

One Hundred Ninth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the fourth day of January, two thousand and five*

An Act

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

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

DIVISION A

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in
the Treasury not otherwise appropriated, for the fiscal year ending
September 30, 2006, for military functions administered by the
Department of Defense and for other purposes, namely:

TITLE I

TITLE VIII

GENERAL PROVISIONS

SEC. 8126. SUPPORT FOR YOUTH ORGANIZATIONS. (a) Short
Title- This Act may be cited as the `Support Our Scouts Act of
2005'.

(b) Support for Youth Organizations-

(1) DEFINITIONS- In this subsection--

(A) the term `Federal agency' means each
department, agency, instrumentality, or other entity
of the United States Government; and

(B) the term `youth organization'--

(i) means any organization that is designated
by the President as an organization that is
primarily intended to--

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

(II) provide training in citizenship,
leadership, physical fitness, service to
community, and teamwork; and

(III) promote the development of
character and ethical and moral values;
and

(ii) shall include--

- (I) the Boy Scouts of America;
- (II) the Girl Scouts of the United States of America;
- (III) the Boys Clubs of America;
- (IV) the Girls Clubs of America;
- (V) the Young Men's Christian Association;
- (VI) the Young Women's Christian Association;
- (VII) the Civil Air Patrol;
- (VIII) the United States Olympic Committee;
- (IX) the Special Olympics;
- (X) Campfire USA;
- (XI) the Young Marines;
- (XII) the Naval Sea Cadets Corps;
- (XIII) 4-H Clubs;
- (XIV) the Police Athletic League;
- (XV) Big Brothers--Big Sisters of America; and
- (XVI) National Guard Youth Challenge.

(2) IN GENERAL-

(A) SUPPORT FOR YOUTH ORGANIZATIONS-

(i) SUPPORT- No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations.

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST- Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS- The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each

conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if--

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT- Support described under this paragraph shall include--

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

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) Support for Scout Jamborees-

(1) FINDINGS- Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

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

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

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for

defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a 'tent city' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT- Section 2554 of title 10, United States Code, is amended by adding at the end the following:

`(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

`(2) The Secretary of Defense may waive paragraph (1), if the Secretary--

`(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

`(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.'.

(d) Equal Access for Youth Organizations- Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended--

(1) in the first sentence of subsection (b) by inserting 'or (e)' after 'subsection (a)'; and

(2) by adding at the end the following:

`(e) Equal Access-

`(1) DEFINITION- In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

`(2) IN GENERAL- No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise

participate in that designated open forum, limited public forum, or nonpublic forum.'