living within our borders, that is not only dangerous; I believe it is un-American, and I urge an ''aye'' vote.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I once again come to this floor, to this body to a debate on the issue of abortion in overseas military hospitals. And I would urge my colleagues to honor the consciences of the caregivers and also the taxpayers who fund these facilities.

As a member of the Armed Services Committee, as a former military officer, but also as a father with two sons in the military, I have seen the dedication of our troops. I have even heard very-close-to-home accounts of people that are willing to sacrifice their lives so that we could have life and liberty and the pursuit of happiness in this land. And is it so odd then to make the next step to understand that the young men and women who are entering our medical divisions of the armed services also hold the same set of values? And now, are we going to compel these people to be active and to take part in destroying life when they are risking their lives to protect life? It seems to make no sense whatsoever to compel them to do this thing.

Well, in fact when the Clinton administration overturned the DOD policy against abortion in 1993 through 1996, military physicians refused to perform or assist in elective abortions, thus forcing the administration to spend additional taxpayer dollars on recruiting and hiring civilians who would do the abortions.

Now, this government should never condone abortion by turning military hospitals into abortion clinics with the taxpayers picking up the tab. Now, I understand that supposedly this woman is going to pay for it. But certainly, even if she does, you are still going to have to hire these new doctors that are going to come in and all of the other services to support that all come out of taxpayer expense. This is unconscionable. Our policy is reasonable the way it is stated, and the language before us has been debated and rejected year after year since 1996.

I ask my colleagues to defeat this amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in support of the Davis amendment which would allow our brave servicewomen to obtain safe, legal abortion services in overseas military hospitals at no cost to the taxpayers.

Today a female soldier overseas lacks on-base access for her constitutional right to choose, even if she pays for it herself.

At a time when the military is spread thin and not meeting its recruiting targets, we are sending an odd message to women soldiers and possible recruits. As a reward for protecting our freedom, we restrict yours. As a reward for risking your life, we give you a lecture on the right to life instead of giving you the care that you seek. As a reward for receiving modest wages, we tell you that you cannot buy some health care, even at any price.

This Congress has made over 211 anti-choice votes since 1994. For the sake of our women serving in Afghanistan and Baghdad, let us not make it 212.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise to oppose the Davis amendment, which year after year has been offered and defeated. When President Clinton allowed abortions in military facilities in the early 1990s, all military physicians, as well as many nurses and supporting personnel, refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. The current administration would not do this. But future administrations could. Therefore, if the Davis amendment were adopted, not only could taxpayer-funded facilities be used to support abortion on demand, but resources could be used to search for, hire, and transport new personnel simply so that abortions could be performed.

Military treatment centers, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent human life, the child in the womb. The American working family should not be forced to fund the extremist health care agenda of this amendment. Vote ''no'' on the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, can I inquire into the time we have available.

The Acting Chairman (Mr. PUTNAM). The gentlewoman has 6 minutes remaining.

Mrs. DAVIS of California. Mr. Chairman, I now yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I will rise to support this amendment which would reverse the shameful policy forbidding women in our Armed Forces from using even their own funds to pay for an abortion at a safe U.S. medical facility abroad. It is truly sad and disgraceful that our current policy requires women who are serving their country to sacrifice their constitutional right to an abortion if they so choose.

I have heard the rhetoric from the opponents of this amendment. They say that abortion is terrible. Well, that is their opinion. They are entitled to it. But it is the law. It is a constitutional right of a woman, if she so chooses, to have an abortion. And as long as that is so, she should not be required to sacrifice her constitutional right because she serves her country in the military abroad, or to choose to give up her right or to go into a possibly unsafe foreign facility.

I have heard people say, well, even if she spends her own money, she might have to spend money for a doctor because doctors do not want to do it.

□ 1515

It is not up to doctors or anybody else as to whether people should enjoy their constitutional rights. If it costs money to enable a woman who has chosen to serve her country in the armed services to have the ability to have her constitutional rights, then it costs money. Although I do not see why we should make sure that among the doctors in the military there are those who are willing to perform any service that the Constitution requires be afforded upon request.

So even to require a woman to give up her constitutional right which she has, and whatever you may say about the duty is to heal and not to take a life, some of us do not regard that as taking a life. But it is her constitutional right. She should not be required

to give it up, especially when she pays for it herself. We should not discriminate against women in the military.

Mr. RYUN of Kansas. Mr. Chairman, how much time have I remaining?

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from Kansas (Mr. RYUN) has 6½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding me time, and I congratulate him for his courage in leading the battle on this amendment.

Mr. Chairman, 90 percent of the hospitals in the United States today refuse to abort unborn children, and the trend is for hospitals to divest themselves of this violence against children.

It is outrageous that as hospitals in our country repudiate abortion, the Davis amendment seeks to turn our overseas military hospitals into abortion mills. With all due respect to the gentlewoman from California (Mrs. DAVIS), the amendment she offers will result in babies being brutally killed by abortion. It will harm women, and it will force pro-life Americans to facilitate and subsidize the slaughter of innocent children.

We want no part of the carnage.

Abortion is violence against children and it harms women. Some methods of abortion dismember and rip apart the fragile little bodies of children. Other methods chemically poison kids. Abortion has turned children's bodies into burned corpses, the direct result of the caustic effect of the chemicals.

Now we learn, Mr. Chairman, from science and from medicine that due to the nerve cell development, unborn children from at least 20 weeks onward, and most likely even earlier, feel excruciating pain. They feel pain, two to four times more pain than you and I would feel from the same assault.

One of those methods depicted to my left on this poster board, the D and E method, it is a common, later-term method of abortion, takes about 30 minutes to commit as the arms and the legs and the torso are painfully hacked into pieces. Interestingly, Mr. Chairman, the partial-birth abortion legal trials in various courts around the country drew attention to the pain issue that children feel during an abortion.

Dr. Sunny Anand, Director of the Pain Neurobiology Lab at Arkansas Children's Hospital said, ''The human fetus possesses the ability to experience pain from 20 weeks of gestation onward, if not earlier, and the pain that is perceived by a fetus is more intense than that perceived by newborns or by older children.'' He went on to explain that the pain inhibitory mechanisms, in other words, the fibers that dampen and modulate the pain or the experience of it, do not begin to develop until about 32 to 34 weeks.

Finally, Mr. Speaker, Dr. Alveda King, niece of the late Dr. Martin Luther King, has said, ''How can the dream survive if we murder the children?''

Dr. King, who has had an abortion herself, but is now pro-life and bravely speaks out, says, ''We can no longer sits idly by and allow this horrible spirit of murder to cut down and cut away our unborn. This is the day to choose life,''

Dr. King goes on to say, ''We must allow our babies to live. If the dream of Dr. Martin Luther King is to live, our babies must live.''

There is nothing benign or nurturing or curing about abortion. It is violence against children. It dismembers them. It chemically poisons them.

Vote down the Davis amendment.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentlewoman for yielding me time, and I thank her and her colleagues for this amendment.

The prior speaker was talking about Dr. King, and Dr. King believed in the rights of all people. This amendment provides rights to women serving overseas and their dependents.

They are hollering over here, ''Murder.'' I do not believe in murder. They are hollering over here about all these other issues. But the reality is that the United States Supreme Court has decided that women have the right to a legal, safe abortion. And all we are saying is that women serving in the military ought to have the same rights as the women in the United States of America since they give their lives.

The amendment allows women to pay for it. The amendment allows women to exercise their right of choice.

If we were debating whether or not the United States would fund Viagra, all these guys who talk about the pain that they know about having an abortion would not be standing up saying that. None of them will know about a woman's choice, and none of them will ever understand the dilemma the woman has to face when she makes a choice.

Mr. Chairman, I rise in support of the Davis/Harman/Sanchez Amendment to the Defense Authorization Bill.

This amendment repeals the statutory prohibition on abortions in overseas hospitals and simply allows military personnel and their family members serving overseas to use their own funds to obtain safe, legal abortion services in overseas U.S. military hospitals.

Mr. Chairman, this administration has continued at attempts to chip away the rights of women. This congress has proposed that women be prohibited from paying for their own abortion and now have plans to exclude us from military combat. What is next, Mr. Chairman?

I believe that military women should be able to depend on their base hospitals for all of their health care needs. A repeal of the current ban on privately funded abortion would allow military women and dependents based overseas the same range and quality of medical care available to women in the United States. No Federal funds would be used to perform these procedures and no undue burden is placed on military physicians overseas. In addition, this amendment does not compel any doctor who opposes abortion on principle to perform one; it simply opens up reproductive services at bases in countries where abortion is legal.

It is unconscionable that this Congress would seek to prohibit a woman's right to a safe and legal procedure. The fact that a woman is stationed and is serving overseas should not deny her the opportunity to obtain safe, reproductive services. I urge adoption of the Davis/Harman/Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, let me say to my colleagues, I come from north central Florida, and we have a lot of beautiful Indian-sounding names like Ocala, Okhumpka, Micanopy, Oklawaha.

Just for a moment, let us say I walked down anywhere from Jacksonville through these wonderful small towns and I walked up to somebody on the street and I said, Do you think we should allow the Department of Defense medical facilities to be turned into abortion clinics?

Now, if I asked that to anyone in north central Florida, I bet you almost 99 percent of the people would say, Why are we turning our military medical hospitals into abortion clinics?

That is why here on the House floor we have voted time and time again and overwhelmingly defeated it. In fact, going back to 1996, 1997, 1998, 1999 right on up to currently we have defeated this amendment. It will be defeated on the House floor too.

So I really find this debate one of persuasion on this side who wants to turn medical facilities or medical military hospitals into abortion clinics. I think, for many of us, that is just wrong, and that is why I am against this amendment.

I urge my colleagues to vote against the bill.

Mrs. DAVIS of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, today I rise in strong support of the Davis-Harman-Sanchez amendment.

This amendment would repeal the current ban that forbids servicewomen and female military dependents from using their own private funds for an abortion, abortion care at overseas military hospitals.

Abortion is a very personal issue. I do not think it is one that anyone here takes very lightly, but Members have to understand that currently there are over 100,000 women that are right now serving on active duty somewhere abroad, or their family members are there near a military base. Health care for them is very important.

God forbid that one of these young women, or soldiers, is raped when we know in fact in Afghanistan and currently in Iraq there have been sexual

assaults and rapes. For God's sake, let us be rational about this discussion. Let us allow these servicewomen to pay for the appropriate care that they are willing to pay.

It is not taxpayer dollars that we are expending on this particular procedure, and I think it is a gross misrepresentation for Members to think that somehow this is an abuse of unwanted children. The fact of the matter is that there are women who do need this health care and many women who are in the service who are rape victims.

Mr. RYUN of Kansas. Mr. Chairman, I believe I have the right to, and I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of the Davis-Harman amendment to H.R. 1815, the National Defense Authorization Act. This amendment would lift the ban on privately funded abortion care provided at overseas military bases. It would restore the right of female servicemembers and dependents who are stationed overseas to use their own funds to obtain reproductive health services, including abortion.

Current law forbids military hospitals from offering abortion care except in cases of life endangerment, rape or incest. This amendment does not ask for public funds to be used to finance these additional reproductive health services. Rather, it allows U.S. servicewomen and their military dependents to have access to privately funded abortion services, the same as they would if they were living in the United States.

I was disappointed the Committee on Rules did not make in order an amendment I offered with the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that would have allowed publicly funded abortions in the case of rape or incest, just as Medicare allows and as currently allowed if a woman's life is in danger.

Despite its not being included, I think passage of the Davis-Harman amendment would be a positive development for women in the military, and I urge its passage.

Currently, there are over 100,000 women who serve the United States and are working in the military overseas, and the number grows rapidly each year.

This amendment seeks to give back to servicewomen the Constitutionally guaranteed right to reproductive choice.

Although I know many of my colleagues would prefer otherwise, Roe v. Wade is the law of the land, and this ban takes away the legal rights of servicewomen and their families in the military.

The ban discriminates against the women and families who have volunteered to serve their country.

I support this amendment and encourage my colleagues to do so as well.

Mr. RYUN of Kansas. Mr. Chairman, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentlewoman has 1½ minutes remaining.

Mrs. DAVIS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we consider this amendment and others today, I want to urge my colleagues to consider the following questions:

What message do we give to the brave servicewoman whose life is on the line this very minute in Iraq? What message do we give the young woman who recently chose to join the military and defend this country?

Distilled to its essence, this defense bill reaches to the heart of some very basic questions about America's policy towards servicewomen and how we choose to treat them. And the question is, will we treat them equally and with respect, or not?

Military women deserve the right to make private medical decisions according to their own beliefs and to receive timely care from a doctor. They should not have to find themselves alone on a plane to the U.S. or alone in a foreign hospital.

The Davis-Harman-Sanchez amendment is about safety, individual responsibility and fairness. I believe we owe our servicewomen this much.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion, let me say I urge my colleagues to oppose this amendment. It is an unnecessary amendment. We must not turn our military installations into abortion clinics. Our military doctors did not sign up to perform abortions, and we must not put them in that position.

I urge my colleagues to vote ''no'' on the Davis amendment.

Ms. LEE. Mr. Chairman, I rise today in strong support of the Davis-Harman-Sanchez Amendment.

There are over 200,000 women serving on active duty in the United States military, and over 150,000 serving with the Guard or Reserve.

This common sense amendment allows these military women stationed overseas and their dependents to exercise the same rights as women in this country: The right to comprehensive family planning, including access to a safe, legal abortion.

This amendment does not allow one cent of taxpayer money to fund these procedures. It simply allows women to use their own money to pay for this procedure in an overseas military facility.

It makes no sense that we have asked these soldiers to serve our country and yet we cannot serve them with basic comprehensive health care.

Let us reject this administration's ongoing, politically and ideologically motivated war on women. Let's adopt this important common sense amendment. I urge a ''yes'' vote.

Mr. RYUN of Kansas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. DAVIS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. DAVIS of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. DAVIS) will be postponed.

It is now in order to consider amendment No. 1 printed in House Report 109–96.

AMENDMENT NO. 1 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HUNTER:

Page 34, line 1, insert '', to the extent provided in advance in appropriations Acts,'' after ''shall''.

Page 58, after line 15, insert the following new section:

SEC. 228. FUNDING FOR SUPERSONIC CRUISE MISSILE ENGINE QUALIFICATION.

(a) IN GENERAL.—The amount in section 201(3) for research, development, test, and evaluation, Air Force, is hereby increased by $10,000,000, to be available for supersonic cruise missile engine qualification, program element 0603216F, project 4921.

(b) OFFSET.—The amount in section 104 for procurement, Defense-wide, is hereby reduced by $10,000,000, to be derived from the chemical demilitarization program.

Strike section 574 (page 188, line 21, through page 194, line 11) and insert the following:

SEC. 574. GROUND COMBAT AND OTHER EXCLUSION POLICIES.

(a) IN GENERAL.—

(1) Chapter 37 of title 10, United States Code, is amended by inserting after section 651 the following new section:

''§ 652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned

''(a) RULE FOR GROUND COMBAT PERSONNEL POLICY.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2)(A) or (2)(B) to the ground combat exclusion policy or proposes to make a change described in paragraph (2)(C), the Secretary shall, before any such change is implemented, submit to Congress a report providing notice of the proposed change. Such a change may then be implemented only after the end of a period of 60 days of continuous session of Congress (excluding any day on which either House of Congress is not in session) following the date on which the report is received.

''(2) A change referred to in paragraph (1) is a change that—

''(A) closes to female members of the armed forces any category of unit or position that at that time is open to service by such members;

''(B) opens to service by female members of the armed forces any category of unit or positon that at that time is closed to service by such members; or

''(C) opens or closes to the assignment of female members of the armed forces any military career designator as described in paragraph (6).

''(3) The Secretary shall include in any report under paragraph (1)—

''(A) a detailed description of, and justification for, the proposed change; and

''(B) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of

the Military Selective Service Act (50 App. U.S.C. 451 et seq.) to males only.

''(4) In this subsection, the term 'ground combat exclusion policy' means the military personnel policies of the Department of Defense and the military departments, as in effect on October 1, 1994, by which female members of the armed forces are restricted from assignment to units and positions below brigade level whose primary mission is to engage in direct combat on the ground.

''(5) For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die.

''(6) For purposes of this subsection, a military career designator is one that is related to military operations on the ground as of May 18, 2005, and applies—

''(A) for enlisted members and warrant officers, to military occupational specialties, specialty codes, enlisted designators, enlisted classification codes, additional skill identifiers, and special qualification identifiers; and

''(B) for officers (other than warrant officers), to officer areas of concentration, occupational specialties, specialty codes, designators, additional skill identifiers, and special qualification identifiers.

''(b) OTHER PERSONNEL POLICY CHANGES.—(1) Except in a case covered by section 6035 of this title or by subsection (a), whenever the Secretary of Defense proposes to make a change to military personnel policies described in paragraph (2), the Secretary shall, not less than 30 days before such change is implemented, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives notice, in writing, of the proposed change.

''(2) Paragraph (1) applies to a proposed military personnel policy change, other than a policy change covered by subsection (a), that would make available to female members of the armed forces assignment to any of the following that, as of the date of the proposed change, is closed to such assignment:

''(A) Any type of unit not covered by subsection (a).

''(B) Any class of combat vessel.

''(C) Any type of combat platform.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 651 the following new item:

''652. Notice to Congress of proposed changes in units, assignments, etc. to which female members may be assigned.''.

(b) REPORT ON IMPLEMENTATION OF DEPARTMENT OF DEFENSE POLICIES WITH REGARD TO THE ASSIGNMENT OF WOMEN.—Not later than March 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report of the Secretary's review of the current and future implementation of the policy regarding the assignment of women as articulated in the Secretary of Defense memorandum, dated January 13, 1994, and entitled, ''Direct Ground Combat Definition and Assignment Rule''. In conducting that review, the Secretary shall closely examine Army unit modularization efforts, and associated personnel assignment policies, to ensure their compliance with the Department of Defense policy articulated in the January 1994 memorandum.

(c) CONFORMING REPEAL.—Section 542 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is repealed.

In section 825(d) (page 325, line 22), insert after ''Defense'' the following: ''for the Joint Military Intelligence Program or Tactical Intelligence and Related Activities''.

In section 825(e) (page 325, line 24), insert after ''committees'' the following: ''and the Permanent Select Committee on Intelligence of the House of Representatives''.

At the end of subtitle B of title X (page 365, after line 19), insert the following new section:

SEC. 1017. ESTABLISHMENT OF MEMORIAL TO U.S.S. OKLAHOMA.

(a) IDENTIFICATION OF SITE FOR MEMORIAL.—The Secretary of the Navy, in consultation with the Secretary of the Interior, shall identify an appropriate site on Ford Island, Hawaii, for the location of a memorial to the U.S.S. Oklahoma, which was sunk during the attack on Pearl Harbor on December 7, 1941.

(b) ESTABLISHMENT AND ADMINISTRATION.—After the site for the memorial is identified under subsection (a), the Secretary of the Interior shall establish and administer a memorial to the U.S.S. Oklahoma as part of the USS Arizona National Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to lands administered by the National Park Service.

(c) MEMORIALIZATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a memorialization plan for the portion of Pearl Harbor where United States naval vessels were attacked on December 7, 1941. The Secretary of the Navy shall prepare the plan in consultation with the Secretary of the Interior.

At the end of title XI (page 411, after line 5), insert the following new section:

SEC. 1108. VETERANS' PREFERENCE STATUS FOR CERTAIN VETERANS WHO SERVED ON ACTIVE DUTY DURING THE PERIOD BEGINNING ON SEPTEMBER 11, 2001, AND ENDING AS OF THE CLOSE OF OPERATION IRAQI FREEDOM.

(a) DEFINITION OF VETERAN.—Section 2108(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by adding ''or'' after the semicolon; and

(3) by inserting after subparagraph (C) the following:

''(D) served on active duty as defined by section 101(21) of title 38 at any time in the armed forces for a period of more than 180 consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom;''.

(b) CONFORMING AMENDMENT.—Section 2108(3)(B) of such title is amended by striking ''paragraph (1)(B) or (C)'' and inserting ''paragraph (1)(B), (C), or (D)''.

Redesignate titles I through VIII of division B as titles XXI through XXVIII, respectively.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is a manager's amendment which has several components. One component is cruise missile funding for the supersonic cruise missile; another is a USS Oklahoma memorial; another is veterans' preference. But the heart of this manager's amendment is the amendment on women in combat, and that is not women in uniform as the gentleman from Missouri (Mr. SKELTON) likes to describe it, but women in combat and the exclusion from direct ground combat in the United States Department of Defense.

Mr. Chairman, let us make it clear to everyone, because clarity is what we all want, there is presently a policy, a DOD policy, put forth by then-Secretary of Defense Les Aspin, that has been adhered to, that continues the American policy and tradition of not having women in direct ground combat. That means manning machine guns, assaulting enemy positions at close range with rifle and bayonet, with tanks, with Bradley fighting vehicles, engaging in firefights; in short, doing all the things that we know now that we have elements of the Marine Special Operations and Army doing in the war against terror.

Now, the committee in asking, in inquiring of the Army as to what their position was on this as they go into the development of the new Army, it became clear that they were not sure.

□ 1530

There were three separate briefing teams sent to the Hill, each of whom had a different position within 3 days as to exactly what the policy would be of excluding women from direct ground combat. As a result of that, we had a provision in the bill that would statutorily take the Army policy, the present policy, and Xerox it, exactly the same policy, but would make it law.

We have had a number of people who have expressed concern about that. We have had also a number of people who want to make sure we maintain that policy and, as a result of that, we have, I think, an excellent compromise, an excellent provision in the bill which says this: if DOD wants to change the existing policy that excludes women from direct ground combat, they have to give Congress 60 continuous legislative days' notice.

