

A BILL

To authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2007".

5 **SEC. 2. TABLE OF CONTENTS.**

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

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

8 (2) Division B—Military Construction Authorizations.

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

Sec. 1. Short title.

Sec. 2. Table of contents.

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- Sec. 123. Transfer of funds for submarine engineered refueling overhauls and conversions or aircraft carrier refueling complex overhauls.
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- Sec. 311. Environmental restoration program - funding for cooperative agreement.
- Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
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TITLE XXIV—DEFENSE AGENCIES

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1 **DIVISION A—DEPARTMENT OF DEFENSE**

2 **AUTHORIZATIONS**

3 **TITLE I—PROCUREMENT**

4 **Subtitle A—Authorization of Appropriations**

5 **SEC. 101. ARMY.**

6 Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for
7 the Army as follows:

8 (1) For aircraft, \$3,566,483,000.

9 (2) For missiles, \$1,350,898,000.

10 (3) For weapons and tracked combat vehicles, \$2,301,943,000.

11 (4) For ammunition, \$1,903,125,000.

12 (5) For other procurement, \$7,718,602,000.

13 **SEC. 102. NAVY AND MARINE CORPS.**

14 (a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2007 for
15 procurement for the Navy as follows:

16 (1) For aircraft, \$10,868,771,000.

17 (2) For weapons, including missiles and torpedoes, \$2,555,020,000.

18 (3) For shipbuilding and conversion, \$10,578,553,000.

19 (4) For other procurement, \$4,967,916,000.

20 (b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2007
21 for procurement for the Marine Corps in the amount of \$1,273,513,000.

1 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be
2 appropriated for fiscal year 2007 for procurement of ammunition for the Navy and Marine Corps
3 in the amount of \$789,943,000.

4 **SEC. 103. AIR FORCE.**

5 Funds are hereby authorized to be appropriated for fiscal year 2007 for procurement for
6 the Air Force as follows:

7 (1) For aircraft, \$11,479,810,000.

8 (2) For ammunition, \$1,072,749,000.

9 (3) For missiles, \$4,204,145,000.

10 (4) For other procurement, \$15,408,086,000.

11 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

12 Funds are hereby authorized to be appropriated for fiscal year 2007 for Defense-wide
13 procurement in the amount of \$2,861,461,000.

14 **Subtitle B—Multi-Year Contract Authorizations**

15 **SEC. 111. MULTI-YEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.**

16 Beginning with the fiscal year 2007 program year, the Secretary of the Army may, in
17 accordance with section 2306b of title 10, United States Code, enter into multi-year contracts for
18 procurement of the following:

19 (1) MH-60R Helicopters.

20 (2) MH-60R Helicopter mission equipment.

21 **SEC. 112. MULTI-YEAR PROCUREMENT AUTHORITY FOR NAVY PROGRAM.**

1 Beginning with the fiscal year 2007 program year, the Secretary of the Navy may, in
2 accordance with section 2306b of title 10, United States Code, enter into a multi-year contract
3 for procurement of the V-22 Osprey.

4 **SEC. 113. MULTI-YEAR PROCUREMENT AUTHORITY FOR AIR FORCE**
5 **PROGRAM.**

6 Beginning with the fiscal year 2007 program year, the Secretary of the Air Force may, in
7 accordance with section 2306b of title 10, United States Code, enter into a multi-year contract
8 for procurement of F-22A Fighter Aircraft.

9 **Subtitle C—Navy Programs**

10 **SEC. 121. ADJUSTMENT TO TOTAL COST LIMITATION FOR CVN 77**
11 **PROCUREMENT.**

12 Section 122(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public
13 Law 105-85; 111 Stat. 1649) is amended by striking "\$4,600,000,000 (such amount being the
14 estimated cost for the procurement of the CVN-77 aircraft carrier in the March 1997
15 procurement plan)" and inserting "\$6,057,000,000".

16 **SEC. 122. CONSTRUCTION OF THE FIRST TWO NEXT GENERATION**
17 **DESTROYERS.**

18 (a) FUNDING AUTHORIZED.—Of the amount authorized to be appropriated by section
19 102(a)(3) for fiscal year 2007, \$2,568,000,000 is available for the construction of two DD(X)
20 Next Generation Destroyers.

1 (b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into contracts during
2 fiscal year 2007 to be funded in two consecutive fiscal years for the construction of two DD(X)
3 Next Generation Destroyers, one with each of the two surface-combatant shipbuilders.

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

8 **SEC. 123. TRANSFER OF FUNDS FOR SUBMARINE ENGINEERED REFUELING**
9 **OVERHAULS AND CONVERSIONS OR AIRCRAFT CARRIER**
10 **REFUELING COMPLEX OVERHAULS.**

11 (a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at
12 the end the following new section:

13 **"§ 7317. Obligation and expenditure of funds for submarine engineered refueling overhauls**
14 **and conversions or aircraft carrier refueling complex overhauls**

15 "(a) AUTHORITY.—For submarine engineered refueling overhauls and conversions or
16 aircraft carrier refueling complex overhauls financed with Shipbuilding and Conversion, Navy
17 appropriations, the Secretary of Defense may transfer such amounts as he may designate from
18 any currently available Shipbuilding and Conversion, Navy, Other Procurement, Navy, and
19 Operations and Maintenance, Navy appropriations to the original Shipbuilding and Conversion,
20 Navy account financing the project, such amounts to be merged with and to be available for the
21 same purposes and for the same time period as the appropriation to which transferred. This

1 transfer authority is in addition to any other transfer authority available to the Department of
2 Defense.