Now, what that means is we have now injected ourselves, as we should, being people who under the Constitution have the obligation of regulating the Armed Forces, we have injected ourselves into any change of this longstanding DOD policy. We will have 60 legislative days, continuous legislative days, in which we can change that policy. We direct the Secretary of Defense to come back to us and tell us how he is going to implement that policy and specifically how he is going to reshape the Army and the Army modularity and comply with that 1994 policy which excludes women from direct ground combat.

This is an excellent provision, Mr. Chairman. And for all the women out there who are concerned about the possibility of being moved into direct ground combat, certainly we make it very clear they will not be, by action of the U.S. Congress.

Mrs. TAUSCHER. Mr. Chairman, I claim the time in opposition, although I will not, in the end, oppose it.

The Acting CHAIRMAN. Without objection, the gentlewoman from California (Mrs. TAUSCHER) will control the time in opposition.

There was no objection.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume, and I rise to express my deep concern about the portion of the Hunter amendment that amends the language regarding women in combat. Currently, women in the military are barred from direct ground combat positions by policy and by the will of the American people. However, while I recommend that the Hunter amendment get passed, I want to make it crystal clear to the American people that this does not go far enough in amending what previously had been put in the bill, and it potentially infringes on the right of women to serve in combat support positions alongside men, positions that women currently hold. Equally important, it also greatly reduces the ability of the Pentagon to make needed personnel changes at a time of war.

For the last 2 weeks, Mr. Chairman, women in the military have been under assault by the majority in the House Committee on Armed Services. While this latest version of the Hunter amendment is an improvement over the horrendous language he included in the bill 2 weeks ago, this is like a school yard bully taking your lunch money, getting caught, giving you half the money back and then demanding you thank him for it. We should not be in this position in the first place.

At a time when our Armed Forces are overstretched and Army recruiting and retention has hit the skids, we should not appear to be restricting patriotic Americans who want to serve their country in the military. This entire effort sends a harmful message to the women serving today on the front lines of Iraq that Congress is considering the right that they have achieved to serve their country through military service may be in jeopardy.

Just a short while ago, this Congress was praising Jessica Lynch and Shoshana Johnson for their service. We should be thanking women in uniform, not limiting their opportunities. Suicide bombers do not discriminate, why should we?

Mr. Chairman, this is an ill-thought-out policy that has been proposed, revised, revised again, and argued all at the last minute without any hearings in the subcommittee or the committee. Apparently, in offering the most recently altered amendment, even the gentleman from California (Mr. HUNTER) recognizes he had gone too far. While far from undoing the mixed signal this effort to change the rules has sent to women and men serving with distinction in a very dangerous environment, this amendment corrects the most egregious language currently in the bill and should be supported.

I guess what is most disappointing about this issue is that nothing has been done to repair the damage that this effort inflicts on women serving in the military today. Repairing the damage in this bill still begs the question: What are we going to do to restore the trust of our servicewomen?

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, how much time do we have left?

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from California has 2 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes. Mr. Chairman, we live sometimes in a fantasy world here in Washington, D.C. Let me take us to the real world. The real world in direct ground combat is what you saw in Fallujah, where people were assaulting heavily fortified areas, very close range, fierce firefights, rocket-propelled grenades, machine gun fire, and in the end, 78 dead Marines, KIA.

I have here an article: ''War Makes Recruiting Women Tough.'' Reading from the Columbia State Journal: ''As the Iraq war wears on and casualties mount, young women are marching away from the Army.'' This is the real world, not the fantasy world the gentlewoman speaks about. ''The number of women in Army recruiting classes has dropped 20 percent in the last 5 years. Why the drop? 'It's the war,' Army spokesman Douglas Smith said, adding 'recruiting of women has slipped, despite larger signing bonuses and an increase in the number of recruiters.' ''

The facts are that 90 percent of the women polled who are in the Army do not want to go in direct ground combat. There may be people here in Washington, D.C. who want to send young women into direct ground combat, but the vast majority of those in the military do not want that. And the real reassurance to American moms and dads sitting around the breakfast table talking to their youngsters about joining the military is that they will not be sent into direct ground combat. And if a proposal is made to change that, then the U.S. Congress, under its obligation, will have a requirement to review that policy and act before it becomes the new policy.

Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentlewoman from California has 2½ minutes remaining.

Mrs. TAUSCHER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I think that several of our colleagues want to really put this issue aside, but I think it has had an impact. I spoke to Sergeant Cynthia Hanna this morning. Sergeant Hanna works for the San Diego Police Department and is a Marine Corps veteran. Like many women in Iraq right now, Sergeant Hanna was an integral part of the fight. But let me tell you where her fight is now. Her fight is on the streets of San Diego.

I thought Sergeant Hanna summed up the issue best. Not once did she talk about whether this is a Democrat or Republican issue. She said, ''The desire to serve has never been about women's equality to the exclusion of readiness considerations. The struggle,'' the struggle, ''is about the privilege of serving one's country without artificial barriers based solely on gender. Women's struggle for a place in the military has been about seeking the full rights and responsibilities of citizenship. The struggle is about women being judged by the same standards as men in any job for which they can qualify. It has always been about being able to pursue a career based on individual qualifications rather than unrelated stereotypes.''

Mrs. TAUSCHER. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank my colleague from California for yielding me this time, and I rise today in support of the thousands of women serving their country bravely and honorably in the armed services today.

Two weeks ago, in the Subcommittee on Military Personnel of the Committee on Armed Services, there was an amendment put forward by the gentleman from New York (Mr. MCHUGH) and it was wrong, and I told him it was wrong; but they passed it. A week ago, they changed it because it was so bad. And I told him, I do not even know what we are voting on, and yet the majority passed it. Today, they have a third amendment, because it was wrong and it did not make sense. This one, we can live with. It is just about reporting and reporting to the Congress.

But I will tell my colleagues something I believe is true. Not every man nor every woman makes a good soldier. But if a woman can do it, and she wants to do it, and she is good at it, then let her do it. As I have said before, this is not a question of equal opportunity; it is a question of our national security.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there are 2,800 job opportunities open to women in the military. This provision, very appropriately, injects Congress into the policy role of making the determination, if it should ever be proposed by DOD to move women into direct ground combat. That injects Congress into that policy role.

And if anybody makes that profound determination, it has to be Congress. I hope it is never made, but certainly we should not stand by and have such a profound decision made without the U.S. Congress weighing in. This guarantees our participation.

Mrs. DRAKE. Mr. Chairman, first let me thank the gentleman from California for his leadership and hard work on this issue and for drafting an amendment that confirms Congress' constitutional duty to oversee the military. Any decision to allow women to serve in direct ground combat is a decision that must be made by Congress.

Our men and women in Iraq, Afghanistan, Bosnia, and around the world are serving our Nation with distinction and honor. In the Global War on Terror, there are no designated front lines and at any moment even a mess hall can become a combat zone.

The jobs that place our military members in direct ground combat are currently closed to women.

The amendment before us today will allow congressional oversight in any decision to open direct ground combat specialties to women by requiring notification by the Defense Secretary and Congress. It also requires a report from the Secretary in March of 2006 which will allow Congress to further explore this issue.

Let me be clear, this amendment does not impact any specialties currently open to women. All women will continue serving in their current roles. Any change in current roles would be completely unacceptable.

I urge my colleagues to support this measure.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 20 offered by the gentleman from Virginia (Mr. GOODE), amendment No. 24 offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS), amendment No. 12 offered by the gentlewoman from California (Mrs. DAVIS), and amendment No. 1 offered by the gentleman from California (Mr. HUNTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 20 OFFERED BY MR. GOODE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 184, not voting 4, as follows:

[Roll No. 214]

AYES—245

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kline
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Price (NC)
Putnam
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

□ 1608

Ms. McCOLLUM of Minnesota and Messrs. BROWN of Ohio, DINGELL, ENGEL and SCOTT of Georgia changed their vote from ''aye'' to ''no.''

Messrs. ISSA, ISTOOK, CANTOR, KNOLLENBERG and BISHOP of Georgia changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MRS. JO ANN DAVIS OF VIRGINIA

The Acting CHAIRMAN (Mr. PUTNAM). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 16, not voting 4, as follows:

[Roll No. 215]

AYES—413

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—16

Ackerman
Baldwin
Blumenauer
Conyers
Frank (MA)
Gutierrez
Kucinich
Lee
McDermott
Moore (WI)
Sánchez, Linda T.
Schakowsky
Solis
Stark
Wasserman Schultz
Woolsey

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1616

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MRS. DAVIS OF CALIFORNIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentlewoman from California (Mrs. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 233, not voting 6, as follows:

[Roll No. 216]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—233

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney

Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Brown (SC)
Buyer
Emerson
Hastings (WA)
Mica
Millender-McDonald

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1625

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MICA. Mr. Chairman, on rollcall No. 216 I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on rollcall No. 216, I inadvertently voted "nay." I meant to vote "aye."

AMENDMENT NO. 1 OFFERED BY MR. HUNTER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 1, not voting 4, as follows:

[Roll No. 217]

AYES—428

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Maloney

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1632

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–96.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. STEARNS:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 6XX. SENSE OF CONGRESS THAT COLLEGES AND UNIVERSITIES GIVE EQUAL ACCESS TO MILITARY RECRUITERS AND ROTC IN ACCORDANCE WITH THE SOLOMON AMENDMENT AND REQUIREMENT FOR REPORT TO CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Reserve Officer Training Corps (ROTC) program is the most common means for undergraduates to become United States military officers, producing 60 percent of all officers in the Armed Forces and 75 percent of Army officers.

(2) The ROTC program is officially banned from many leading universities and, although students at those institutions can participate in ROTC programs at other colleges, they often have to travel significant distances to do so.

(3) The United States is engaged in a global war on terrorism, and it is thus more important than ever for the Armed Forces to recruit high quality and well-qualified personnel.

(4) Recruiting on university campuses is one of the primary means of obtaining new, highly qualified personnel for the Armed Forces and is an integral, effective, and necessary part of overall military recruitment.

(5) In 1996, Congress enacted a provision of law that has become known as the ''Solomon Amendment'' that provides for the Secretary of Defense to deny Federal funding to colleges and universities if they prohibit or prevent ROTC or military recruitment on campus.

(6) A group of university law schools have challenged the constitutionality of the Solomon Amendment, and the Supreme Court has agreed to hear the case in the term beginning in October 2005.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any college or university that discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs; and

(2) universities and colleges that receive Federal funds should provide military recruiters access to college campuses and to college students equal in quality and scope to that provided all other employers.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the colleges and universities that are denying equal access to military recruiters and ROTC programs.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to urge all of my colleagues to support this very simple amendment to the Defense authorization bill. This amendment does two very important things.

First, it expresses the sense of Congress that any college or any university that denies equal access or discriminates against ROTC programs or military recruiters should be denied certain Federal taxpayer support, especially funding for many military and defense programs. Secondly, Mr. Chairman, it requires the Secretary of Defense to issue a report to Congress on those colleges and universities that are denying equal access to military recruiters and these ROTC programs.

In 1996, Congress enacted a provision of law that became known as the Solomon Amendment. Representative Solomon, as you remember, was a colleague from New York who was chairman of the Committee on Rules. This provision provided for the Secretary of Defense to deny Federal funding to colleges and universities if they prohibited or prevented ROTC or military recruitment on campuses.

Mr. Chairman, a number of universities and colleges today are denying equal access to military recruiters. For example, at Yale University students who wish to participate in the ROTC program must drive to the University of Connecticut in Storrs at least once a week. That is like you and me driving down to Richmond once a week while attending a university here in Washington, D.C. This trip could take up to an hour and a half each way.

Perhaps worse, Yale accepts ROTC dollars, but refuses to grant credit for ROTC courses; so if you are an ROTC scholarship and taking courses at Yale and attending at Storrs, the Air Force, the Army and the Navy will pay for your courses at Yale; but, again, Yale says you have to go to Storrs and denies access to the ROTC program right there at Yale.

While students at Harvard can participate in ROTC programs at nearby MIT, ROTC courses may be taken only on a noncredit basis. This banishment of ROTC led Harvard President Lawrence Summers to say, ''We need to be careful about adopting any policy on campus of nonsupport for those involved in defending this country. We should be proud that we have in our midst students who will make the commitment to the ROTC.''

This is why it is so important for Congress to make a strong statement in support of full and equal access to military recruiters on campus and for the ROTC.

Therefore, it is vital to national security that we improve the ability of students to simply participate in ROTC programs and ensure that colleges and universities provide military recruiters entry to campuses and simple access to students that is at least equal in quality and scope to that provided by any other employer in America.

Mr. Chairman, I urge my colleagues to support my amendment.

Mr. ANDREWS. Mr. Chairman, although I do not intend to oppose the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield such time as he may consume to the ranking member of our committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I stand in full support of this amendment. ROTC has been an integral part of college life for many, many, many decades in our country. Land grant colleges across the Nation are required to have ROTC, as they should. But I think those colleges and universities, institutions of higher learning, that have Federal funds flow into them for any number of reasons, any number of grants, for good purposes, of course, should also support the ROTC programs and allow recruiters free access to those that wish to inquire of and join the ROTC.

ROTC is not just a proposition whereby someone may become an officer in the United States Army, Air Force, Navy or Marines. It also is a character builder for young people. They learn about obligations, about duty, about patriotism. I think ROTC has certainly played an important part in so many young lives in our country.

Mr. Chairman, I certainly support this amendment, and I think it is wrong not to allow ROTC on such campuses.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the amendment, although I would note that there are three interests that must be delicately balanced in this instance. The first is the need for our military institutions to have full access to recruit on every campus in the country and to do so in a thorough way; the second interest that has to be balanced is the academic freedom of our colleges and universities to make judgments about what they think should and should not happen on their campuses; and the third interest that has to be balanced is the right of students who are enrolled in ROTC programs, and other students, for that matter, to have a full range of employment options so that if they choose to go into the military, they are not denied that option because of a policy of their college or university.

This is a delicate balance that I think is being properly handled under present law. I would note that the amendment before the body is a sense of Congress resolution. It is one of the reasons I am supporting the amendment. It expresses, I think accurately, the sentiment of the Congress; but it does not disrupt the delicate balance under the law that we presently have today, which I think is wise and prudent.

Mr. Chairman, I yield back the balance of my time.

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I would like to thank my colleague, the gentleman from Florida (Mr. STEARNS), for offering this amendment.

Mr. Chairman, Congress has voted time and time again to remove obstacles facing some of our military recruiters; and to the credit of most institutions, like those in my home State of Alabama, most do the right thing. Yet a small, but growing, group of institutions just do not seem to get it.

Recently, the University of Wisconsin at Stout joined the exclusive club of liberal institutions that prohibit the military from campus. Instead of doing the right thing and opening their doors to the uniformed personnel, this university has instead chosen to make a narrow-minded political statement.

What the university is doing simply flies in the face of common sense, especially during wartime. For the graduating students, this says clearly that a career in the military is not worth their consideration. Try telling that to the soldiers serving with honor and dignity in Afghanistan and Iraq, or their families praying for their safety.

This practice has got to stop, and I urge my colleagues to vote for this amendment.

Mr. STEARNS. Mr. Chairman, I yield 50 seconds to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is a very important subject. I wholeheartedly support the amendment. While our men and women in uniform are fighting around the world, we have colleges and universities around this country denying equal access to ROTC programs and military recruiters in the name of political correctness.

□ 1645

I would just remind my colleagues of the words of the former Commandant of the Marine Corps, General Krulak, who told us that our ''all-volunteer force'' is an ''all-recruited force.'' By recruiting the best and the brightest, our United States Armed Forces are today the very best in the world.

We have to stand up for the rights of our recruiters and the rights of our military to gain access to those campuses. Vote for this amendment.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

With the United States engaged in a global war on terrorism, it is more important than ever before for the Armed Forces to recruit high-quality, well-qualified, and well-trained personnel. This amendment ensures in a larger sense that this Congress is on record saying we support them and we think the universities and colleges in this country should also support them by giving access.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

The Clerk designated the amendments en bloc, as follows:

Amendments en bloc offered by Mr. HUNTER printed in House Report 109–96 consisting of amendment No. 4; amendment No. 5; amendment No. 8; amendment No. 9; amendment No. 11; amendment No. 14; amendment No. 16; amendment No. 17; amendment No. 22; and amendment No. 23.

AMENDMENT NO. 4 OFFERED BY MR. STARK

The text of the amendment is as follows:

At the end of title V (page 194, after line 1), insert the following new section:

SEC. 5xx. COMPTROLLER GENERAL STUDY OF MILITARY RECRUITING.

(a) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on military recruiting.

(b) MATTERS TO BE INCLUDED.—The Comptroller General shall include in the report the following:

(1) Whether military recruitment criminal violations have increased in any branches of the Armed Forces since the beginning of combat in Iraq.

(2) Whether policies of the Department of Defense or of any of the specific military branches have caused or encouraged military recruiters to carry out criminal actions to increase recruitment numbers.

(3) Whether the Department of Justice, Department of Defense, or specific military branches have adequately and independently carried out investigations and prosecutions of all Department of Defense officials who are complicit or directly involved in criminal actions to increase military recruitment.

(4) Any recommendations for any legislation or administrative actions that the Comptroller General considers appropriate.

(5) Any other matter the Comptroller General considers relevant.

AMENDMENT NO. 5 OFFERED BY MR. STRICKLAND

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 5xx. ADDITION OF INFORMATION CONCERNING MENTAL HEALTH SERVICES AND TREATMENT TO SUBJECTS REQUIRED TO BE COVERED IN MANDATORY PRESEPARATION COUNSELING.

Section 1142(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) Information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces.''.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 5xx. IMPROVEMENT TO DEPARTMENT OF DEFENSE RESPONSE TO SEXUAL ASSAULT AFFECTING MEMBERS OF THE ARMED FORCES.

(a) ASSESSMENT.—The Secretary of Defense shall conduct an inventory of supplies, trained personnel, and transportation resources assigned or deployed to deal with sexual assault. The Secretary shall assess the availability and accessibility within deployed units of rape evidence kits, testing supplies for sexually transmitted infections and diseases (STIs), including HIV, and for pregnancy, transportation resources, and medication. The assessment shall be completed not later than 120 days after the date of the enactment of this Act.

(b) ACTION PLAN FOR DEPLOYED UNITS.—The Secretary shall develop a plan to enhance accessibility and availability of supplies, trained personnel, and transportation resources in response to sexual assaults occurring in deployed units. Such plan shall include the following:

(1) Training of new and existing first responders to sexual assaults, including criminal investigators, medical providers responsible for rape kit evidence collection, and victims advocates, with such training to include current techniques on processing of evidence, including rape kits, and conducting investigations.

(2) Accessibility and availability of supplies for victims of sexual assault who present at a military hospital, including rape kits, equipment for processing rape kits, and testing supplies and treatment for sexually transmitted infections and diseases, including HIV, and pregnancy.

(c) ANNUAL REPORT.—The Secretary shall include in the annual report to the Committees on Armed Services of the Senate and House of Representatives on sexual assaults a report as to the supply inventory, location, accessibility, and availability of supplies, trained personnel, and transportation resources in response to sexual assault in deployed units.

AMENDMENT NO. 9 OFFERED BY MR. REICHERT

The text of the amendment is as follows:

At the end of title V (page 194, after line 11), insert the following new section:

SEC. 575. REPORT ON EMPLOYMENT MATTERS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

(a) REQUIREMENT FOR REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on difficulties faced by members of the National Guard and Reserve with respect to employment as a result of being ordered to perform full time National Guard duty or being ordered to active duty service, respectively.

(b) SPECIFIC MATTERS.—In preparing the report required under subsection (a), the Comptroller General shall include information on the following matters

(1) TYPE OF EMPLOYERS.—An estimate of the number of employers of members of the National Guard and Reserve who are private sector employers and those who are public sector employers.

(2) SIZE OF EMPLOYERS.—An estimate of the number of employers of members of the National Guard and Reserve who employ fewer than 50 full-time employees.

(3) SELF-EMPLOYED.—An estimate of the number of members of the National Guard and Reserve who are self-employed.

(4) NATURE OF BUSINESS.—A description of the nature of the business of employers of members of the National Guard and Reserve.

(5) REEMPLOYMENT DIFFICULTIES.—A description of difficulties faced by members of the National Guard and Reserve in gaining reemployment after having performed full time National Guard duty or active duty service, including difficulties faced by members who are disabled and who are Veterans of the Vietnam Era.

AMENDMENT NO. 11 OFFERED BY MR. MENENDEZ

The text of the amendment is as follows:

At the end of title VI (page 279, after line 6), add the following new section:

SEC. 677. COMPTROLLER GENERAL REPORT REGARDING COMPENSATION AND BENEFITS FOR RESERVE COMPONENT MEMBERS.

(a) REPORT REQUIRED.—The Comptroller General shall prepare a report reviewing the terms and elements of reserve compensation, benefit, and personnel support programs, including the retirement system.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall address at a minimum the following:

(1) The effectiveness and adequacy of compensation and benefit programs, income protection for members of the reserve components called to active duty, family support programs, health care access, and other programs of interest to such members.

(2) The need for these programs to be improved, including such recommendations as the Comptroller General considers appropriate for achieving needed improvements.

(3) A comparison of these programs to similar programs conducted for the benefit of regular forces to determine if the reserve programs are fair and equitable given the increased contributions by reserve component forces to the defense of the United States.

(4) An examination of the differences in benefits and protections provided to reservists who are called to serve under different authorities, including title 10, United States Code, title 32, United States Code, and State active duty.

(5) The need for benefits and protections to be made consistent regardless of the authority under which members of the reserve components are called to serve, including such recommendations as the Comptroller General considers appropriate for achieving that objective.

(c) RELATIONSHIP TO OTHER STUDIES AND REPORTS.—To the extent that an issue required to be addressed by subsection (b) is also the subject of other studies or reports being prepared by the Comptroller General, the Comptroller General may drop the issue from this report to avoid duplication of effort.

(d) SUBMISSION OF REPORT.—The Comptroller General shall submit the report to the congressional defense committees not later than March 31, 2006.

AMENDMENT NO. 14 OFFERED BY MR. BISHOP OF GEORGIA

The text of the amendment is as follows:

At the end of title VII (page 297, after line 26), add the following new section:

SEC. 718. STUDY RELATING TO PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMS OF CERTAIN MEMBERS OF THE ARMED FORCES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study of the effectiveness of self-administered surveys included in predeployment and postdeployment medical exams of members of the Armed Forces that are carried out as part of the medical tracking system required under section 1074f of title 10, United States Code.

AMENDMENT NO. 16 OFFERED BY MR. ANDREWS

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

The Secretary of Defense shall require that any contract entered into by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

AMENDMENT NO. 17 OFFERED BY MR. BLUNT

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 321, after line 7), add the following new section:

SEC. 818. ESTABLISHMENT OF EVALUATION FACTOR FOR DEFENSE CONTRACTORS EMPLOYING OR SUBCONTRACTING WITH MEMBERS OF THE SELECTED RESERVE OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) DEFENSE CONTRACTS.—In awarding any contract for the procurement of goods or services, the Department of Defense, when considering source selection criteria, shall use as an evaluation factor whether entities intend to carry out the contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces.

(b) DOCUMENTATION OF SELECTED RESERVE-RELATED EVALUATION FACTOR.—Any entity claiming intent to carry out a contract using employees or individual subcontractors for goods and services who are members of the Selected Reserve of the reserve components of the Armed Forces shall be required to document to the Department of Defense the number (and names, if requested) of such members of the Selected Reserve that the entity will employ, or execute personal services contracts with, for the contract in question.

(c) NATIONAL SECURITY WAIVER.—The Secretary of the military department concerned, or, in the case of contracts which are not negotiated by a military department, the Secretary of Defense, may waive the requirement in subsection (a) with respect to a contract if the Secretary concerned determines that the waiver is necessary for reasons of national security.

(d) REGULATIONS.—The Federal Acquisition Regulation shall be revised as necessary to implement this section.

AMENDMENT NO. 22 OFFERED BY MR. MATHESON

The text of the amendment is as follows:

At the end of title X (page 402, after line 22), insert the following new section:

SEC. 10xx. PRESERVATION OF INFORMATION AND RECORDS PERTAINING TO RADIOACTIVE FALLOUT.

(a) PROHIBITION OF DESTRUCTION OF CERTAIN DOCUMENTS.—The Secretary of Defense may not destroy any document in the custody or control of the Department of Defense that is a historical record (or part of a historical record) relating to radioactive fallout from the testing of any nuclear device.

(b) PRESERVATION AND PUBLICATION OF INFORMATION.—The Secretary of Defense shall identify, preserve, and publish information contained in documents referred to in subsection (a).

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

The text of the amendment is as follows:

At the end of title X (page 402, after line 22), insert the following new section:

SEC. ____. SPECIAL IMMIGRANT STATUS FOR PERSONS SERVING AS TRANSLATORS WITH UNITED STATES ARMED FORCES.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq or Afghanistan;

(B) worked directly with United States Armed Forces as a translator for a period of at least 12 months;

(C) obtained a favorable written recommendation from the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien; and

(D) prior to filing the petition described in subsection (a)(1), cleared a background check and screening, as determined by the first general or flag officer in the chain of command of the United States Armed Forces unit that was supported by the alien.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is the spouse or child of a principal alien described in paragraph (1), and is following or accompanying to join the principal alien.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section during any fiscal year shall not exceed 50.

(2) COUNTING AGAINST SPECIAL IMMIGRANT CAP.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

(d) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions in subsections (a) and (b) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) shall apply in the administration of this section.

MODIFICATION TO AMENDMENT NO. 16 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that amendment No. 16 offered by the gentleman from New Jersey (Mr. ANDREWS) and printed in House Report 109–96 be modified in the form I have placed at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 16 offered by Mr. ANDREWS:

At the end of subtitle B of title VIII (page 321, after line 3), insert the following new section:

SEC. 818. PROHIBITION ON DEFENSE CONTRACTORS REQUIRING LICENSES OR FEES FOR USE OF MILITARY LIKENESSES AND DESIGNATIONS.

(a) IN GENERAL.—The Secretary of Defense shall require that any contract entered into by the Department of Defense include a provision prohibiting the contractor from requiring toy and hobby manufacturers, distributors, or merchants to obtain licenses from or pay fees to the contractor for the use of military likenesses or designations on items provided under the contract.

(b) LIMITATION TO UNITED STATES COMPANIES.—Subsection (a) applies only with respect to toy and hobby manufacturers, distributors, or merchants incorporated in or organized under the laws of the United States.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, we are gathering our speakers, and I would hope my colleague, the gentleman from Missouri (Mr. SKELTON) would be able to lead off with his speakers, so I reserve my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, over the past 15 to 20 years, there has been a major and fundamental change in the way that our Reserve component has been used. Historically, National Guardsmen and Reservists were primarily viewed as a force expansion that could be used to supplement our active duty troops at times of a major war or conflict. But today these forces not only support our active forces, they also replace them in operations around the world.

Since September 11, a large number of our Reserve component has been called to active duty, and the pace of Reserve perstempo is very high and expected to remain that way for the foreseeable future. In fact, as of May 20, we had over 162,000 National Guard members and Reservists on active duty both here at home and around the world.

Unfortunately, there have been a variety of reports detailing recruiting and retention problems that our Armed Forces have experienced over the last year. Clearly, if our Nation continues to rely more and more on National Guard members and Reservists without providing them and their families the support they need at home, we risk establishing a pattern of failure when it comes to meeting the recruitment and retention targets.

That is why I am very happy that we have included this amendment as part of the en bloc, and I appreciate the chairman's and the ranking member's help in doing so.

In September of 2003, the GAO found that the DOD lacked sufficient information and data to address financial and health care issues affecting Reservists and their families. Fortunately, there is new information that could be used to determine the effect on readiness, recruiting, retention and, yes, on these families.

Both a CBO study and a DOD survey, which were recently completed, have some interesting facts: 56 percent of National Guard members and Reservists are married; 55 percent of married Guard members and Reservists report a loss of income over their civilian jobs; 15 percent of those Guard members and Reservists report a pay decrease of $30,000 a year; and 71 percent of them cite family burdens as a reason to leave the military.

For all of those reasons, I am happy to see that our amendment, which will have a GAO report to provide recommendations to the Congress on how these programs can be improved to treat more fairly our Guardsmen, our Reservists, and their families, will be a reality.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of the en bloc amendment to H.R. 1815 and in support of my ''Healthy Troops'' amendment contained therein.

Mr. Chairman, I first introduced the Healthy Troops Act when it was brought to my attention that many of our men and women serving in harm's way are not receiving hands-on medical examinations before or after they are deployed in combat. A 1997 congressional mandate requires both pre- and post-deployment medical exams, but this requirement is currently being met by the DOD by having our troops fill out self-administered questionnaires.

This concerns me, as I believe it should concern all Americans, first, because the health of our servicemembers should not rely on their ability to self-diagnose; and secondly, because these brave men and women deserve an accurate documentation of their health status in combat so that, if necessary, they can claim veterans' health benefits when they come home.

My original amendment required that DOD provide full hands-on and pre- and post-deployment exams for all deployed troops as opposed to the self-administered questionnaires. It also mandated a study of the effectiveness of the self-administered exams.

The revised amendment, which reflects a bipartisan compromise struck with the chairman and the committee, provides only for the study into the effectiveness of the questionnaires and that the study be performed within 120 days of enactment.

I do not believe that this is enough, but it does represent a victory for our servicemembers, men and women because, one, it continues an important, ongoing dialogue on the health and safety of our servicemen and -women, and two, because it requires further analysis of the effectiveness of the actual hands-on health screens.

I think that we can all agree that the health of servicemembers must be at the top of our agenda. This amendment puts the focus where it belongs.

I urge my colleagues to support the en bloc amendment.

Mr. HUNTER. Mr. Chairman, I yield 3½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from California (Chairman HUNTER) for yielding me this time and for the work he has done on this bill.

In the en bloc amendment, really several of the provisions of a bill that I introduced recently, along with the gentleman from Illinois (Mr. KIRK) and others, to try to address the concerns that we have and, I think, concerns that are shared by not only the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON), but many of the Members of this Congress, on people who serve in the National Guard and Reserves.

We see declining recruitment numbers. Clearly, the service, and the Guard and Reserves is a service where people who often have already served full-time in the military are willing to be available to the country in time of crisis, in times of imminent need; but people who were joining the Guard and Reserve, until recent years, until the last decade, at least, did not expect to be joining the Guard and Reserve to effectively be serving in the full-time force.

I believe in an integrated armed service. I believe in the importance of a full-time force that is no bigger than it needs to be, to be supplemented in times of crisis by the great skills of people who either have served in the full-time force or who have received their training in the Guard and the Reserve.

The Army is more than halfway through its fiscal year with only 33,000 soldiers signed up, and is certainly likely to miss the target of 80,000 for 2005. That sort of recruiting puts more pressure on the Guard and Reserve. For 3 consecutive months, the Army has been short of its goal; and the Marines,

that traditionally meet their goals, have not met their monthly goal this entire year. So we need to be concerned about the use of the full-time force and, obviously, the impact that has on the Guard and Reserve that are available.

Legislation from our bill will be included in this en bloc amendment. The gentleman from Illinois (Mr. KIRK) is joining me in proposing this amendment, and the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Washington (Mr. REICHERT) will bring other amendments from our bill to the floor.

In the amendment that I am speaking in favor of, this is an amendment that just simply would allow and encourage the Department of Defense to take into account National Guard and Reserve personnel as one of the items that they would look at when they evaluate a bid for DOD work.

I had a specific instance in my district in the last year where a business that had a government repair contract, that had a significant number of Guardsmen, in fact, those Guardsmen had been called up; and while those Guardsmen were called up, the work that they had been doing was given, in competitive bidding, no doubt, but given in competitive bidding to a Canadian company. Nobody in that Canadian company was serving in Iraq at the time for reasons we all understand.

We would like to see that taken into account as these contracts are evaluated and look for other ways that the military can do things to further support our Guardsmen and Reservists.

Mr. HUNTER. Mr. Chairman, I yield myself 1 minute to thank the gentleman for his amendment.

There is nothing more important for our returning Guardsmen and Reservists than to know that they have a good job, and the idea of directing some of this money, the massive amount is $441 billion, that we pass in this bill goes to not only pay for people, but also to pay for the products that are used in the defense apparatus; to make sure that that is, as much as possible, those products are made by Americans. And made by Americans who are serving this flag should be a priority for our country.

So I can assure the gentleman, we will be happy to continue to work on this as it moves through the process.

Mr. BLUNT. Mr. Chairman, if the gentleman will yield, I really appreciate the chairman's understanding of this problem and his commitment to this problem.

The other thing that we need to be doing is to ensure that Guardsmen and Reservists do have jobs when they come back; and if that job is a government contract, we should be doing everything we can to ensure that their service is noted in awarding the extension of that contract.

Mr. SKELTON. Mr. Chairman, before I recognize the gentleman from Utah, let me say I wish to compliment my fellow Missourian on his amendment. The Guard and Reserve mean very much to us, and I think it is a major step in the right direction.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).

□ 1700

Mr. MATHESON. Mr. Chairman, I rise in support of this en bloc amendment to the Defense bill.

I have offered an amendment to the bill that would require the Department of Defense to preserve irreplaceable historical records related to radioactive fallout, and I am pleased this amendment was ruled in order and is part of this en bloc amendment.

Now currently the Department of Energy has ordered a moratorium on the destruction of such records, but the Department of Defense has no such prohibition and relevant records could potentially be lost.

The National Academy of Sciences has pointed out that both the Navy and the Air Force have important documents that should be archived.

As a result, the National Academy urged Congress to require better preservation of historical data related to radioactive fallout records.

That is exactly what this amendment does.

My amendment prohibits the Department of Defense from destroying these historical records and directs the Department to identify, preserve, and publish information contained in these records.

Atmospheric testing was a dark period in our history for many Americans. We should do whatever we can to preserve the limited records from that time so they remain viable for scientific study. With this amendment we are taking a good first step toward preserving history.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman especially for his inclusion of major parts of the Americans in Uniform Act authored by the majority whip, the gentleman from Missouri (Mr. BLUNT), in this legislation.

One amendment in particular would allow the Defense Department to review the record of a contractor in retaining and keeping Reservists. Now, we have had a case in which some employers are so good at keeping Reservists that they have got a number of positions missing; and then they have failed to get a new contract award and providing material to the Department of Defense, and contracts have even gone to other companies in other countries that have no such Reserve obligation. That is wrong.

This amendment says that the Department of Defense at least will be able to look at the record of contractors in keeping Americans in uniform when they make new awards. And that means a signal will go throughout the business community that you should be a good employer of Reservists.

We have had over 400,000 Americans called to active duty. I stand here as, I think, the only Member of Congress still regularly drilling in the Reserves. I have got duty this weekend. And when I talk to my fellow Americans in uniform, there are unique pressures on the Reserves. But we are proud. We are proud to wear the uniform. We are proud to take part in what we need to do in the war on terror. And we are proud to stand with other leaders, like my colleague, the gentleman from Washington (Mr. LARSEN), that have done so much to make it easier for Reservists to keep their jobs.

When you look at the gentleman from Washington (Mr. REICHERT), sheriff, now Congressman, and what he did as a good employer of making sure that Reservists, when they go on active duty, do not suffer a loss in pay, it is what every employer should do in America; but sadly some do not. And we need to change that. This set of reforms in this legislation under the Americans in Uniform Act, the Blunt legislation, help do that, on the Space-A reforms of the gentleman from Connecticut (Mr. SIMMONS), on the study in which we are going to see exactly what we need to do for Reservists under the Reichert legislation and under the Blunt/Larsen/Kirk reforms that make DOD contractors report on how they are taking care of our Americans in uniform, and to know that it will be considered in the award of contracts sends a powerful signal that the all-volunteer military is working, that the total force is working, and that we look on these Americans who wear the uniform part-time, in Winston Churchill's eyes, as twice a citizen, as someone who is a good member of their community, but when the country calls they respond exactly when we need them to go into harm's way and to be on the frontier of freedom.

And, Mr. Chairman, thank you so much for including these reforms in the Americans for Uniform Act.

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I also want to stand in support of the Blunt/Kirk amendment to the Defense Authorization Act.

Today our Guard and Reserve are protecting our security abroad. And, frankly, it is Congress's job and responsibility to create a network of job security when they come home. That is why I support this amendment.

Our Guard and Reserve are overextended. Their Nation has called on them to serve. In most cases they have left a place of employment to do so, and Congress has a responsibility to ensure that we do not create any barriers for our Guard and Reserve that would keep them from returning to those jobs.

This amendment will help ensure that if you are a member of the National Guard Or Reserve you will not

be at a disadvantage if working on a DOD contract through your employment.

Mr. Chairman, this amendment will push the DOD to consider the employment of Guard and Reserve members when they award contracts. When serving, these women and men of the Guard and Reserve protect this Nation. This amendment gives us one more way that we can protect these brave women and men and their families when they come home.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Chairman, I too am proud to be a part of today's process and ensuring that our National Guardsmen and -women and Reservists are respected and we are showing them that we have listened to their concerns.

I have served in the Air Force Reserves, and I will not tell you how long ago that exactly was. But let us just say that my pay at that time was as a police officer around $700 to $800 a month. So it was awhile ago.

When I was on duty as a Reservist, I took a pay cut. And that was a cut from $700 a month. So you can imagine that it was a little bit hard to keep your family supported during that period of time. And I know what it is like to be a Reservist. I had a financial responsibility. I had employment issues. And it is not easy to juggle those weighty concerns while preparing to serve your country or as soon as you return.

When I was sheriff of King County, we developed a standard to support our employees who were also Reserve soldiers. Their jobs were guaranteed no matter what length of time they served or how long their tour of duty was. The soldiers knew that when they came back they had a job, they had employment, and that they were supported 100 percent. Men and women serving our country should be praised, not punished for being guardians of our Flag.

During the last recess, I had the honor of sitting down with 20 National Guard soldiers who had just returned from Iraq. In the 2 hours I spent with them, we discussed a number of concerns. But the issue reiterated by nearly every soldier in attendance was employment.

That is why I am offering an amendment today to commission a study requiring the GAO to report on employment matters for the National Guard and Reserve, in particular the difficulties faced by soldiers in gaining reemployment once they return from duty.

It is important that we know what types of jobs our servicemembers hold so we can address their employment issues. Our National Guard and Reserves are an incredibly important part of our military; and we need to protect their interests, protect their families, protect their jobs, and make sure that they are respected for their service.

Mr. SNYDER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I rise today in support of the en bloc amendment which includes my amendment regarding VA mental health services. My amendment will make sure that soldiers returning from Iraq and Afghanistan know about the mental health services available to them by requiring that they be fully informed of these services when separating from active duty.

Our men and women are returning from deployments with very high rates of mental and emotional disorders. And as we know, there is often a stigma regarding mental health treatment, especially in the military. That is why we need to clearly communicate to our returning troops that they are entitled to receive help in dealing with problems resulting from their service to our country. Whether they are struggling with PTSD, depression or any other mental disorder, there is treatment available for them at our VA facilities. My amendment would simply require that those mental health treatment options are presented to our soldiers so that they can make informed decisions as they return to civilian life.

I appreciate that this amendment was made in order, and I encourage my colleagues to support the en bloc amendment. Our men and women are bearing great physical and mental burdens from the operations in Iraq and Afghanistan. The very least we can do is to inform them of the benefits they have earned.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to engage my colleague, the gentleman from California (Mr. FARR), in a colloquy.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. FARR. Mr. Chairman, I rise today to ask for the gentleman's help to make military golf courses accessible with specialty golf carts for veterans community and disabled golf patrons. Our Nation's disabled military personnel and veterans have paid a great debt to their country. We have an obligation to make their reintegration into society as seamless as possible, and one way is to make it easier for them to resume recreational activities like golf.

And I would ask the chairman if he would agree that the committee should explore the feasibility of the cost of providing specialty carts for disabled golf patrons at military golf courses with DOD and the services.

Mr. HUNTER. Mr. Chairman, I would just say to my colleague, I think he has brought a great idea forward. We have military bases around the country that serve not only the active duty folks, but also retired folks and disabled folks; and it seems absolutely appropriate that we make sure that those golf courses, all of which have electric golf carts, have some specialty carts to accommodate those who need them. So I will work with the gentleman, and let us see if we can make sure that there are enough carts available at all the courses to accommodate all the folks that need them.

Mr. FARR. I thank the chairman. I look forward to working with the gentleman.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and the chairman, the gentleman from California (Mr. HUNTER), for a bill that is probably one of the more important initiatives that this Congress addresses, and that is the ordering and the governance of the United States Military, particularly this week that we honor those fallen heroes.

Might I also say, however, that I wish appropriately that this legislation had the fullness of opportunity for many of us to debate. I am reminded that times before this legislation was debated for 2 weeks because it is so important and so crucial for the men and women of the United States military.

I rise in support of an amendment offered by my distinguished colleague, the gentleman from Indiana (Mr. HOSTETTLER), which I am a cosponsor of. I was a cosponsor of that bill, and this was an amendment that was taken from H.R. 2293. I continue to support it. It would provide special immigrant status for a limited number of Iraqis and Afghanis who have served as translators for the U.S. armed services.

The translators are providing services for our combat forces in Iraq. And according to the Marines who work with them, the translators and their immediate families live in constant danger of debt because of the key support they are providing for our combat forces. The Marine commanders have expressed a desire to help them come to the U.S. with their immediate families, and we wanted to answer their call. The commanders believe that the lives of the translators will be in even jeopardy when the Marines withdraw from Iraq.

The translators have gone far beyond just providing translation services. They stay with the Marines in their camps, in the same living quarters, and eat chow with the soldiers every day.

I am reminded of the individual who helped translate and ultimately found Saddam Hussein. He now is a citizen of the United States, was previously so, but has the ability to come here and he is provided safety for him and his family.

The amendment would make permanent resident visas available to the nationals of Iraq and Afghanistan and

their spouses and children who have helped the U.S. in this most difficult effort. And so I would ask my colleagues to support this.

As I rise to honor these individuals, might I also say that we need to honor the fallen dead who come home to our shores and allow them to be honored when these soldiers return home. And I hope that we will look forward to removing the executive order that requires lights out when our fallen heroes have come back having served in the United States military, and having lost their lives in battle.

Mr. Chairman, I ask my colleagues to support the Hostettler/Jackson-Lee amendment.

I rise in support of the amendment offered by my distinguished colleague, the gentleman from Indiana, Mr. HOSTETTLER. I was a cosponsor of the bill that this amendment was taken from, H.R. 2293, and I continue to support it in its present form. It would provide special immigrant status for a limited number of Iraqis and Afghanistani who have served as translators for the U.S. Armed Forces.

The translators are providing services for our combat forces in Iraq. According to the Marines who work with them, the translators and their immediate families live in constant danger of death because of the key support they are providing for our combat forces. The Marine commanders have expressed a desire to help them to come to the U.S. with their immediate families. The commanders believe that the lives of the translators will be in even greater jeopardy when the Marines withdraw from Iraq.

The translators have gone far beyond just providing translation services. They stay with the Marines in their camp, in the same living quarters, and eat chow with the soldiers every day. They go into the field with the Marines. They have fought along side of them and shed blood with them during combat operations. Some of the Marines feel so strongly about helping the translators that they have offered to take them into their homes in the United States until they have had enough time to settle in and find places of their own.

The amendment would make permanent resident visas available to nationals of Iraq and Afghanistan (and their spouses and minor children) who have worked directly with U.S. Armed Forces as translators for at least 12 months, who have obtained favorable written recommendations from the officer in charge of the unit they worked with, and who have cleared a background check. No more than 50 principals would be eligible to receive permanent resident status. The recipients would count towards the 10,000-per-year quota of special immigrant visas.

I am pleased that we can offer permanent resident status to such deserving immigrants with a bipartisan bill. I urge you to vote for this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, the en bloc amendment calls among other things for special immigrant status for Iraqi or Afghani nationals who have served as translators with the United States Armed Forces. This amendment is a direct response to the critical need for translators and linguists in our military. This interpreter shortage is well documented. The 9/11 Commission report stated that the government ''lacked sufficient translators proficient in Arabic and other key languages, resulting in a significant backlog of untranslated intercepts.''

The 2002 GAO study and the September 2004 Justice Department IG report made the same findings. The shortage of Arabic translators in Iraq and Afghanistan has made it harder for U.S. soldiers to protect themselves and has jeopardized interrogations of suspected al Qaeda terrorists in U.S. custody.

□ 1715

I commend the author of this legislation for his willingness to open the immigration doors to Arabic and Farsi linguists serving as translators with the United States Armed Forces. Yet, the answer to this dire need is not to give U.S. citizenship to Iraqis and Afghanis, but rather to stop discriminating against American citizens who are ready to loyally serve their country as Arabic translators.

It is no coincidence that this bill would create 50 spots for Iraqi and Afghani nationals, almost the exact number of translators who have been discharged under the military's ''Don't Ask, Don't Tell'' law in effect since 1994. Fifty-four Arabic and nine Persian/Iranian, including Farsi, translators have been discharged under this policy.

Because of ''Don't Ask, Don't Tell,'' the military continues to devote its resources to rooting out patriotic gay Americans whose service is central to the war on terrorism. This is another example of how ''Don't Ask, Don't Tell'' is not in the best interest of our national security.

Mr. Chairman, this Congress says, ''Don't ask, Don't tell, Don't translate.''

I urge my colleagues to recognize the fundamental rights of American citizens and the fundamental absurdity of denying the right to serve to citizens who have vitally needed skills that we all know we need.

I urge this Congress to repeal the obnoxious and incredibly self-defeating policy of ''Don't Ask, Don't Tell.''

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me time.

Mr. Chairman, I want to express my appreciation to the gentleman from California (Mr. HUNTER) and to the ranking member, the gentleman from Missouri (Mr. SKELTON), and to the members of the staff for including in this en bloc amendment a proposal with respect to the retailers and distributors of model airplanes and model ships.

One way to express your patriotism and support for the military is to collect and assemble and build models of military craft and military vehicles. An unfortunate occurrence has happened in the last few years where the large defense contractors which received the right to build these materials are extracting royalties from the consumers who buy them. They extract those royalties from the distributors and the retailers. We would like to stop that practice.

These ships and planes are designed with public money. They are conceived of with public money, and we do not think the American public should pay for this twice.

I very much appreciate the fact that language that takes us in that direction has been included in the bill. Frankly, there is more work to do in my judgment concerning who is covered by the scope of the language but this is an important first step. It will promote patriotism for those who collect and build these models, and it will do so in a fair way to the consumer.

I thank the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON) and the staffs for making this possible.

I would ask for support of the en bloc amendment.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on Readiness.

Mr. HEFLEY. Mr. Chairman, I do not intend to take 2 minutes, but I just wanted to say that in committee the gentleman from New Jersey (Mr. ANDREWS) introduced this amendment. I thought it was an excellent amendment and that we ought to follow through on it.

We had a problem in committee that it might have a jurisdictional problem. The gentleman was nice enough to agree to withdraw it so we could check that jurisdictional problem. We do not have that problem at this point.

The gentleman is on the right track. It ought to be passed. I am glad it is in the en bloc, and I thank the gentleman for bringing this to our attention.

I do not think most of us who grew up with the thrill of playing with model airplanes ever dreamed that this was the situation, and this will correct the situation. I appreciate the gentleman doing that.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have talked about the translator provision that would give some accommodation to those folks who have served our U.S. military in those warfighting theaters, and I just wanted to give some credit for the originator of this proposal. It was a Marine captain in Fallujah who talked about the service of these translators, how much they risk, the exposure that they take, and the dedication that they have to America and to our cause. So it was that recommendation that found its way back to the floor of the House, and I am glad that we are passing it.

I want to thank all of my colleagues who have spoken in favor of this provision.

Mr. STARK. Mr. Chairman, I rise in opposition to this defense authorization bill. Once again, the Republican majority has pushed forward a defense budget that does nothing to make this country any safer.

This bill continues Congress' long-held tradition of throwing away billions on the development of ineffective or duplicative weapons systems that pad the pockets of big defense contractors. It authorizes $7.9 billion on pie-in-the-sky Star Wars missile defense, a $100 million increase over President Bush's request. Yet, this unproven Cold War concept does not address the very real security threat posed by weapons of significant magnitude that are readily delivered in a suitcase or cargo container.

Developing new nuclear weapons, as this bill encourages, will not deter terrorists or rogue nations like North Korea. It encourages them to answer in kind, especially as the Bush Administration pursues its belligerent policy of preemption.

Further, as long as the United States is in Iraq, the Iraqi insurgency will continue to have a justification to carry out their savage attacks on the Iraqi people and security forces and American soldiers. It is unfortunate the Republican majority continues to believe that throwing more money at the problems in Iraq will somehow slow death rates.

Over 1,500 young Americans and more than 20,000 Iraqi civilians have been killed; the immediate withdrawal of U.S. troops from Iraq is necessary if the United States is serious about bringing peace and security to the Iraqi people.

Whether or not those soldiers currently fighting overseas are active duty, National Guard or reserves, they all deserve the same access to health care. Unfortunately, this bill once again shortchanges our troops. The Chairman of the Armed Services Committee unilaterally stripped out language in the bill that provided the same health care to our National Guard members and reservists as the rest of our soldiers. President Bush's war in Iraq has leaned heavily on National Guard members and reservists. It is only fair that we provide them—and their family members—the same health care as the rest of our soldiers; their sacrifice has been no less.

The American people may be surprised to know that even a defense bill can be used to advance the agenda of the religious right. An amendment to allow servicewomen to use their own funds to obtain an abortion at an overseas U.S. military medical facility was beaten back by conservatives who continue to prove they vote first, and think second.

How can we ask our women in uniform to fight abroad for the rights of others, when we prevent them from exercising their own constitutional right to choose?

I urge my colleagues to vote down this wasteful and irresponsible bill. It is time we had a defense budget that lives within its means, accounts for what is truly required in Iraq, and provides the best possible support for all our troops. Nor does it alleviate years of Defense Department policies that discriminate against sexual orientation and gender.

Ms. SLAUGHTER. Mr. Chairman, I am pleased to have the opportunity to offer this very important amendment that will help the Department of Defense improve their capability to provide care to victims of sexual assault in the military.

Earlier this month, the Department of Defense released their first annual report to Congress on sexual assault in the military. And the findings were not good. Of the 1,275 cases of sexual assault among service members, only 113 cases resulted in a court martial.

More discouraging is the fact that 278 cases were not pursued because the perpetrator could not be identified. And, another 351 cases were not pursued because of unsubstantiated or insufficient evidence. Mr. Chairman, this amounts to 629 sexual assault cases, nearly 50 percent of those reported, where the perpetrator is still out there, free to commit further assaults on our brave service women defending our country.

Surely the Department of Defense can and needs to do a better job of training new and existing first responders to respond to sexual assaults occurring in the military. Criminal investigators, medical professionals, and victims advocates all need to be trained on gathering, protecting, and processing evidence.

The Defense Department must do a better job of providing the best possible care for service women who are victims of sexual assault. And that is what my amendment will do.

Last March, servicewomen spoke before the Congressional Women's Caucus about the inability of some military healthcare facilities to appropriately care for women who had been sexually assaulted. In some areas, medical providers are not familiar with the gathering and processing of rape kits. More dismaying, some facilities are not even equipped with rape kits. With great emotion, these service women recounted the military's failure to provide them with a private examination or tests for pregnancy and sexually transmitted infections.

Mr. Chairman, we cannot allow women to be victimized once by their perpetrator and then again by the lack of appropriate, compassionate care at military healthcare facilities.

My amendment seeks to prevent our women in uniform from experiencing this egregious treatment. It requires the Secretary of Defense to assess the training and resource gaps, which have prevented victims of sexual assault in the military from receiving the best possible care. Based on this assessment, my amendment also requires the Secretary to develop a plan to address these gaps by enhancing the accessibility and availability of supplies and trained personnel by military victims of sexual assault.

It is my hope that through this plan the Secretary will require military healthcare facilities to carry emergency contraception (EC). Although emergency contraception has been available in the U.S. by prescription since the late 1990s, it is not available to U.S. servicewomen. EC is widely recognized as an integral part of comprehensive and compassionate emergency treatment for sexual assault survivors. We do a disservice to women in the military by not requiring EC be available to them after a sexual assault.

Women in the service put themselves in harms way to protect us and our Nation from threats at home and abroad. The least we can do is ensure they are protected when facing a horrible tragedy. My amendment helps the Defense Department provide military victims of sexual assault with honor, respect, and the best possible care that they deserve.

I urge everyone to support my amendment.

Ms. WOOLSEY. Mr. Chairman, when a woman enlists in the military to serve her country honorably, she expects that the resources will be there to take care of her in the unfortunate tragedy of rape. But a recent report from the Miles Foundation revealed that three fourths of the female veterans who were raped did not report the incident to a ranking officer. One third didn't know how to; and one fifth believed that rape was to be expected in the military. Even if they had reported the incident, if the service woman who had been sexually assaulted seeks care at a military healthcare facility, she may not be granted a private examination or tests for pregnancy and STIS. This is an outrageous way to treat our female military volunteers. That's why I urge my colleagues to support the Slaughter amendment, which would assure that our service women have access to the medical care and evaluation that they need when this type of strategy strikes. We owe them no less.

Mr. GRAVES. Mr. Chairman, I would like to commend the gentleman from Washington on this amendment. It is important to evaluate and understand the financial difficulties that citizen-soldiers face when called to serve their country.

Over 400,000 citizen-soldiers have been mobilized since September 11, 2001. This is the largest activation of National Guard and Reserve members since World War II and will likely continue for the immediate future. About half of our total military are National Guard and Reserve forces.

Recent government studies show that 40 percent of them make less money while mobilized than they earn in their civilian jobs. To solve this pay problem, I have introduced H.R. 838, which would offer employers a tax credit to help make up some of the pay gap.

Military Reservists and Guardsmen unselfishly answer the call to serve and protect their country at a moment's notice, many times at a personal and financial cost. In turn, we need to show appreciation and support for their patriotic efforts.

We ask a lot of those who serve the cause of American freedom. Financial ruin should not be one of those sacrifices.

I commend the gentleman for his work on behalf of our Guard and Reservists and urge passage of this amendment.

Mr. HUNTER. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider the amendment No. 2 printed in House Report 109–96.

AMENDMENT NO. 2 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BRADLEY of New Hampshire:

At the end of subtitle C of title XXVIII, insert the following new section:

SEC. 28___. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) POSTPONEMENT.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–09510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

"SEC. 2915. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the round of defense base closure and realignment otherwise scheduled to occur under this part in 2005 by reasons of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last of the actions described in subsection (b) occurs (in this section referred to as the 'postponed closure round year').

''(b) ACTIONS REQUIRED BEFORE BASE CLOSURE ROUND.—(1) The actions referred to in subsection (a) are the following actions:

''(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

''(B) The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

''(C) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report on the quadrennial defense review required to be submitted in 2006 by the Secretary of Defense under section 118(d) of title 10, United States Code.

''(D) The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

''(E) The complete development and implementation by the Secretary of Defense of the Homeland Defense and Civil Support directive.

''(F) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of a report submitted by the Secretary of Defense that assesses military installation needs taking into account—

''(i) relevant factors identified through the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States;

''(ii) the return of the major combat units and assets described in subparagraph (B);

''(iii) relevant factors identified in the report on the 2005 quadrennial defense review;

''(iv) the National Maritime Security Strategy; and

''(v) the Homeland Defense and Civil Support directive.

''(2) The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

''(c) ADMINISTRATION.—For purposes of sections 2912, 2913, and 2914, each date in a year that is specified in such sections shall be deemed to be the same date in the postponed closure round year, and each reference to a fiscal year in such sections shall be deemed to be a reference to the fiscal year that is the number of years after the original fiscal year that is equal to the number of years that the postponed closure round year is after 2005.''.

(b) INEFFECTIVENESS OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.—Effective as of the date of the enactment of this Act, any list of military installations recommended for closure or realignment submitted to Congress pursuant to section 2914 of the Defense Base Closure and Realignment Act of 1990 shall have no further force and effect.

The Acting CHAIRMAN. Pursuant to House Resolution 293, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me start out by thanking the ranking member, the gentleman from Missouri (Mr. SKELTON); the chairman of the House Committee on Armed Services, the gentleman from California (Mr. HUNTER); the gentleman from Colorado (Mr. HEFLEY); the gentleman from Arkansas (Mr. SNYDER); and all of the members of the House Committee on Armed Services for the defense of our Nation and for working so hard for our troops.

The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) are indeed fine leaders and it is a pleasure to serve under them in the bipartisan fashion that they conduct the committee business.

Mr. Chairman, let me explain this amendment because the sponsors believe that this amendment is critical to our Nation's defense. It postpones the base realignment and closure process until 1 year after a number of studies are completed and until 1 year after the troops have returned home from the Iraqi theater.

The studies in question, number one, the Overseas Base Commission Report, which was released on May 9, 4 days before the BRAC list came out, what of the 70,000 troops that are slated to return to our country and the 30,000 new troops that we have authorized? Where will they be housed, on what bases? Where will the children of these troops go to school? What are the MILCON expenditures likely to be that we have to appropriate? We need to have those answers.

We also need the Quadrennial Defense Review, the potential threats that our Nation faces, the force structure, the defense infrastructure.

Mr. Speaker, the last QDR was completed on September 30 of 2001, so the Department of Defense is using outdated information, information that predates Iraq, predates the hostility in Afghanistan, predates the war on terror. The next QDR is slated to be completed this fall, too late for the BRAC Commission's report.

Other studies that are necessary are the National Marine Security Strategy Study by the Department of Defense, as well as the Secretary's report assessing our Nation's military installation needs.

Mr. Speaker, let us be extremely careful before closing 33 major bases and hundreds of smaller facilities that we have not undermined through the base closure process the security of our Nation.

This amendment ensures that we exercise that necessary care and necessary restraint so important to the security of our country.

Mr. Chairman, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Chairman, I thank the gentleman from New Hampshire (Mr. BRADLEY) for his leadership on this important issue.

I rise today in support of this amendment, delaying the implementation of the BRAC recommendation, because it is clear that we need to slow this process down. Given the broad range of uncertainties surrounding our overall military infrastructure and operations, now is not the time to be shutting down domestic military installations. There are serious questions that need to be answered first.

We have more than 120,000 soldiers currently deployed in Iraq and Afghanistan. We are planning to realign our overseas bases. We are less than 1 year away from completing a comprehensive Quadrennial Defense Review. There are simply too many moving parts and too many unanswered questions right now to complete this domestic BRAC round end process on the currently prescribed schedule and close bases here at home.

Simply put, we need to slow the process down to ensure we do not make critical mistakes when we are deciding our national security and military strategy. These are decisions that we should make with all available information and we are nowhere near having all of the necessary information.

Ellsworth Air Force Base in Rapid City, South Dakota, is my State's second largest employer and an integral part of our national defense as home to the 28th Bomb Wing and the B–1 Bomber. It is also scheduled for closure, along with 32 other major installations across the country. Now, inexcusably, we have yet to receive complete information regarding the criteria and the reasons for the Department of Defense's recommendations. This is true of many other installations in affected communities.

Site visits by BRAC commissioners are already under way. We are only weeks away from the commission holding regional hearings, including one in Rapid City to discuss the DOD's recommendations. But neither they nor we have received the complete information that was used to make those recommendations.

That fact alone is evidence that there is not adequate time built into this process and ample reason to slow the process down.

I respectfully request every one of my colleagues, regardless of how your district may have been affected by DOD's recommendations, to support

this important amendment for our national security and for essential fairness in the process.

Is postponing this BRAC round a reasonable action in light of the fact that we as Members of Congress and every member of the commission lacks the information that we have identified here today, lacks the information underlying the DOD's analysis in their decisions? The obvious answer to that question is ''yes,'' it is a reasonable action. And the obvious vote on this amendment is a ''yes'' vote.

Mr. HEFLEY. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Colorado (Mr. HEFLEY) is recognized for 30 minutes.

Mr. HEFLEY. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time to the gentleman from Arkansas (Mr. SNYDER), a very active and thoughtful member of the Subcommittee on Readiness of the Committee on Armed Services, for purposes of control.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Over the past several years many Members of this body, including myself, have tried to delay or cancel the 2005 Base Closure Realignment and Closure round. Last year, in fact for a couple of years, the House has actually passed something to do that. And last year in the Defense act we passed a 2-year delay which would have required very much similar types of reports and so forth, which we thought was a very reasonable approach to give us more evidence to base our decision on.

I think the approach the gentleman makes today is a very reasonable approach. And I had hopes that last year we could delay the process because it did not seem to me to be the time for a base closure round, and I used many of the same reasons that the gentleman from New Hampshire (Mr. BRADLEY) does. But I do think that last year was the last chance to delay BRAC.

Unfortunately, we faced a veto threat from the President and opposition from the other body, and in the conference committee what we passed here in the House disappeared. And as I said, I think it is too late now. The Secretary of Defense has made recommendations for the base realignments and closures.

The BRAC Commission has been appointed and has begun review of BRAC data. The Commission has held hearings. I think today they started their visits to bases around the Nation. And as the old cliche says, ''The train has left the station.'' I think it is very difficult to call that train back at this stage.

BRAC is a carefully crafted process. It was designed in time to ensure that base closures are made in a fair and nonpartisan manner. The process allows for Congress to disapprove the final BRAC recommendations. And while I recognize that disapproving the recommendations is a difficult hurdle to clear, that is our best remaining opportunity to terminate the BRAC process.

The Bradley amendment before us today may be tempting to anybody who has a military installation in or near their district. Those who dodged the bullet fired by the DOD's BRAC recommendations are still at risk of being placed on a closure or realignment list by the Commission. Those who were not so fortunate face a very difficult task in trying to convince the BRAC Commission to remove their bases from the closure and reassignment list.

□ 1730

However, those tempted to support this amendment should know that it does have some problems.

First, the amendment would terminate all that has already occurred and would restart the BRAC process at some undetermined time out in the future. For communities not on the DOD's BRAC list, this amendment would reset the process and put them through years, perhaps, of worry that DOD might change its mind. For communities on DOD's BRAC list, the Bradley amendment may spare them temporarily, but they would face the likelihood and perception that DOD is likely to reach the same closure and realignment conclusions when the round recommenced in the future. Such a stigma would leave those communities in a state of limbo.

Can any of us imagine businesses investing money into a community around a base they almost are sure or know will be closed or realigned, but that lacks a redevelopment plan? For such communities, the sooner BRAC is complete, the sooner they will be able to redevelop and attract new businesses and commerce.

Secondly, the Bradley amendment would postpone BRAC until some unknown period in the future. According to the amendment, BRAC would restart 1 year after a number of items are completed, including the quadrennial defense review and the withdrawal of substantially all major combat units and assets from Iraq.

Not only would this rolling delay leave all of our communities without any clarity when the next BRAC round will occur, but it means the next BRAC round could occur during an election year. We tried to get away from that because of the partisanship of it. Those that built the 2005 round of BRAC timed it carefully to ensure that Presidential politics or even congressional politics for that matter do not drive the process. So the timing would be a problem, perhaps.

On a final note, the Bradley amendment is effectively dead on arrival, unfortunately. The administration threatened to veto the bill 2 years ago, and I am sure that threat will come about again. I do not think the Senate is in a mood to change its mind, although that may have changed because of the recommendations that were made.

Mr. Chairman, I have the greatest respect for my colleagues from New Hampshire and Connecticut and those who are very interested in this. They have the best of intentions. But with reluctance, I cannot support the amendment, and I encourage a ''no'' vote on it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding because he mentioned our great colleague, the gentleman from New Hampshire (Mr. BRADLEY); and I know this is a matter of heartfelt importance to him and to his constituents, and to the gentleman from Connecticut (Mr. SIMMONS) and to all the Members who have bases in their districts that have been targeted.

I have had bases removed from our defense complex in San Diego. I know what it means and how difficult it is, and I can just say that those constituents have had no finer representation than the people who are fighting for them right now. I understand this is a very difficult process. It is a tough one.

We do have another, through this summer, the opportunity for communities to make their case with their congressional leadership to the base closing commission, which reports on September 5; and that is the course that all Members will have to take.

It is a tough, tough call. I join with my friend from Colorado in his analysis of this particular situation. I think the horse is out of the stable at this point, and we need to move ahead with the process; but I want to thank everyone who is involved in this debate.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I rise in support of the amendment, and I thank my friend, the gentleman from New Hampshire (Mr. BRADLEY), for his leadership on this important undertaking.

In simplest terms, this amendment simply delays the process of realigning and closing bases across our country until certain events take place and certain reports are submitted to Congress by the Department of Defense. And there are several important reasons why this should take place.

First and foremost, Mr. Chairman, we are at war. We are at war. We have troops abroad fighting in Iraq and Afghanistan. We should focus all of our energy on supporting these troops in the field. We should not be distracted with the complicated burden of realigning our whole military base structure here at home.

In October of 2003, I went to Iraq and learned that our troops were desperately in need of armor on their vehicles. One month later, the Secretary of the Army wrote to me and said getting armor into the field was a ''top priority.'' A top priority, and yet today there are tens of thousands of vehicles in theater that are still not armored. We should be spending our time, Mr. Chairman, and our money on this life-threatening problem and not wasting time and energy and resources on realigning and closing bases.

Second, the strategic environment in which we are trying to operate is changing. The threats from North Korea, from China, from Iran are rising while we are still engaged in Iraq and Afghanistan. How do we know what the future basing requirements will be? We do not. We do not. The quadrennial defense review, the last one we did, is September 2001. The next one due is later this year. The quadrennial defense review will answer the questions that we need answered before we can decide what our basing needs are going to be.

Thirdly, closing bases costs billions of dollars. Not millions of dollars, billions of dollars. The Department of Defense cannot close or dispose of a property until it is properly cleaned up, but the investment of these cleanup dollars takes dollars away from our troops. That is wrong.

Fourth, I hope that our troops overseas will not be there forever. I look forward to when they come home. But when will they come home? Who knows? Where will they go when they come home? Who knows? As for the Guard and the Reserve, we do know that many of them will no longer have a Guard or a Reserve center when they get back.

For example, in my State of Connecticut, where I served for many years as a Reserve officer, they are recommending closing three Reserve centers and realigning the Air Guard's A–10s out of Bradley Field. Why is this good for morale of returning troops? It is not. Why does this help build the force and contribute to readiness of those Guard and Reserve forces still in this country? It does not.

I know from my own service as a member of the U.S. Army Reserve that the location of the drill center contributes to reenlistment and readiness. This is why we need to slow this process down and take a closer look.

Fifth, I represent the Naval Submarine Base New London located in Groton, Connecticut, the submarine capital of the world. Working with our friends around the country, we design, develop, build, maintain, base and deploy the best submarines in the world. The synergy between those who design and build submarines and those who drive them is critical to our national security.

One of the BRAC principles requires ''access to logistical and industrial infrastructure capabilities optimally integrated into a skilled and cost-efficient industrial base.'' This synergy is just what we have between this submarine base and Electric Boat, which designs and builds these submarines. Yet the Department of Defense is violating its own principles for BRAC in making a recommendation to close the base.

Close the submarine base in Groton is kind of like taking cars out of Detroit. Decisions of this magnitude require time and study, and yet the Department of Defense has delayed release of vital data in support of their decision, making it impossible for us, the defense communities, to respond to these decisions in a timely manner. I still do not have the data that was used in their decisions, and yet the BRAC committee will be going up to Groton New London on the 31st of this month. We need additional time, Mr. Chairman, to make reasonable judgments.

We, as Members of Congress, have the responsibility under article 1, section 8 to provide for the common defense. Let us accept these responsibilities. Let us support the Bradley amendment.

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too want to join in commending the gentleman from New Hampshire (Mr. BRADLEY) for his zealous advocacy on behalf of our men and women in uniform and on behalf of the national defense of this country. We have served together on the Committee on Armed Services, and he is a great, great member.

One of the problems that we have with base closure is we are not talking about bad bases. We are not talking about bases that are not achieving good things on behalf of America. We are not talking about bad workers that are somehow not cutting it. We are talking about wonderful people working at great and historic places that have been a vital part of the national security of our country. The problem is, the world has changed and our military must be leaner and smarter and save money to prepare for the future.

During the Committee on Armed Services markup, we had two different amendments on BRAC, one to eliminate it and one to delay it. The vote on the amendment to eliminate it was eight people for it and 50 against in the Committee on Armed Services. On the one to delay it, there were 10 votes in support of it and 47 against. Also, the chairman, the gentleman from California (Mr. HUNTER), and the ranking member, the gentleman from Missouri (Mr. SKELTON), are in opposition to this amendment, as they were during the committee markup.

Now, why is that? The issue that we have here is this is not a good process to go through, and the gentleman from Connecticut and New Hampshire make good points about wanting additional information and would like to have additional time. The problem is, we cannot take a time out. The United States cannot declare and say, Time out. We need a couple, 3 or 4 years to go through finding the most efficient way of delivering our national security. The world does not work that way. There will never be a good time to do something like this.

As the gentleman from Colorado (Mr. HEFLEY) pointed out, we have already had a considerable amount of effort put into coming up with the process thus far. That money will be wasted if we were to delay this further.

I think it also bears repeating, in reflection on the fact that the supporters of base closure have been bipartisan, both the Clinton administration and the second Bush administration have been in support of another round of base closures. When we look at the numbers of former Secretaries of Defense and former chairmen of the joint chiefs, they have been in support of another round of base closures.

And it is not just closure; it is realignment. It is shifting things around to modernize the military and to prepare for the efficiencies of the future. If we delay 1 year or 2 years or 3 years, it delays the savings that can come from a realignment and closure. Obviously, the American people expect us as lawmakers to administer government efficiently.

Probably the biggest concern I have, as someone who also has facilities in my district and in our State, we know the turmoil that communities go through. This will prolong that turmoil were we to adopt this amendment and delay it. So I strongly recommend a vote against this amendment. Let the process proceed in a very fair manner over the next 4 or 5 months.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, it is with great pleasure that I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I thank the gentleman from New Hampshire for yielding me this time, and I appreciate his efforts on this important issue.

Mr. Chairman, I rise today in strong support of the Bradley amendment to delay the 2005 round of base closings and realignment because of questions involving these decisions, the timing, and also the way it is affecting my State.

The BRAC recommendations released by the Secretary of Defense include the removal of eight C–130 aircraft from the 130th Airlift Wing in Charleston, West Virginia. That means taking all the aircraft out. Do you have an air base without aircraft? I do not believe so. This removal will cost hundreds of jobs in the Kanawha Valley. The loss of the C–130s will strip the 130th of its primary mission, and it will hurt the West Virginia National Guard that responds to natural disasters in our State quite frequently and also inhibits their important mission in training and readiness.

The 130th Airlift Wing has a long reputation as one of the Nation's elite National Guard units. They have served in the first Gulf War, Kosovo, Afghanistan, and are currently in Iraq. They have demonstrated a commitment to service and sacrifice made by thousands of West Virginians and their families.

Despite adding four new units, the 130th is at 104 percent strength. The unit has a retention rate of nearly 97 percent, fifth best in the Nation. The National Guard Association has consistently ranked the 130th as one of the best units in the country. These are not the rankings of a unit that should be realigned.

The Bradley amendment to delay BRAC is the correct approach because the additional time will allow the Department of Defense and the BRAC Commission to gather accurate information about the bases they are closing and realigning.

□ 1745

In West Virginia's case, the Department of Defense makes the incorrect assertion that Yeager Airport is only large enough for eight C–130s, when it can already accommodate 14 C–130s, and they are making accommodations to accommodate up to 26 C–130s.

I ask my colleagues to join me in supporting the Bradley amendment to allow a comprehensive look at our defense needs prior to the closing of these important facilities.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Bradley-Herseth-Simmons-Allen amendment to postpone the base closure process. Why are we closing military installations when we are at war? Why are we building new bases in Iraq while closing them in America? Will our troops in Iraq and Afghanistan have the right facilities to come home to?

These are the questions my constituents are asking. I do not have good answers, but neither does the Pentagon. This BRAC was formulated in 2001 before September 11 and before our occupation of two countries. The world has changed, but the process has not.

The Pentagon says it wants to bring home 70,000 troops, but the Overseas Basing Commission has found that the massive realignment of forces requires that the pace of events be slowed and reordered.

This validates our concern that this BRAC is the wrong process at the wrong time. If we do not do this right, our Nation risks losing key assets that can never be reconstituted, like the nuclear shipyard in Kittery, Maine. We jeopardize our security if we close infrastructure before we first come to consensus on an overall defense and homeland security strategy.

Our amendment puts the horse where it belongs, before the cart. It requires implementation of the Overseas Basing Initiative, the Quadrennial Defense Review, the National Maritime Security Strategy and the Homeland Defense and Civil Support Strategy before BRAC takes effect.

It is the right process, and I urge my colleagues to vote ''yes'' on the Bradley amendment.

Mr. SNYDER. Mr. Chairman, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, I rise in strong support of this amendment.

Some Members wonder why I would support this amendment, considering the fact that I am the most fiscally conservative Member of Congress and vote for the least amount of spending. But I think this amendment is a good amendment, and I think the closing of these bases represents bad policy. I do not have a base in my district that is being threatened to be closed.

Let me tell Members why I think this is a mistake. First, I think the process is very poor. I think we are ducking our responsibility. To turn this responsibility over to a commission and duck the responsibility of facing up to making tough decisions, I think, is something we do too often. Too often in the Congress, we do things we should not be doing, and we forget to assume the responsibilities we have. In this case, I think we are not assuming the responsibility to face up to making this tough decision.

It is claimed we will save $5 billion a year on base closings. We spend $5 billion a month in Iraq. We are spending nearly a billion dollars in building an embassy in Iraq. We are going to build four bases in Iraq that are going to be permanent, costing tens of billions of dollars. I think we have our priorities all messed up.

I think that it makes a lot more sense to keep a submarine base in Connecticut and keep a deep seaport in Ingleside, Texas, than it does to be closing these down and at the same time building bases up around the world.

I think the savings issue is a red herring. Between 1995 and 2001, the last base closing, $6.5 billion was spent, and $6.1 billion was saved. So we are spending more money than we are saving in closing down these bases.

I have a quote here I want to read; it comes from a think tank, one of the defense policy think tanks. This to me is important. ''The big story here is not going to be saving money; the big story is going to be preparing the force for future threats by moving it to more logical locations.'' In other words, defending our borders, protecting our homeland, worry about defending this country is less important than spreading our troops and protecting the empire and expanding the empire and exposing us to greater danger.

This is an issue of policy. This is an issue of process, and this is a red herring when you think you are saving money. We are not going to be saving money in this process. We are just going to be giving an excuse to build bases around the world.

This is the time that we ought to reassess our policies and how we spend our money. This is why a 1-year delay is a perfect time to take time, stand back and figure out when we are going to get our troops home, when are we going to have a defense policy that defends this country and our borders rather than spreading ourselves so thinly around the world and building huge bases in foreign lands.

That, to me, is the real issue. I hope we take deep consideration and support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, if you were to travel to North Carolina today, you would find the Navy out trying to buy 35,000 acres of land. Once they buy it, they have to get the environmental permits. Once they do that, they are going to bulldoze the woods and build a runway. After they build a runway, they build a firehouse. After they build a firehouse, they build the enlisted barracks. After that, they build the married housing. After that, they will have to have mess halls, a clinic, golf course, tennis courts, swimming pools, all of the things that people in uniform deserve.

They had all of those things. It is called Cecil Field. They had three 8,000-foot runways and a 10,000-foot runway. It had world-class dining facilities, world-class barracks and world-class family housing. It was already paid for by the American taxpayer, and they shut it down in a previous round of BRAC.

If Members need one word, or two words, to tell you why we do not need another round of BRAC, it is Cecil Field.

Right now, the Navy has to have a place to put their F–18E and Fs when they come off the carriers. Cecil Field would have been the perfect place, but no, because it was closed and the property was given away. And before we gave it away, we had to clean it up environmentally at no telling how many billions of dollars.

So before we closed it and gave it away, just to replace it by building it someplace else, maybe we should not make that mistake again. Maybe the people who are given the constitutional responsibility to provide for the common defense, who every 2 years go out and beg for this job, which entails the constitutional responsibility to provide for the common defense, maybe we

ought to make that call and maybe we should not rush into more bad judgments like Cecil Field.

Last year, this House by over a 100-vote margin passed the 2-year delay to BRAC. Now we have even more troops coming home from Korea and Iraq. We have agreed finally to grow the Army and the Marine Corps. Where are we going to put these folks if we are closing bases? And how many more mistakes like Cecil Field are we going to rush into just for the sake of doing something, even if it is wrong?

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Chairman, I thank the gentleman for offering this amendment, and I rise in support of it.

We could go through a list of all of the problems that will be created, but let me just paint a picture here. At Fort Monmouth in New Jersey, there are really the best people in the world, mostly civilians, engineers, scientists, procurement specialists, providing communications, surveillance, tracking friendly forces and unfriendly forces, providing equipment, services, software that men and women in the field in Iraq and Afghanistan need and use every day. Thousands of jobs will be sent elsewhere.

Now picture this: A commander in Iraq places an emergency call back to the U.S. The insurgents have changed the electronics in the roadside bombs, the IED devices, and they need new electronics to detect and disarm them. The reply, ''I am sorry, that guy does not work here anymore. We are in the middle of realignment and we have not hired his replacement yet.''

Repeated 5,000 times, ''That guy does not work here anymore,'' that is what is at stake here. The gentleman from Arkansas says there is never a good time, there are no bad bases; this is a terrible time.

I can talk about the economic impact of moving jobs away from Fort Monmouth or to some other place. That is not the point. There are soldiers in the field. We are to look after their safety and effectiveness. The Secretary of the Army himself said before the BRAC Commission this past week that they have concerns whether those civilians, those experts with security clearance, with advanced degrees, with specialties, will make the move. How many years of reduced capability can we tolerate while we have men and women in the field?

This is a terrible time to proceed. Let us admit that we have gotten off on the wrong track, slow it down and look after the interests of the people in the field.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield the gentleman from New Mexico (Mr. UDALL) 2 minutes.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, first of all, I thank the gentleman from New Hampshire (Mr. BRADLEY) for his hard work on this important issue and support the amendment today.

This amendment simply postpones the implementation of the Pentagon's BRAC recommendations until we have a more thorough inventory of our military assets and priorities. This is entirely appropriate and necessary, considering the number of operations our Armed Forces are currently engaged in around the world.

As we have heard, we are at war. I have great concern about the Pentagon's ability to adequately assess our needs and assets while there are so many soldiers abroad and while the Pentagon awaits recommendations and reviews pertaining to almost all of its branches of service.

My concern about the Pentagon's ability to adequately assess their needs is further heightened by their recommendation to close Cannon Air Force Base. This recommendation demonstrates to me that they have failed to adequately collect and interpret the facts. Cannon Air Force Base is the home of the 27th Fighter Wing and offers the Air Force and its pilots unrestricted air space and bombing ranges in which to train just off the runways. This is a rarity in today's Air Force as more and more bases experience increasing encroachment. Cannon has zero encroachment.

In addition, the Pentagon did not take into account the New Mexico Training Initiative, which is expected to be approved soon. This initiative would make Cannon's air space wider and taller and allow for training at supersonic speeds, another rarity today.

If we lose this air space, we lose it forever. I urge my colleagues to support the Bradley-Herseth amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Chairman, I rise in strong support of the Bradley amendment. I do not believe that the Department of Defense's BRAC recommendations were based on facts and future threats, and I believe this amendment is critical to ensuring that we understand the security environment in which we are making BRAC decisions.

The Department of Defense's recommendations continue an irrational and dangerous assault on New England that would leave it as an undefended region of our Nation.

□ 1800

The proposals would close the best performing shipyard in the country, Portsmouth Naval Shipyard, a facility that actually saves the Navy money by completing its work ahead of schedule and under budget. They would realign Brunswick Naval Air Station, the last active military airfield in the Northeast, despite being described as critical to our national security by the Department of Defense. And they would close one of the most cost-efficient and innovative facilities in the Defense Finance and Accounting Service system located in Limestone, Maine.

Worst of all, the BRAC Commission and the affected communities do not even have the detailed information used by the Department of Defense to formulate their proposal. The delay by DOD in releasing the data to the BRAC Commission and local communities is an outrage. It calls into question the credibility of the process. And from reviewing the limited information that DOD has submitted, it turns out that some of the data used by DOD is actually inaccurate. BRAC is not an experiment for testing theories. Once we lose these assets, we cannot bring them back.

Mr. Chairman, our national security is at stake. We must move cautiously when we use these facts to justify our actions, and we must allow the critical actions outlined in this amendment to take place to make sure we understand our future threats before we close any of our key military assets.

I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

The CHAIRMAN. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Mr. Chairman, let me say that I very much support the Bradley amendment. At a time when American troops are dying on a daily basis in Iraq, we simply cannot afford to disrupt the military framework that our soldiers rely on every day to help them in their mission and to keep them alive.

I want to say last week I listened to the BRAC hearings and I saw the commissioners ask many questions related to the fact that our military are now in combat. The Pentagon could not answer many of the more important questions that were asked by the BRAC commissioners. This was not the case in previous BRAC rounds. I have been here since 1988, and I have now been through three or four BRAC rounds. The fact of the matter is there were many unanswered questions regarding the future of our military, and it is simply not the right time to be shutting down military facilities here at home. If you listened to the BRAC last week and you listened to the questions, you could see why in fact the Bradley amendment makes sense.

I want to mention one thing about my base, Fort Monmouth, that was

mentioned already by the gentleman from New Jersey (Mr. HOLT). What many people do not realize, and I will use Fort Monmouth but it could be any base, in the case of Fort Monmouth, though, we have people on a daily basis, soldiers in the field and their commanders that will call back and ask for a particular type of communications or electronic equipment that may have to be altered in a matter of days or a number of weeks in order to be able to be prepared for combat, to defend the soldier in the field, to make sure that they are not wounded, to make sure that they are adequately prepared for combat.

Imagine a situation where in the course of the next 2 or 3 years, that research and development, that operation, that communication, electronics function, is transferred to another location and all that science and all that engineering background is lost. It would be very, very difficult to operate and make sure that that soldier in the field is properly equipped and is able to deal with that particular situation that he or she may face on a daily or weekly basis. That is why it does not make sense to do this in time of war.

Support the Bradley amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, I would like to associate myself with the many sage comments of supporters of this amendment. The gentleman from Colorado has opined that the BRAC Commission would reach the same conclusion if we were to grant this extension. I really question that. Since we are at war, we have engaged in two wars since the BRAC Commission was last considering these bases, we have had many humanitarian requests for assistance. Our men and women in uniform have been stretched thin all across this country and throughout the world.

Mr. Chairman, I would ask that we support the Bradley amendment because I believe that a comprehensive examination of our future defense needs, our potential threats, have not been adequately reviewed.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time. I thank the gentlemen from New Hampshire and Connecticut for their leadership on this issue.

The Base Realignment and Closure Commission is starting its visit to America's bases today and many of our communities do not have the data or the analysis to be able to explain where they are wrong. That is not fair. We are expanding the Army and the Marine Corps by 39,000 troops over the next 3 years and bringing back 70,000 troops and their families from overseas. We are fighting a war 6,000 miles from home and about to go through a quadrennial defense review to restructure our forces and changing around the organization of the entire United States Army. BRAC was a bad idea when we started it, and it is an even worse idea today.

I encourage my colleagues to vote in favor of the amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from New Hampshire for yielding me the time and for his leadership here. I thank all of those who are participating in this evening's debate.

Mr. Chairman, I rise today to speak in strong support of the Bradley/Simmons/Herseth/Allen amendment to postpone the base realignment and closure. This amendment will force the Department of Defense to postpone BRAC for 1 year until more information is out there. I believe it is imperative to have a real discussion of this issue before the closures begin.

The amendment would postpone the BRAC recommendations until 1 year after the last of the following actions occurs: the recommendations of the Commission to Review of Overseas Military Facility Structure are implemented by the Secretary of Defense; a substantial number of American troops return from Iraq as determined by the Secretary of Defense; the House and Senate Armed Services Committees receive the quadrennial defense review; the national maritime security strategy is implemented; and the homeland defense and civil support directive is implemented.

While I do not have any bases in my district, I recognize the devastation too many of my colleagues' districts who have bases will incur by the closure of those bases. In today's environment of job loss all around the country, many of these towns that depend on the military bases for their livelihoods will be simply devastated if these bases were to close. Before the Department of Defense closes bases, they need to keep in mind what the closure will do to the communities that have been supportive of our military for many, many years. I urge all of my colleagues to support this amendment to make sure we have all the facts before us before this process moves any further forward.

Mr. SNYDER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I want to thank the gentleman from Arkansas for yielding me this time.

Mr. Chairman, I rise in strong support of the Bradley amendment because my hometown, Cleveland, is losing 1,100 jobs. The Defense Finance and Accounting Service, DFAS, which is the fourth largest employer in Cleveland, is shifting these jobs to DFAS facilities in Columbus; Denver, Colorado; and Indianapolis. The NASA Glenn Research Center will also lose 50 civilian military research jobs as a part of BRAC. The Army research laboratory at Glenn is losing the vehicle technology directorate. And, finally, the Navy Corps Reserve Center in Cleveland will close and lose 25 jobs.

The Secretary of Defense is required to consider the economic impact on existing communities in the vicinity of military installations. In this case, the Department of Defense erroneously states that a 0.1 percent job loss in the Cleveland metropolitan statistical area has minimal economic impact. However, the Department of Defense failed to take into account the current economic position of the Cleveland area.

Cleveland has been labeled as the poorest city in the country today. Its poverty rate of 31.3 percent is the highest in the Nation, according to the most recent Census Bureau data from 2003. Cleveland's number one ranking in poverty rate results from the significant job losses in the steel and manufacturing industries over the past several decades.

These job losses continue. For example, the current 2006 budget recently passed by Congress would slash up to 700 high-paying Federal jobs at the NASA Glenn Research Center. The economy around Cleveland is stagnating. It is inconceivable that the Department of Defense thinks that 1,100 more job losses will not have a major impact on the city of Cleveland.

If the process used to cut these jobs is flawed, I have no choice but to vote for a fix to disable the BRAC process.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of the Bradley amendment that would postpone the BRAC recommendations until 1 year after several important actions by the Department of Defense occur, including the recommendations of the Review of Overseas Military Facility Structure are implemented by the Secretary of Defense and the Armed Services Committees receive the quadrennial defense review. These are important and very telling studies that have not yet been completed that will give us in Congress a much clearer picture of our military's future landscape and needs.

For example, Mr. Chairman, I just returned a few moments ago from my district where I had the pleasure of meeting one of the nine BRAC commissioners as he toured Naval Air Station Atlanta in my district. While we were there, a comment was made that the commander of the facility would like to have rolled out the 40-plus planes, Humvees, and Cobra helicopters on the tarmac for review, but they are all deployed in the war on terror. Mr. Chairman, the DOD has recommended that these assets be realigned elsewhere. Yet I am concerned that proper due

diligence has not been paid to consider the overall force structure needs of the military, the very purpose of the QDR that will not be completed for months.

If BRAC is to occur, I believe that it can be carried out in a much more effective manner once we have a better idea about what the future holds.

Mr. SNYDER. Mr. Chairman, I yield 1 minute to the gentlewoman from South Dakota (Ms. HERSETH) who is one of the cosponsors of the gentleman from New Hampshire's amendment.

Ms. HERSETH. I thank the gentleman for yielding me this time.

Mr. Chairman, I would just like to echo the comments made by the gentleman from Texas (Mr. PAUL) a little bit ago. It has been about a year since I came to Congress to represent South Dakota. This is one of those instances in which we do have time to do the right thing. We can take a step back and take a breath and realize that the train has not left the station and the growing frustration of Members of this body as you can see from the testimony offered today is about whether or not we have complete information for us to make wise and prudent decisions and for the commission to make wise and prudent decisions. And we can learn from the lessons of what is happening with our overseas Base Realignment and Closure Commission when they released major conclusions and recommendations on May 9, only 4 days before the BRAC list was released.

According to that report ''the detailed synchronization required by so massive a realignment of forces requires that the pace of events be slowed and reordered. That is precisely what the Bradley amendment is requesting to do, an action this body has taken before.

Again, I encourage my colleagues to vote ''yes'' on the Bradley amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. I thank the gentleman from Colorado for yielding me this time and appreciate this opportunity, Mr. Chairman.

I want to speak against the Bradley amendment. Many of my colleagues have stood at these microphones this afternoon and said it is our responsibility as Members of this House to perform this function. I would respectfully disagree with that. No one member of this committee could speak or vote to close a facility in their district.

□ 1815

I represent a community that has a base that was not on the list, and the euphoria of that day would be lost if we have to put that community back through this process over again.

All of the communities affected have an opportunity to present their best foot forward through the BRAC Commission's visits. The gentleman from Georgia has already said he met with one of the members of the BRAC Commission on that base that was affected today. That process will go on. Those communities will be able to demonstrate to the Commission that the criteria were improperly applied to their bases and present their case for keeping those open.

So I respectfully disagree with the Members who have spoken in favor of the amendment and ask my colleagues to vote against the Bradley amendment.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

It will not be much time because we are coming to the end of this. I just want to say this. I think we have heard some excellent debate here this afternoon, and the arguments have been very good, mostly in favor of the Bradley amendment and very positive. And if I thought it was possible for us to get from here to there in a reasonable manner, as those who serve on the Committee on Armed Services with me know, I would be very sympathetic with the Bradley amendment.

The gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Mississippi (Mr. TAYLOR) particularly serve on the Committee on Armed Services. I serve with these gentlemen on the Committee on Armed Services. They are fine, decent, hard-working, thoughtful members of the committee that are valued by, I think, all of their colleagues on that committee.

And I got to thinking about this as we have approached this day, if anyone could have kept those bases of theirs off the list, they would have been able to do it because they have that kind of respect. But the gentleman from Texas made the point that the way the BRAC situation is set up is to take us out of that formula at this stage and to let the Department of Defense and then the Commission do their work. Once the Commission gets started, we can get back into it and do whatever we can do to do that, but it was designed to take politics out of it.

So the people who try to make a political issue out of someone's base closing, I think, are making a very bad mistake and are fooling the American public.

And we see this from both sides going on, rushing to say, oh, my gosh, if someone else had been there. No, that is not the case. This should not be a political issue; this should be a national defense issue. It should be evaluated based upon the need to defend this country. And we will have disagreements about what is needed and what is not needed, but that is what it should be based on. It should not be political.

I commend these gentlemen and all those who have spoken. They did an excellent job.

But I encourage people, reluctantly, not to support the Bradley amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

I will be brief here. I once again want to commend the gentleman from New Hampshire (Mr. BRADLEY) for the work he does on behalf of our country and on national security. He is a great member of the committee.

I would like to restate two points. First of all, there is never a good time to do a round of base closure. The United States cannot say, let us take a break here for a few years, let us just stop having conflict, let us let the tension go away so we can all work this out on our time schedule.

It is not going to work that way. The world has never worked that way. There is never a good time. This is the time, and the process needs to move forward.

For those Members who are watching in their offices and who follow the committee process, the Committee on Armed Services dealt last week with two different amendments to either eliminate or delay the BRAC process, and the vote on one was 8 in support, 50 against. The other one was 10 in support and 47 against.

The committee now recognizes, as has been the gentleman from Colorado's (Mr. HEFLEY) metaphor, The horse is out of the barn, and the opposition to this amendment includes the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member.

With that, I recommend a ''no'' vote on the gentleman from New Hampshire's (Mr. BRADLEY) amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to commend my colleague from Arkansas and my colleague from Colorado for the very courteous way in which they have conducted this debate, allowing those of us who did not have adequate time to speak to be able to do so tonight.

Mr. Chairman, I believe that we must be very cautious before reducing our Nation's industrial base capability and base capacity. Many of the 33 bases are irreplaceable national security assets. For instance, the nuclear license facility in my area, the Portsmouth Naval Shipyard, it will never be recreated again if closed. The Portsmouth Naval Shipyard has served our Nation well for 200 years and saves taxpayers millions and millions of hard-earned dollars while returning our Nation's nuclear submarines to the water ahead of schedule.

Mr. Chairman, we all know that our Nation is fighting a war on terror. It began on a fateful morning in September 3½ years ago. Let us be careful before we close irreplaceable national security assets that we will not have the ability to recreate without either huge expense or local opposition.

This amendment appropriately delays that process, enables our Nation

to study that process so that we can best defend ourselves from the threats to our national security.

I urge my colleagues to vote for the Bradley amendment.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today in strong support of the Bradley amendment to H.R. 1815 to postpone the 2005 Base Realignment and Closure (BRAC) recommendations until Congress receives critical reports from the Overseas Basing Commission and the 2005 Quadrennial Defense Review.

Quite simply, this is the wrong process at the wrong time. Even as 100,000 of our men and women are in uniform are serving overseas in the Middle East and our armed services continue to miss their recruiting goals, this Administration has rushed forward with a plan that closes 33 major bases across the country. We should not be closing and consolidating bases and infrastructure here in the states now, when in another 2 years we may be bringing a significant amount of troops and equipment back from Europe and other forward deployed locations and we would have to spend more money again to reopen or recreate space for them.

Since the Pentagon released their recommendations on May 13, the BRAC commission has moved swiftly forward with its job. Yet even as BRAC begins to hold regional hearings and site visits as early as next week, the Pentagon has yet to release the detailed and facility specific information that was used to formulate their recommendations.

The BRAC process has the potential to drastically impact communities surrounding facilities slated for closure or realignment, and it is vital that this process be as open and opaque as possible. However, if the department continues to delay the release of this information, these same communities will be unable to asses or challenge the Pentagon's recommendations in the limited time they have remaining.

Anyone familiar with the 103rd Fighter Wing at Bradley, the Sub base in New London, and the assets both bring to our national defense are at a loss to explain these recommendations. The 103rd calls home an international airport with the capability and resources to host a range of aircraft, large and small—including Air Force One. Yet, the Pentagon apparently deemed Bradley unable to retain their current aircraft or take on more. In New London, one finds incredible and dynamic synergy between the base, the Sub School and an industrial base capable of manufacturing and repairing today's most advanced vessels. Yet, the birthplace of the modem submarine service was unable to garner enough military value points in the Pentagon's review to stay off the BRAC list.

Were other options explored? How did each score in critical evaluation areas? Did the Pentagon accurately asses both bases and their capabilities? Will leaving the state, like several others, without a flying unit affect recruiting and retention for the Air National Guard? These are all questions that hold the key to the future of the ''Flying Yankees'' and the Sub base—questions that cannot be answered until the Pentagon levels with us and countless other bases around the country facing the same delay.

I sincerely hope that there is no agenda behind this delay. But the clock is ticking and deadlines are fast approaching. Next week, four commissioners will visit the New London Submarine base without ever seeing the facility specific data that led to its recommended closure. And, in little over a month, Connecticut will have the opportunity to present its rebuttal to the recommendations to the commission. The submariners, airmen and communities affected deserve the most thorough and extensive review possible because once these recommendations are implemented, they can never be undone.

There is no doubt that Connecticut was hit hard by BRAC, but this is not a political or parochial issue. This is an issue of ensuring the best possible defense of our Nation, and the best possible resources for our men and women in uniform. But neither this Congress, nor the BRAC Commissioners, can make a judicious and thoughtful review of these recommendations with the lack of data and shortened timeframe we now face.

In 2002 I voted in the Armed Services Committee to repeal the BRAC process outright, and again in 2003 to postpone it for 2 more years, because I have felt all along that the process had serious flaws. However, there is still time to put on the brakes before we reach the point of no return. That time is now. I urge my colleagues to support this amendment.

Mrs. JONES of Ohio. Mr. Chairman, I thank my colleagues on both sides of the isle for their leadership on this issue and I rise in support of the Bradley/Simmons/Herseth/Allen amendment to the National Defense Authorization Bill.

Mr. Chairman, why are we proposing base closures during a time of war? This BRAC round should be delayed until the recommendations of the Review of Overseas Military Facility Structure are implemented by the Secretary of Defense, a substantial number of American troops return from Iraq, the House and Senate Armed Services Committees receive the quadrennial defense review, the National Maritime Security Strategy is implemented, and the Homeland Defense and Civil Support directive is implemented. It is important that these issues be addressed before implementing the BRAC process because once a base is closed, it can never be reopened.

In the 11th Congressional District and in Northeast Ohio, over 1100 jobs will be lost through the BRAC process. These job losses will have a tremendous economic impact on the City of Cleveland, which has been named ''The Most Impoverished City'' in the country. Now is simply not the time for BRAC; in Cleveland or around the country.

Communities affected by the BRAC process are going to be hit with a double whammy—once when the base closes and the military leaves town, then again when the Defense Department leaves an environmental mess behind: unexploded bombs, chemical contamination, and environmental toxins.

I believe we need to address the environmental and redevelopment issues pending from previous rounds before initiating another round of BRAC closings. According to the General Accountability Office, 28 percent of the bases closed in previous BRAC rounds have still not been transferred, which means about 219 square miles of property are sitting unused.

Mr. Chairman, I realize the importance of the BRAC process, however, now is simply not the time for it. I commend my Colleagues STEPHANIE HERSETH and JOHN THUNE for introducing legislation to address this issue. I support this amendment.

Mr. HOLT. Mr. Chairman, I rise today in strong support of the amendment to the Fiscal Year 2006 Defense Authorization bill offered by the gentleman from New Hampshire, Mr. BRADLEY. Like my friend from New Hampshire, I believe that the current BRAC round should be delayed and the process re-evaluated. Let me explain why.

At the BRAC hearing on May 4, BRAC Commission Chairman Anthony Principi and several other Commissioners asked Defense Department witnesses whether they had taken into account the need to house troops returning from Europe and other overseas locations as part of the BRAC evaluation. The Pentagon's witnesses assured the Commission that, yes, the department had indeed factored the returning troops into the equation, and that the proposed BRAC list would reflect those planning assumptions.

The next day—the very next day—Mr. Al Cornella, Chairman of the Overseas Basing Commission, issued a statement in which he said in part:

> Our review leads us to conclude that the timing and synchronization of such a massive realignment of forces... requires that the proposed pace of events for our overseas basing posture be slowed and re-ordered. Such a step is of paramount importance in addressing quality of life issues for 70,000 returning American military personnel plus their families. Schools, health care and housing need to be in place at domestic receiving bases on the first day troops and their families arrive home.

Mr. Cornella went on to note that ''The interagency process has not been fully used in the development of the Department's plan'' and that ''The Commission notes there has been almost no public discussion of this multi-billion dollar process that affects the security of every American.''

In other words, DoD had failed to truly factor in the return of American forces from overseas into the BRAC equation . . . and the Overseas Basing Commission isn't the only independent body to question the Pentagon's BRAC criteria.

On May 3, the Government Accountability Office issued a report on the methodology used by the Pentagon in the BRAC process that states the Defense Department ''did not fully consider the impact of force structure changes underway and the planned restationing of thousands of forces from overseas bases.''

Mr. Chairman, we know the day is coming—and I pray that it's sooner rather than later—that those serving in Iraq and Afghanistan will be coming home. The Overseas Basing Commission and GAO are warning DoD and the Congress that we must ensure that any changes in our domestic basing structure do not leave these troops and their families with no place to call home. That's reason enough to delay the current BRAC round, but there are others.

The Defense Department will not submit its report on the Quadrennial Defense Review—the QDR, as it's known, is the Department's method of examining of America's defense needs from 1997 to 2015—until at least the first quarter of 2006, after the current BRAC round has run its course. Several BRAC Commissioners have questioned the wisdom of

proceeding with the current BRAC round before the QDR report has been delivered to Congress. I would argue, as others have, that this is another example of putting the proverbial cart before the horse. How can DoD restructure its forces for the future—including its domestic and overseas bases—when its primary blueprint for the future is still a work in progress?

For my part, I've also discovered a BRAC-related planning issue that the Pentagon does not appear to have addressed. Nowhere in the hundreds of pages of BRAC reports that DoD has thus far made public will you find a single reference to the difficulty in getting properly qualified scientists and engineers the security clearances they need in a timely fashion.

Why is this important? At the May 18 BRAC hearing on the Army's portion of the proposed BRAC list, Army Secretary Francis Harvey said, ''I won't sit here and tell you that we expect all the people from Fort Monmouth to move to Aberdeen Proving Ground . . . I won't sit here and tell you that that's not a concern.'' Mr. Speaker, the bottom line is that the vast majority of the skilled scientists and engineers who have current security clearances won't move to Aberdeen Proving Ground or anywhere else. Their lives, their families, their research centers are all in New Jersey—and we can say the same thing about any other community with a military installation that employs a large number of skilled civilian specialists with security clearances anywhere in the country.

Every day at Ft. Monmouth, the talented engineers, scientists and technicians—working in secrecy—are providing the latest intelligence and communications technologies to our troops in the field, including the roadside bomb jammers that have become so very important in our struggle against the insurgents in Iraq. If we allow the Pentagon to play the BRAC equivalent of musical chairs with our critical research and development assets in wartime, we will lose thousands of skilled, trained, and cleared intelligence and communications specialists that we will not be able to replace for years. That's an unacceptable risk in wartime, Mr. Speaker, and for that reason and the other, strategic reasons cited by the Overseas Basing Commission and GAO, we need to terminate the current BRAC round. Let's restructure our military for the 21st century, but let's do it right, and minimize the risk to our warfighters in Iraq and Afghanistan. Again, I urge adoption of the Bradley amendment.

Mr. DELAHUNT. Mr. Chairman, I rise today in support of the amendment.

Since the BRAC list was announced, many of my constituents have been asking the same question. Did the Pentagon, did the White House, take into account the homeland security implications of closing military bases?

The honest answer is that it doesn't appear so. In fact, it doesn't appear that anyone is obligated to consider the homeland security implications of these base closings.

On September 11, 2001, fighter jets from the 102nd Fighter Wing of the Otis Air Force Base on Cape Cod, Massachusetts, were the first military presence to arrive on the scene in New York City.

Just last week, the Air Wing escorted an Al Italia flight to Bangor, Maine, after it was discovered that a passenger on board was on the no-fly list.

Yet, Otis is slated for closure on the BRAC list.

It takes nine minutes for the fighters on Cape Cod to reach New York City. Nine minutes because they can take off and land in totally unrestricted air space. The same can't be said of Atlantic City—where some of the planes may be reassigned.

We shouldn't have to ask commercial air traffic to back off so we can scramble our own planes to defend us.

Contrary to the prevailing logic at the Pentagon, national defense and homeland security are not conflicting priorities—they go hand in hand. Many of these bases—like Otis—complement the defense of our homeland.

I urge the adoption of this amendment.

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment by the gentleman from New Hampshire, Mr. BRADLEY and join him in his concerns about conducting a BRAC right now.

There are a number of concerns that I have about conducting base closures during a time of war, and without the benefit of global forethought.

I have spoken to the need for this Nation to be more focused and more careful about how we proceed.

We are conducting a global war.

We are closing bases overseas.

We are just one year out from our QDR to establish our global strategic footprint.

It is folly to proceed with domestic base closures while we are at war and unclear of our global military presence.

It is akin to replacing a hot engine in a flying plane—we ought not do it.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Bradley amendment. We are a nation at war and now is not the time to be closing American military bases.

In formulating the BRAC list, Secretary Rumsfeld ignored the base-closure criteria that Congress approved. Just yesterday, an Air Force BRAC spokesman admitted that the extensive criterion used to evaluate the strategic military value of each base was not adhered to by the Pentagon. Instead, the Base Closure Executive Group used their ''collective judgment'' to recommend closure for bases that had higher rankings—such as the Niagara Falls Air Reserve Station—than many others which were kept off the list.

This amendment would let the DoD know that a group's ''collective judgment'' is not good enough. Secretary Rumsfeld better have some stronger arguments than ''collective judgment,'' because his proposed BRAC list would cripple Guard and Reserve recruitment and weaken our homeland defense.

By passing this amendment, Congress would recognize that the DoD's base closure recommendations were budget-driven and did not take into account the military's long-term needs. I urge a ''yes'' vote on the Bradley amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY) will be postponed.

It is now in order to consider amendment No. 26 printed in House Report 109–96.

AMENDMENT NO. 26 OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 Offered by Ms. WOOLSEY:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. 1223. WITHDRAWAL OF UNITED STATES ARMED FORCES FROM IRAQ.

It is the sense of Congress that the President should—

(1) develop a plan as soon as practicable after the date of the enactment of this Act to provide for the withdrawal of United States Armed Forces from Iraq; and

(2) transmit to the congressional defense committees a report that contains the plan described in paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 293, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from California (Mr. HUNTER) each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the members of the Committee on Rules for making this important amendment in order. It has been a long time coming for Congress to discuss this war in Iraq and how we will plan to end the terrible suffering it is causing our troops, their families, and the Iraqi people.

First and foremost, I honor and I support the brave men and women who are serving our country in Iraq, and I believe that the best way to support them is to establish a plan to bring them home.

In just over 2 years of war, more than 1,600 American soldiers and an estimated 25,000 Iraqi civilians have been killed. The number of American wounded, according to the Pentagon, is greater than 12,000, and that does not even count the invisible mental wounds they are bringing home, afflicting tens of thousands of our soldiers.

And, of course, with more than $200 billion on the line, do the Members not think that the American people deserve to know what the President plans to do in Iraq?

I also honor the many voters who risked their lives to ''give Iraq back to the Iraqi people.'' But our continued presence in Iraq after the election has caused America to be seen by the Iraqi people as an occupying power, not as a liberating force. Our continued presence in Iraq works against efforts for democracy, provides a rallying point for angry insurgents, and ultimately makes the United States less safe.

My amendment expresses the Sense of the Congress that the President

must develop a plan to bring our troops home and that he must submit this plan to the appropriate committees in Congress. We can truly support our troops by bringing them home.

At the same time, withdrawing U.S. troops must not result in abandoning a country that has been devastated. We must assist Iraq, not through our military but through international humanitarian efforts to rebuild their war-torn economic and physical infrastructure. We need to defend America by relying on the very best of American values, our commitment to peace and freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

Mr. Chairman, Congress must support our troops, and we must begin the difficult recovery process from a long and destructive war. But first, the President must create a plan to bring our troops home. Our troops deserve nothing less.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the gentlewoman's amendment.

Make no mistake about it. This amendment is a message-sender. It is a message-sender to people like Al Sadr who are considering even now continuing to foment rebellion against the elected government in Iraq. It is a message-sender to Zarqawi and his followers, who think that perhaps the United States does not have the stomach to continue to oppose them. It is a message-sender to our troops, who might, in seeing if this amendment should pass, feel that the resolve of the American people is fading away.

This is precisely the kind of a message we do not want to send to friend and foe alike, and certainly not to the 140,000 Americans serving presently in Iraq, who feel that the country is strongly behind them.

Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, I speak not simply as a Member of Congress, but as a former enlisted soldier and military officer.

I find myself somewhat dismayed that we have to spend time here today debating an amendment that would tell our enemies when our forces are going to withdraw from Iraq. This amendment is tantamount to posting a billboard saying, ''We will be gone by 5 o'clock Friday. If you wait until 6 o'clock, you can perform a murderous rampage through this growing democracy and terrify and intimidate the people back into living under a despotic regime.''

I respect the gentlewoman's passionate declarations regarding tolerance, diversity, and the rights of women, all of which would be ruthlessly, violently, and murderously suppressed if we were to leave at this time, something I am sure she would not want to see happen.

Some might argue that this amendment does not set a timetable, but rather states that Congress just wants to see a plan. The amendment, some would argue, is innocuous. I cannot stress enough how damaging this amendment would be, if it passes, to our troops, to our national security, and also to the Iraqi democracy.

Our troops in the field look to us for strength and solid, confident, unwavering leadership. If this passes, they would instead see a government that does not possess the fortitude to hold the course and finish the job. If this passes, their families would see a Congress that cares more for timelines and wordy resolutions than it does for the safety of their loved ones.

We also need to understand how others will see this around the world. If this passes, the Iraqis, who every day put their lives on the line to form security forces and battle terrorists in their streets and in their neighborhoods, would see a military that is not committed to training them to defend themselves. They would see an America that broke its promise to walk with them to democracy and independence.

If this passes, the world would see a country that takes no pride in its role in establishing a free Iraq, one that confirms the lies of the terrorists that we are weak and lack the fortitude and resolve to finish this mission.

Are we going to let less than 1 percent of the Iraqi population dictate our course and the course of the Iraqi people? I say no. Our enemies would stand up if this passes and cheer the moment it is passed because they would know that we will desert the Iraqi people who have invested their blood to defeat.

Mr. Chairman, we will not abandon a people who have so willingly given of themselves for the dream that we can help them achieve. Mohandas Gandhi said, ''The spirit of democracy cannot be imposed from without. It has to come from within.'' The people have democracy in their hearts. They can feel it within their grasp. They can look up and see it shining near them. We just have to stand and give them a hand to reach for it.

It is all the more distressing to me that we would consider this amendment so close to Memorial Day, a day when we honor the courage and the valor of our veterans, especially those who gave the ultimate sacrifice. We can all sleep better at night because of the blood shed by ordinary heroes who believe their government supported them and believe they were doing the right thing.

□ 1830

I recently spent 3 days visiting with numerous units of the United States Special Operations Command. Their valor, their commitment to protecting our freedom is insulted by bringing forth this amendment so close to Memorial Day.

I ask my colleague to join me in opposing this amendment in honor of those who have gone before us and in honor of those whose names we do not yet know, but will learn as we read of their sacrifice.

Let our foes understand one thing. Our exit strategy from Iraq is simply this: winning the war on terror. We must hold firm to the course and be resolved in our determination to win this fight.

I ask my colleagues on the other side of the aisle to stand with us today and reaffirm our commitment to our troops, to their families, to our country, to the Iraqis and to our enemies that we will not retreat in the face of this evil.

Ms. WOOLSEY. Mr. Chairman, I am proud to yield 2½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to thank the gentlewoman for yielding me this time.

Mr. Chairman, I want to say to my side, my leader on the Committee on Armed Services who I have great respect for, this is not about our troops. This is about a policy, that I believed when I voted 2 years ago to commit the troops that I was making my decision on facts. Since that time, I have been very disappointed in what I have learned about the justification for going into Iraq. Afghanistan, absolutely. We should be there. We should probably have more troops. But we cannot have more troops when they are in Iraq.

Mr. Chairman, with regard to this effort by the gentlewoman from California, we have never voted one time together, not one time in the 11 years I have been here. But, Mr. Chairman, I have beside me a picture of a young man whose name is Tyler Jordan. His daddy was a gunny sergeant killed two years ago, Phillip Jordan. He has under his arm the flag that was over the coffin.

To my left are just a few faces of those who have died for this country. They died doing what they thought was right for America, and God bless them.

But all this amendment does is just say that it is time for the Congress to meet its responsibility. The responsibility of Congress is to make decisions whether we should send our men and women to war or not send them to war. What we are saying here tonight is we think it is time for the Congress to begin, to start the debate and discussion of what the exit strategy is of this government, whether it be 2 years down the road, 3 years down the road, or 1 year.

Mr. Chairman, what I am saying tonight is we have a responsibility. We should not be into some endless, endless war in Iraq, when we have so many other countries that we need to be watching much more carefully than Iraq. So I hope that this resolution passes and we can start meeting our responsibilities of discussing the policy for America.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER)

Mrs. MILLER of Michigan. Mr. Chairman, I thank our great chairman of the Committee on Armed Services for yielding.

Mr. Chairman, I would urge all of my colleagues to oppose this amendment because it is totally unnecessary. In fact, no one who has ever studied at a war college, no one who is a combat commander, no military strategist, no one who really wants to achieve victory, would ever support what this amendment is asking those of us in the House to support here today. Besides, we already have a timetable for withdrawal from Iraq, and that is when we have achieved victory, that is when we have helped to deliver freedom to the Iraqi people, and that is when we have secured a foothold for liberty in the Middle East.

My question is this: Did we ask General Eisenhower for a plan for the withdrawal of the forces from Europe before the war was won? Of course not. And I would ask this: Did we ask General McArthur for a plan for withdrawal in the Pacific before the war was won? Of course not.

Mr. Chairman, it makes no sense to telegraph our plans to the enemy. In fact, that would be an incredibly dangerous thing for us to do. But our enemies should know this: America will not cut and run. And to the Iraqi people, I would say this: liberty, democracy and freedom are coming, and the men and women of the American Armed Forces, God bless them, will help you achieve all of them.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in support of this amendment. This is a very modest amendment. As a sense of Congress provision, it is a recommendation from Congress, not a requirement. It sets no date by when the President must present a plan to Congress, just as soon as it is practicable. I cannot imagine why anyone would oppose this language.

Currently, we have close to 140,000 uniformed men and women in Iraq. No matter where you stand on the question of Iraq, we owe it to these courageous men and women, and to their families, to let them know when and how we will bring them home to stay.

Mr. Chairman, it is easy to start a war; but it is hard to get out of one. It is easy to go along and accept the military occupation. It is a lot harder to take an honest look at where we are now and determine when and how we are going to get out. But that is what we need to do, and we need to do it now.

As a Congress, we should be ashamed that we have not demanded such a report from the President. This is the least we can do, to suggest that he send one.

There has been no accountability with regard to this war, and this Congress has been all too content to just go along with an open-ended occupation. It is time we change that complacency. It is time we do our job. Support the Woolsey amendment.

Mr. HUNTER. Mr. Chairman, I yield 2¾ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I thank the chairman of the Committee on Armed Services for yielding me time.

Mr. Chairman, I would speak today in strong opposition to this amendment of my colleague from California. First, let me say that I certainly understand their concern about the safety and well-being of our dedicated men and women of our Armed Forces who are currently deployed in Iraq. I, too, look forward to their safe and expeditious return home to the United States and to their loved ones.

However, I cannot support this amendment, as I believe it sends exactly the wrong message concerning our current commitment in Iraq and gives aid and comfort to those who oppose us.

Mr. Chairman, I am concerned that passing this amendment will send a clear signal to the insurgents in Iraq that Congress, and by extension the United States, is wavering in our commitment to their defeat. Doing so would create the impression that their terrorist tactics are working and that a U.S. withdrawal from the region is imminent.

The last thing we want to do is create a new burst of enthusiasm for the misguided causes championed by the insurgents and al Qaeda. Establishing a plan for withdrawal would give those groups the hope that they are wearing down our resolve when, instead, we need to be clear in our commitment to defeating the insurgents in Iraq.

Further, I believe that this amendment would serve only to discourage those Iraqi citizens who are dedicated to building a stable and secure democracy and defending it against terrorist factions. The coalition forces involved in the Multinational Security Transition Command in Iraq are working hard to build and train a competent Iraqi security force capable of defending their government and aiding the transition to democracy. Thus far, they have demonstrated initial success, as evidenced by the ISF's role in securing polling locations during the January elections.

It is imperative that we continue to mirror their commitment and remain dedicated to the stabilization efforts as they work toward the ultimate goal of a free and democratic Iraq. This amendment would, in my opinion, undermine the Iraqis' confidence in our continuing support.

Mr. Chairman, I think it is important to stress that we in Congress, in addition to the President and the Department of Defense leadership, do not want to maintain a U.S. military presence in Iraq one day longer than is necessary. Clearly, the goal is to bring our troops home as quickly and as efficiently as possible. However, we cannot do so until we succeed in enabling the Iraqis to defend themselves, secure their borders, and ensure the success of this new democracy.

We agree there are certain milestones that must be met before we can in good conscience withdraw our forces from Iraq. It is not prudent to set an arbitrary date or timeline about which we can only speculate. While my colleague's amendment does not specify specifically a required date or timeline, I believe any formal plan would be misinterpreted and would send the wrong message.

As the President has stated, ''It is inappropriate to put a specific timeline on the ultimate goal of ensuring that the Iraqi people can take care of themselves, protect themselves and provide for their fellow citizens.''

Mr. Chairman, I urge my colleagues to vote against this amendment and send a message to the Iraqi forces and the Iraqi people, as well as to the insurgent groups, that the U.S. Congress and, by extension, the United States of America, is fully committed to the establishment of a stable and secure democracy in Iraq.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman from California for yielding me time.

The reason I am rising to support her amendment is because I think that we have come to a time in the war in Iraq where Democrats and Republicans alike need to consider all the events that have transpired, to do it in a way that is compassionate for the decisions that were made to send us into war, and to do it without recriminations, without challenging each other's integrity, without challenging each other's love for our country or support for the troops.

Democrats and Republicans came together to send this country to war. We can only come together to take this country out of Iraq. You start to see the signs that make it so apparent that the time is near. The time is near when this Congress must consider the reality facing our troops, the reality of the circumstances which sent our troops into battle. And we need to do this as colleagues who may have started from different points of view on Iraq. I certainly have a different point of view. I voted against the war. But now we are starting to see people who voted for the war coming forward and expressing their concerns.

We have to have that capacity for rational reflection and an ability, not to say so much that we were wrong, but to say we have new information and we therefore have a right to reappraise the situation and take a new direction. The Woolsey amendment gives us a chance to do that, and it sets us on a path.

So whether it is the Woolsey amendment or something that happens in the

next few weeks and months, Democrats and Republicans are going to have to come together to help the President get out of the mess that this country is in.

So I think we can proceed in a spirit that is amicable. We do not have to be beating each other up on this. We do not have to have a war about war, or certainly a war about a peaceful withdrawal.

So the Woolsey amendment is an important step in the direction of setting this country on a path towards extricating ourself from Iraq. For that reason, I support it, and I want to commend her for her activity on behalf of it.

Mr. HUNTER. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. BUYER), a veteran of Desert Storm and the chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to this amendment because of its timing. It is wonderful to talk about an exit strategy, if in fact it was timely to do so. But I oppose the timing of this conversation and debate.

As a Nation and society committed to freedom and democratic principles and peace, I believe this amendment at this time would undermine our core values and the mentorship that we are having with a new, free country.

When the President declared the global war on terrorism and Congress authorized the use of force in Iraq, the United States made a significant investment in world peace. Like any sound investment, our investment in peace is subject to volatility and outside influences. The forces of evil that oppose the U.S. liberation of Iraq are the same forces in Iraq that want to suppress women and children, kill innocent people, attack schools, hospitals and religious institutions.

Asking for an exit strategy for U.S. forces at this time is essentially calling it quits, and that is not the America I know. I believe that peace and freedom are inextricable and inseparable. Forsaking the Iraqi people in their hour of need is counter to the fabric of this great Nation.

As a newly established free society, the Iraqi people are in their infancy of establishing the rule of law. Like the birth of any nation, there will be growing pains and unpleasant and tragic events. But let us be very clear: it has been the United States and our coalition partners that have given the Iraqi people hope.

So this debate with regard to setting an exit strategy or a timetable for withdrawal, again, is not timely. It would be arbitrary. It is the mission that determines the exit strategy.

Mr. Chairman, the debate we are having here really is not too much different from the debate we had during the Balkans, at the time when President Clinton, to his credit, brought the guns to silence. But what he said was, ''I want to commit U.S. ground troops for only 1 year.''

□ 1845

The Republicans immediately said, But, Mr. President, that is not an exit strategy. You cannot say we will only send the troops for 1 year, because it is the mission that will determine the exit. The exit then was determined in the civil implementation of the Dayton Accords by creating benchmarks for the success of the implementation of Dayton.

So it is the mission with regard to stable civil institutions in achieving benchmarks of that free society in Iraq that will determine the exit strategy. The stabilizing of Iraq is extremely important. The training of their security forces is extremely important. And I assure my friends that the more that the insurgents attack security forces and police forces in Iraq, mosques, schools, innocent people within Iraq, it builds the esprit of the Iraqi people themselves, who are a very proud people, that they want to take these insurgents who are not of their land, not of their people and expel them from their land. I assure my colleagues that they equally, at that moment in time, will be just as eager for us to come home.

So it is the mission that will determine the exit strategy. This amendment, while worthy and noble in its cause, is just not timely and, therefore, I will oppose the amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, what a great day this is. After 73 times on the floor, the gentlewoman from California (Ms. WOOLSEY) now has an amendment to discuss a plan to develop a plan as soon as practicable to provide for the withdrawal of the United States Armed Forces from Iraq. Here are Members of the House of Representatives who are, if we look at Article I, Section 8, the only ones that can declare war under this great Constitution, saying, We do not even want to talk about a plan.

Well, I say to my colleagues, the President of the United States has already said that America does not plan an indefinite occupation of Iraq, and neither do the independent Iraqi people. So what we want our colleagues to understand is that Congress can talk about this. Please, summon up your courage. That is your job. That is why we are here.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, summon up my courage? I do not think I have to question anybody to summon up my courage. I am a combat veteran, I was shot down in Vietnam, I was shot, and you do not tell the enemy what you are going to do, because you put those people at risk.

Mr. Chairman, it is interesting that as a combat veteran, I spoke to literally thousands of other combat veterans, and it is amazing the differences of their opinions versus liberal politicians.

Our kids over there are proud of what they do. Yes, I want them back. I wanted to get out of Vietnam just like anybody else, but I did not want to leave before the job was done. I do not want the over 1,700 men and women that have died in Iraq to die for nothing. And if we go ahead and tell the enemy what we are going to do, we put those kids at risk.

I just think it is wrong. From my experience in the military of 20 years, it is wrong, what the gentlewoman is trying to do. She has good intentions. But I will tell my colleagues that if we let folks know what we are going to do, I say to the gentlewoman, it is going to put those men and women at risk, and I think it is wrong.

I urge opposition to this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE asked and was given permission to revise and extend his remarks.)

Mr. PAYNE. Mr. Chairman, as a cosponsor of the Woolsey amendment calling on the President to develop and implement a plan to begin the withdrawal of U.S. troops from Iraq and to take other steps to provide the Iraqi people with the opportunity to control their internal affairs, I rise in support of this amendment.

Mr. Chairman, although I strongly opposed the preemptive war in Iraq, which the administration promoted based on false information and which has resulted in tragic loss of American and Iraqi lives, I would have supported as many troops as necessary in Afghanistan where our enemy, Osama bin Laden, was.

I do not believe that it would be fair to abandon the Iraqi people at this juncture. So, therefore, we should look towards having the United Nations create an international peacekeeping force to keep Iraq secure.

I would also like to take this opportunity, though, to commend a group of activists in my congressional district who are lending their voices to the important debate about our future in Iraq. South Mountain Peace Action, representing residents of Maplewood and South Orange, New Jersey, are strongly committed to seeking an international solution, led by the United Nations, and a rapid return of U.S. soldiers. Nearly 80 percent of Maplewood and South Orange voters and 52 percent of New Jersey voters voiced their agreement that President Bush's war in Iraq is the wrong war at the wrong time in the wrong place.

The war has already exacted a heavy price. More than 1,600 American lives have been lost and over 10,000 servicemen and women have been wounded. More than 100,000 Iraqi civilians have lost their lives, and $210 billion have been spent.

I urge support of the Woolsey amendment.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, I rise in opposition to the Woolsey amendment.

As a veteran of two tours of duty in Vietnam, I do not think it is appropriate to pull the forces out. The Iraqis want us to stay until the government takes on its full mission. Creating a timetable for withdrawal would hand the military initiative over to the insurgents and undermine the Iraqi Government to draft a constitution and prepare for a constitutional government.

As Generals Myers, Pace, and Abizaid have reminded us, the enemy gets a vote on how the war is fought. Iraqi-U.S. coalition forces need flexibility to respond to any enemy offensive which a benchmark-based plan for withdrawal would absolutely preclude.

I believe the amendment is well-intentioned, but the President, the Secretary of Defense, General Abizaid and the democratically elected Government of Iraq agree that it would not be in U.S. or Iraqi interests for the U.S. to remain in Iraq any longer than the government wants us there, but they are committed to reducing the U.S. presence only when that U.S. presence can safely be reduced and no sooner.

Vote ''no'' on this amendment.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington State (Mr. MCDERMOTT).

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Chairman, Monday's Guardian's editorial line was, ''U.S. Military to Build Four Giant New Bases in Iraq.''

The violence in Iraq has never been greater. That is not what winning looks like to me.

The President's strategy is to re-create the Old West: Build four forts capable of withstanding mortar rounds. With the death toll and casualties mounting, the President's best idea is to keep U.S. soldiers in the midst of uncontrollable, horrific violence.

This administration has put this Nation and our generals in a no-win situation. We have been there before in Vietnam, and we vowed never to let it happen again. But this administration has frayed the military, keeping soldiers in the target zone without enough armor to protect them and without a plan to bring them home.

Colonel David Hackworth died about 2 weeks ago, a highly decorated combat veteran of the Vietnam War, eight Purple Hearts, a soldier's soldier who recently died, said we will be in Iraq for 30 years, 30 years. Colonel Hackworth was a man who saw the battlefield and could see the folly of the Iraq war.

The American people know the truth. The President misled this country into war, and it is time to get out.

[From the Guardian, Monday, May 23, 2005]

U.S. MILITARY TO BUILD FOUR GIANT NEW BASES IN IRAQ

(By Michael Howard in Baghdad)

U.S. military commanders are planning to pull back their troops from Iraq's towns and cities and redeploy them in four giant bases in a strategy they say is a prelude to eventual withdrawal.

The plan, details of which emerged at the weekend, also foresees a transfer to Iraqi command of more than 100 bases that have been occupied by U.S.-led multinational forces since the invasion of Iraq in March 2003.

However, the decision to invest in the bases, which will require the construction of more permanent structures such as blast-proof barracks and offices, is seen by some as a sign that the U.S. expects to keep a permanent presence in Iraq.

Politicians opposed to a long-term U.S. presence on Iraqi soil questioned the plan.

''They appear to settling in a for the long run, and that will only give fuel for the terrorists,'' said a spokesman for the mainstream Sunni Iraqi Islamic party.

A senior U.S. official in Baghdad said yesterday: ''It has always been a main plank of our exit strategy to withdraw from the urban areas as and when Iraqi forces are trained up and able to take the strain. It is much better for all concerned that Iraqis police themselves.''

Under the plan, for which the official said there was no ''hard-and-fast'' deadline, U.S. troops would gradually concentrate inside four heavily fortified air bases, from where they would provide ''logistical support and quick reaction capability where necessary to Iraqis''. The bases would be situated in the north, south, west and centre of the country.

He said the place of the ''troop consolidation'' would be dictated by the level of the insurgency and the progress of Iraq's fledgling security structures.

A report in yesterday's Washington Post said the new bases would be constructed around existing airfields to ensure supply lines and troop mobility. It named the four probable locations as: Tallil in the south; Al Asad in the west; Balad in the centre and either Irbil or Qayyarah in the north.

U.S. officers told the paper that the bases would have a more permanent character to them, with more robust buildings and structures than can be seen at most existing bases in Iraq. The new buildings would be constructed to withstand direct mortar fire.

A source at the Iraqi defence ministry said: ''We expect these facilities will ultimately be to the benefit of the domestic forces, to be handed over when the U.S. leaves.''

Three Romanian journalists kidnapped in Iraq were freed yesterday after two months in captivity.

Ms. WOOLSEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Woolsey amendment.

This amendment does not say, Cut and run. This amendment does not call it quits. It asks the President for an exit strategy. And since the President declared victory in Iraq, more than 1,500 Americans have been killed. The Bush administration still has not laid out a strategy to win the peace in Iraq and bring our American forces home.

Now, when he was Governor of Texas, this is the advice that George W. Bush gave President Clinton about the war in Kosovo. Victory, he said, means exit strategy, and it is important for the President of the United States to explain to us what the exit strategy is.

Now, that is what Governor Bush said about President Clinton and the war in Kosovo, and the need for an exit strategy is even more apparent in Iraq. In the absence of an exit strategy, the administration continues to pursue the same strategy that has only led to more casualties and less stability. We have killed or captured 1,000 to 3,000 insurgents every month for more than a year. But with thousands of new recruits, the insurgency strengths have quadrupled.

Without an exit strategy to win the peace and bring our troops home, our policy is going in circles.

Our troops have won tactical victories, but they have not translated into strategic advances. Any successful strategy in Iraq has to address the fundamental factors that are continuing to fuel the insurgency.

One of those factors is the suspicion that U.S. troops are going to occupy Iraq indefinitely. Those suspicions are being reinforced by the fact that we have three or four times as many troops in Iraq today as the administration predicted we would. Until we lay out a framework for bringing our troops home and replacing them with Iraqis, the Iraqi people will never feel that they are in control of their own destiny.

A clear exit strategy would help splinter insurgent groups who have set aside their own differences in order to unite against the United States. It would send a message to the Iraqi Government that it needs to take responsibility for its own security. And, finally, an exit strategy is that light at the end of the tunnel that our troops need and the taxpayers need.

Ms. WOOLSEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank my friend and cochair of the Congressional Progressive Caucus, the gentlewoman from California (Ms. WOOLSEY), for her leadership in offering this amendment.

I stand here today as the proud daughter of a veteran of two wars. Let me just say, this amendment says what we have been saying all along, and it is time to make it real in terms of supporting our troops. The way we support our troops is by developing a plan to get them out of harm's way and to bring them home.

To date, more than 1,600 American troops have given their lives, over 11,000 American troops have been injured, and over 17,000 innocent Iraqi civilians, including women and children, have died in a war that should never have started in the first place.

I distinctly remember the day in May 2003 when the President stood on the deck of the USS *Abraham Lincoln* and proclaimed, ''Mission Accomplished.'' Of course, the administration has

called off the search for weapons of mass destruction because there simply were not any. But the occupation still continues.

We have seen a war that has created a haven for terrorists in Iraq. We have seen troops become targets of the insurgency when they were supposed to be liberators.

Mr. Chairman, the President needs to be honest with the American people and tell us what his plan is, and that is what this amendment says. Give us a plan to bring our troops home. It is very important. We need an exit strategy.

The taxpayers have spent over $200 billion, soon to be $300 billion, and we have little or no accountability for where this money has gone.

I congratulate the gentlewoman from California (Ms. WOOLSEY) for this amendment. We should adopt this amendment. We should send the signal that we support our troops, we love our troops, we value our troops, and we want them home.

□ 1900

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Missouri (Mr. SKELTON), and I thank him again for his leadership. I thank the distinguished gentlewoman from California (Ms. WOOLSEY) for allowing us to have the opportunity to stand on the floor of the House just a few days away from honoring America's war dead, and I hope that this debate is not in any way suggesting our lack of respect and admiration for those fallen as well as their families. I do not believe the distinguished gentlewoman from California has any idea or any sense of disrespecting the Nation's fallen dead. In fact, so many of us, no matter where we have come from, have soldiers and families living among us, families that mourned and families that are willing and wanting for their loved ones to come home.

This is not Vietnam in terms of the approach that those of us who are against the war would put it in that context. We understand that the troops are following the orders of their leaders, the Commander in Chief, the United States Congress. That is why this amendment puts the burden on the United States Congress and asks for the President to create a success strategy, an exit strategy that will allow these troops to come home.

This is about conserving resources. We have 140,000 troops in Iraq. We have equipment that is stretched. We have questions about the armor that is being utilized by our troops, the body armor. We have 60 people dead in the last 24 hours and eight of our troops dying in the last 24 hours and troops dying every single day. And you know what the tragedy of it is? That when our fallen heroes come to the soil of the United States we cannot even view their bodies with the Flag draped over the coffin. We are denied that opportunity to mourn them.

So this amendment is really to respond to the need that the Congress have the opportunity to address the question in hearing and to review the President's offering of a withdrawal or a success strategy, in great respect to the men and women in the United States military, in great respect to the families, in great respect to those who have lost their lives.

I ask my colleagues to consider this amendment primarily to give us an opportunity to do our constitutional duty, and that is a declaration of war is a constitutional duty by this Congress to declare war. We failed in that duty a couple of years ago, in 2002 September. But let us accept the challenge to review the process and the strategy of this administration.

I close by simply saying to the executive, I ask you to join us in a collaborative effort to have a vote for peace and to be able to conserve the resources and to honor our fallen dead and those who now serve, that we respect their families, respect, in fact, their lives and we will craft a strategy to return our heroes home. That is not in any way giving up on them. That is saving them.

Mr. SKELTON. Mr. Chairman, I yield to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, again, I would like to thank the members of the Rules Committee that made this important amendment in order. It is about time that in the Congress we discuss what is going on in the war in Iraq. And it is only too bad that we had only 15 minutes for this, well, a half an hour, 15 minutes on both sides, for this very, very important issue that is facing everybody in the United States of America, our troops and their families and the Iraqi people.

My amendment expresses the sense of the Congress that the President must develop a plan to bring our troops home, that he must submit this plan to the appropriate committees in Congress so that we can truly support our troops and bring them home where they are safe.

So in closing, Mr. Chairman, Congress must support our troops. We must begin the difficult recovery process from a long and destructive war. The President has to create a plan and tell us what he is going to do, and he must get these troops home before we lose any more lives. This is the best way to support our troops, and they deserve nothing less.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from California has 30 seconds remaining.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, and my colleagues, we have an exit strategy, and that exit strategy is a free Iraq and a free government in Iraq and a military which is strong enough to protect that government. And that is the military that we are standing up right now, and that is the mission, and that is the timetable. And I would hope that the gentlewoman's amendment would be defeated.

Mr. FARR. Mr. Chairman, a safe and democratic Iraq is a goal I share with every American. Congresswoman WOOLSEY's amendment is critically important for reaching this goal. The amendment urges the administration to lay out a plan for withdrawing U.S. troops from Iraq. This amendment does not demand the U.S. troops be withdrawn from Iraq immediately or prematurely. It simply requests that the President establish a plan for when he will begin to bring our soldiers back home.

The best way to make Iraq a strong and democratic country is to give Iraqis the training and education necessary for them to assume responsibility for their own security needs and to develop their civil society infrastructure. Iraqis yearn for freedom and democracy, and ownership of their own country. American soldiers, sailors and marines want to return home to be reunited with their families. A withdrawal plan is in the best national security interests of the United States and in the best interests of a democratic Iraq.

I urge my colleagues to support the Woolsey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) will be postponed.

The Chair understands that amendment No. 19 was disposed of by the adoption of amendment No. 1.

It is now in order to consider amendment No. 27 printed in House Report 109–96.

AMENDMENT NO. 27 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 427, after line 11), insert the following new section:

SEC. _____. SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperation;

(3) the United States should explore innovative and nontraditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles; and

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data.

The CHAIRMAN. Pursuant to House Resolution 293, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an amendment that I wish I did not have to offer because the amendment follows the language of the President of the United States, our leader, who has called for joint cooperation with Russia on missile defense. The amendment calls for the language of our Secretary of Defense, who has called for joint cooperation on missile defense. The language calls for an amendment that my good friend, the gentleman from South Carolina (Mr. SPRATT), and I offered in 1998 in H.R. 4 that actually calls for a national missile defense, and as a part of that called for joint cooperation on missile defense.

In fact, the weekend before the vote on H.R. 4, I took Don Rumsfeld, private citizen; Jim Woolsey, private citizen; Bill Snyder, private citizen; and Democrat Jim Turner and other Republicans to Moscow, and we told the Russians that our move in moving forward on missile defense and not only abrogating the ABN treaty was not about us scoring a strategic advantage over them, but was about an effort to protect ourselves, as they had been doing with their system around Moscow. And we told them that we saw threats coming from North Korea, China and Iran and, therefore, we had to take the action.

Mr. Chairman, for the past several years we have had a joint program with the Russians called RAMOS. A year ago, our four star general, General Kadisch, came in and said to me, Congressman, I have got to cancel the program, but I want to do a follow-on with the Russians. And I said, that is great because that is the intent of the President and that is the intent of the Congress. He said, But Congressman, I cannot get a meeting with my Russian counterparts.

So in April of last year, we took, at the request of General Kadisch and General Obering, General Shakleford to Moscow with us. And General Shakleford sat across the table in Straya Polochad, the equivalent of the West Wing in Moscow with General Balyevsky who would become the chief of the general staff. During the summer of last year, they negotiated a multi-phase agreement to work with the Russians on joint use of their large phased array radar, which we need; on joint use of the Russian missile systems for targeting purposes, which we want. But because none of the Missile Defense Agency, but because of the bureaucracy in the Pentagon, today we have no cooperative program with Russia, and that is unacceptable and it is outrageous.

So this amendment gets to the heart of the office of Secretary of Defense and the policy shop. You do not override the President of the United States. You are not the ultimate decision-makers above the Congress. The Congress made a conscientious bipartisan veto-proof effort in passing H.R. 4 in 1998. We were the ones that called for this cooperation. The President has said this repeatedly, and this amendment says to those bureaucrats in the policy shop, do your job.

I thank my colleagues for their effort. I ask all of my colleagues to support this because this is about our word. This is about the trust of America. This is about building a relationship that our Missile Defense Agency wants.

General Obering was in my office 2 months ago with a policy person sitting across the room, and General Obering looked at him and said, I want to do this. What we are saying is we support General Obering. We support the Secretary of Defense. We support the President of the United States. And to those bureaucrats in the Pentagon, wake up and listen, because that is who this amendment is aimed at.

Mr. Chairman, I yield back the balance of my time.

Mr. SPRATT. Mr. Chairman, I do not object to the amendment, but ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my good friend and colleague, the gentleman from Pennsylvania (Mr. WELDON), has been a leader in the Congress on relations with Russia for some time. I reviewed his amendment, and I support it and would like to state several reasons for supporting it that I think others can readily identify with.

First of all, this is not a new idea. It has been talked about at least as long ago as Reagan's Presidency, when Mr. Reagan was trying to make the point that he did not necessarily seek nuclear dominance, and that he was ready to share certain parts of missile defense with the Russians if necessary to show that it was consistent with the balance of power between our two countries.

But today, if you want principle reasons, one reason to have an amendment like this and the policy that it supports is to show the Russians that ballistic missile defense need not be perceived by them as adverse to their security. Just as our missiles are no longer explicitly targeted at the Russians, the ballistic missile defense systems we are building are not directed really at countering their systems, but of the adversaries.

The gentleman from Pennsylvania (Mr. WELDON) mentions two good reasons, two practical reasons, for making this amendment our policy. Number one, it is possible that the Russians could cooperate with us in allowing us to test specific elements of their tracking equipment of their own missile systems. And, number two, they have early warning radar that the Missile Defense Agency may find very useful. In fact, if we begin some day in the near future to install systems that will give us protection against threats like Iran, we may find the geography inside Russia is ideal geography, ideally located for the kind of early warning system and detection that we would need and want and would be preferable possibly to locating some of these systems in Eastern European countries.

So there are many good reasons at this point in time to support this policy and therefore to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from Florida (Mr. STEARNS), amendment No. 29 offered by the gentleman from New Hampshire (Mr. BRADLEY), amendment No. 26 offered by the gentlewoman from California (Ms. WOOLSEY).

The Chair will reduce to 5 minutes the time for any electronic votes after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 336, noes 92, not voting 5, as follows:

[Roll No. 218]

AYES—336

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—92

Ackerman
Allen
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Capps
Carson
Conyers
Crowley
Davis (IL)
DeGette
DeLauro
Dingell
Emanuel
Eshoo
Farr
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Stark
Thompson (CA)
Tierney
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu

NOT VOTING—5

Brown (SC)
Chandler
Emerson
Hastings (WA)
Millender-McDonald

□ 1935

Mr. MORAN of Virginia, Mr. BROWN of Ohio, Ms. KAPTUR, Ms. PELOSI, Mr. RAHALL and Mr. MOLLOHAN changed their vote from ''aye'' to ''no.''

Mr. WAXMAN, Mr. MEEK of Florida, and Ms. LORETTA SANCHEZ of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 29 OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 316, not voting 5, as follows:

[Roll No. 219]

AYES—112

Abercrombie
Allen
Baird
Barrow
Bass
Boozman
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capito
Capps
Cardoza
Clay
Crowley
Cuellar
Davis (AL)
Davis, Jo Ann
Davis, Tom
DeFazio
Delahunt
DeLauro
Doyle
Ehlers
Evans
Fattah
Fitzpatrick (PA)
Ford
Gallegly
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Hall
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Hooley
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Jones (NC)
Jones (OH)
Kucinich
LaHood
Langevin
Larson (CT)
LaTourette
Lewis (GA)
Lowey
Lynch
Manzullo
McCollum (MN)
McCotter
McNulty
Melancon
Menendez
Michaud
Mollohan
Moore (WI)
Moran (VA)
Murphy
Murtha
Oberstar
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pearce
Pickering
Poe
Rahall
Rehberg
Reynolds
Ross
Rothman
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Shimkus
Simmons
Slaughter
Smith (NJ)
Strickland
Taylor (MS)
Thompson (MS)
Udall (NM)
Velázquez
Wasserman Schultz
Watson
Weldon (FL)
Wicker
Wilson (NM)
Wolf
Wu

NOES—316

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Goode
Goodlatte
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Lantos
Larsen (WA)
Latham
Leach

Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moran (KS)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Osborne
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (SC)
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Bishop (UT)
Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1944

Mr. TAYLOR of Mississippi changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 26 OFFERED BY MS. WOOLSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 300, not voting 5, as follows:

[Roll No. 220]

AYES—128

Abercrombie
Allen
Baca
Baird
Baldwin
Becerra
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Capps
Capuano
Carnahan
Carson
Clay
Cleaver
Clyburn
Coble
Conyers
Costello
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Doyle
Duncan
Emanuel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kilpatrick (MI)
Kucinich
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
Lofgren, Zoe
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Rahall
Rangel
Rothman
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—300

Ackerman
Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Edwards
Ehlers
Engel
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald
Porter

□ 1952

Mr. BUTTERFIELD changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this place and our accomplishments all depend on great staff people. And that is what we had in Mr. Robert Rangel, who has been the staff director over these last several terms on the Committee on Armed Services. He was a staff leader for some 18 years, heading up our great bipartisan staff, and he is now leaving.

I thought of all of the great descriptions of people who serve this Nation in uniform, that adherence to duty and honor and country, and I think those are the metrics by which Mr. Rangel has worked to serve our interests and serve the interests of the people of this country and to serve the interests of the people who wear the uniform of the United States.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me add a thank-you and it is a job well

done to Robert Rangel. Your professionalism, your friendship, your integrity, your hard work have served this institution well. You love this institution, we know that, and we are most appreciative of all you have done for us in a bipartisan way. You understand politics; but on the other hand, you understand this institution and help make it work very, very well.

I might say, Robert, back in Lafayette County, Missouri, the highest compliment you ever get is, You done good. So Robert Rangel, you done good.

The CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2006, and for other purposes, pursuant to House Resolution 293, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of Mississippi. In its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves to recommit the bill H.R. 1815 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendments:

At the end of subtitle A of title VII (page 290, after line 5), add the following new section:

SEC. 707. EXPANDED ELIGIBILITY OF SELECTED RESERVE MEMBERS UNDER TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

''§ 1076d. TRICARE program: TRICARE standard coverage for members of the selected reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

Page 508, line 14, insert after the dollar amount the following: ''(reduced by $182,000,000)''.

Page 509, line 22, insert after the dollar amount the following: ''(reduced by $182,000,000)''.

Mr. TAYLOR of Mississippi (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, a few minutes ago the gentleman from California (Chairman HUNTER), in speaking to the Woolsey amendment, described it as a message-sender. This motion to recommit, which is an amendment to the bill, is a message-sender.

This is a message-sender to the Guardsmen and Reservists of this Nation who comprise 38 percent of the total force, and who at this moment comprise 40 percent of the men and women who are serving in Iraq and Afghanistan. By the way, they provide about that same percentage of the wounded, about the same percentage of the people who come home dead from that war.

See, unlike the regular soldier to their right and the regular Marine to their left, who are guaranteed health care coverage through the TRICARE program, 20 percent of our Guardsmen and Reservists have no health care coverage whatsoever. Coincidentally, about 20 percent of our Guard and Reservists who are called up could not be deployed because they were not medically ready to be deployed. This amendment addresses that.

This amendment would take $185 million out of the fund that is going to fund base closure and apply it to TRICARE for Guard and Reservists to let those people know we appreciate them.

□ 2000

Why is this important? Just today in south Mississippi, five families got the worst message you could ever receive, and that is that their loved one died in Iraq. Every one of them was a Guardsman or Reservist. Last Friday, I visited Walter Reed just like all of you do, but a little bit different from my colleagues, just to see Mississippians. Every one of the five Mississippians that are there are Guardsmen or Reservists. One is a double amputee. The other two have lost one leg. The other two are in wheelchairs and will be for some time. Every one of them is a Guardsman or Reservist.

I have heard in committee that maybe the Guard and Reserve does not deserve this. What could be farther from the truth? There are people who say, Well, we can't afford the money. It is going to be expensive. I am not going to lie about that. When it is fully implemented, it is going to cost $1 billion a year. But I will also remind you that when it is fully implemented, that will amount to one-quarter of 1 percent of the entire DOD budget, one-quarter of 1 percent of the DOD budget so we can tell our Guardsmen, so we can tell our Reservists, and there are really only three types of Guardsmen and Reservists, because I know a bunch of them. There are those that have been to Iraq, there are those that are in Iraq, and there are those that are going to Iraq. That is the only type of Guardsmen and Reservists we have now. That is how much we use them in the force. As a matter of fact, the aviation classification repair unit that is shared in the district of the gentleman from Connecticut (Mr. SIMMONS) and my own has already been to Iraq and they have been told they are going back.

This is going to become law. It is going to become law. The question is whether the House is going to lead on this or whether we are going to follow, because tomorrow the Senator from South Carolina is going to offer this amendment, and it is going to pass. So

then it goes to conference. One of the arguments that is going to be made is that by this motion to recommit, we are slowing the process down. I would beg to differ. By this motion to recommit, we are stating the House's position that we agree with you, that this is something that is worthwhile to do and we go to conference, we are already in agreement that we are going to provide TRICARE for our Guardsmen and Reservists. I think it is a pretty good idea, but that is just me. But there are a lot of other folks who think this is a good idea.

This motion to recommit has been endorsed by the Military Officers Association of America, by the National Guard Association of America, by the Enlisted Association of the National Guard, a unanimous vote last weekend by the Adjutants General of the 54 States and territories, the Reserve Officers Association, and the Fleet Reserve Association.

Mr. Chairman, we are all going to go to Memorial Day services on Monday. A heck of a lot of people in that crowd are going to be Guardsmen, Reservists and their families. They are going to know how we voted. So you can plan to maybe duck some and hide from some, you can give them some lame excuse that, well, it wasn't what my party wanted, it wasn't what my chairman wanted; or you can look that young person who in the next year might be the father of a child and say, You're a National Guardsman. You're a Reservist. We as a Nation are willing to help you pay for that child.

Who in the next year may have cancer in their family, we are saying, Doggone it, you're serving your country. We're there to help you for that. Or that you have a preexisting condition. We all know how hard it is for someone who has a loved one with a preexisting condition to get insurance. We are telling them we value your service.

On Monday, when you look them in the eye, I hope you will be in a position to say we appreciate your service. You were there for us. And last Wednesday night, I was there for you.

Mr. HUNTER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, my good colleague from Mississippi has spoken of our great Guardsmen and Reservists a number of times in his very eloquent statement and talked about their deployment, their imminent deployment, or the deployment they are involved in right now or the one they are returning from in Afghanistan, Iraq, or other places around the world.

We, in fact, do provide TRICARE. It is medical care for every one of them and every one of their dependents, for 90 days before mobilization and 180 days after mobilization.

So this body, starting with the Committee on Armed Services and then the full House, moving and working with the Senate and with the President, have done that. Now, let me just tell you, there is a major problem from my perspective and I have looked at this during the last session and you have a major, major problem, because all of these people have jobs, they have employers who are carrying health care in the private sector right now. If you give an opportunity to employers, to the private sector, to terminate the health care that they are providing right now to their employees, once they understand that the government will pick up that health care pursuant to that status in the Guard, across the board, you are going to see that 18 percent of Guardsmen who right now do not have that health care, you are going to see that number go way up in the private sector and you are going to see, very simply, a large displacement of that burden from the private sector on to the DOD budget.

That gets to another responsibility that everyone here has. We have a responsibility to replace those 18-year-old helicopters. We have a responsibility to replace those jet aircraft that average now in the Navy about 17½ years old. We have a responsibility to replace those tanks, those trucks, those ships. If we take that $5.8 billion that this will amount to over 5 years, much of which will be the shifting of this burden from the private sector to DOD, we may think we have served that Guardsman very well in one way, but we will disserve him in another way because he will not have the best equipment.

Let me get to the issue at hand. We have a $500 billion bill which provides the tools to get the job done in this war against terror. The war really started when Todd Beamer, when that United flight was over Pennsylvania and he took on the terrorists and the last words we heard from him were, Let's roll. Let's roll echoed across the mountains of Afghanistan, through those dark canyons and those caves, across the sands of Iraq; and right now it is being carried in units like the 10th Mountain Division, the First Marine Division out to the western AO in Iraq, the First Armored Division in Baghdad, and all those great Guardsmen and Reservists who are fighting in this war against terror. We have provided in this bill the tools to get the job done.

Let us pass this bill. Let's roll.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 211, noes 218, not voting 4, as follows:

[Roll No. 221]

AYES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin

Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

□ 2026

Mr. WHITFIELD changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 39, not voting 4, as follows:

[Roll No. 222]

YEAS—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—39

Baldwin
Blumenauer
Conyers
Davis (IL)
Delahunt
Duncan
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Jackson (IL)
Jones (OH)
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McKinney
Moore (WI)
Oberstar
Olver
Owens
Paul
Payne
Rangel
Rush
Schakowsky
Serrano
Solis
Stark
Tierney
Velázquez
Waters
Watt
Woolsey
Wu

NOT VOTING—4

Brown (SC)
Emerson
Hastings (WA)
Millender-McDonald

□ 2037

So the bill was passed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the committee amendment to the title is adopted.

There was no objection.

The text of the committee amendment to the title is as follows:

Amend the title so as to read: ''A bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

A motion to reconsider was laid on the table.

EXPRESSION OF THANKS TO ARMED SERVICES COMMITTEE STAFF

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, let me extend my thanks, and I know on the other side of the aisle the leadership and membership extend their thanks, to all of our great staff people who did such a wonderful job putting this bill together and bringing it to the House floor. We appreciate them.