3 "(b) LIMITATIONS.—This authority may be exercised only where the transfer of funds is
4 required because of the discovery, during such submarine engineered refueling overhauls and
5 conversions or aircraft carrier refueling complex overhauls, of unanticipated and emergent
6 maintenance, repair, or mission essential modernization requirements. Prior to the transfer of an
7 amount of \$20,000,000 or more, or of any amount which, when added to all amounts previously
8 transferred under the authority granted by this section cumulatively will exceed \$20,000,000 for
9 a particular availability, the Secretary of Defense shall notify in writing the congressional
10 defense committees of the proposed transfer and the reasons therefor. The transfer then may be
11 carried out only after the end of the 30-day period beginning on the date the notification is
12 received by the committees."

13 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
14 amended by adding at the end the following new item:

15 "7317. Obligation and expenditure of funds for submarine engineered refueling overhauls and conversions or
16 aircraft carrier refueling complex overhauls."

17 **SEC. 124. DELETION OF REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT**
18 **CARRIERS.**

19 Section 5062 of title 10, United States Code, is amended—

20 (1) by striking subsection (b); and

21 (2) by redesignating subsections (c) and (d) as subsections (b) and (c),

22 respectively.

23 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

1 (17) For Environmental Restoration, Formerly Used Defense Sites, \$242,790,000.

2 (18) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$63,204,000.

3 (19) For Cooperative Threat Reduction programs, \$372,128,000.

4 (20) For the Overseas Contingency Operations Transfer Fund, \$10,000,000.

5 **SEC. 302. WORKING CAPITAL FUNDS.**

6 Funds are hereby authorized to be appropriated for fiscal year 2007 for the use of the
7 Armed Forces and other activities and agencies of the Department of Defense for providing
8 capital for working capital and revolving funds in amounts as follows:

9 (1) For the Defense Working Capital Funds, \$1,345,998,000.

10 (2) For the National Defense Sealift Fund, \$1,071,932,000.

11 (3) For the Pentagon Reservation Maintenance Revolving Funds, \$18,500,000.

12 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

13 (a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the
14 Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the
15 Defense Health Program, in the amount of \$21,025,121,000, of which—

16 (1) \$20,498,163,000 is for Operation and Maintenance;

17 (2) \$130,603,000 is for Research, Development, Test, and Evaluation; and

18 (3) \$396,355,000 is for Procurement.

19 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
21 appropriated for the Department of Defense for fiscal year 2007 for expenses, not

1 otherwise provided for, for Chemical Agents and Munitions Destruction, in the amount of
2 \$1,277,304,000, of which—

3 (A) \$1,046,290,000 is for Operation and Maintenance; and

4 (B) \$231,014,000 is for Research, Development, Test, and Evaluation.

5 (2) USE.—Amounts authorized to be appropriated under paragraph (1) are
6 authorized for—

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

10 (B) the destruction of chemical warfare materiel of the United States that
11 is not covered by section 1412 of such Act.

12 (c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are
13 hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for
14 expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities,
15 Defense-wide, in the amount of \$926,890,000.

16 (d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for
17 the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for the
18 Office of the Inspector General of the Department of Defense, in the amount of \$216,297,000, of
19 which—

20 (1) \$214,897,000 is for Operation and Maintenance; and

21 (2) \$1,400,000 is for Procurement.

22 **Subtitle B—Environmental Provisions**

1 **SEC. 311. ENVIRONMENTAL RESTORATION PROGRAM - FUNDING FOR**
2 **COOPERATIVE AGREEMENT.**

3 Section 2701(d)(2) of title 10, United States Code, is amended by adding at the end the
4 following new sentence: "This two-year limitation shall not apply to agreements funded from the
5 accounts established under sections 2906 or 2906A of the Defense Base Closure and
6 Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

7 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR**
8 **CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD**
9 **SUPERFUND SITE, MOSES LAKE, WASHINGTON.**

10 (a) **AUTHORITY TO REIMBURSE.**—(1) Using funds described in subsection (b), the
11 Secretary of Defense may transfer not more than \$111,114.03 to the Moses Lake Wellfield
12 Superfund Site 10-6J Special Account.

13 (2) The payment under paragraph (1) is to reimburse the Environmental Protection
14 Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed
15 by the Department of the Army under the Defense Environmental Restoration Program at the
16 former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

17 (3) The reimbursement described in paragraph (2) is provided for in the interagency
18 agreement entered into by the Department of the Army and the Environmental Protection
19 Agency for the Moses Lake Wellfield Superfund Site in March 1999.

20 (b) **SOURCE OF FUNDS.**—Any payment under subsection (a) shall be made using funds
21 authorized to be appropriated by section 301(17) for operation and maintenance for
22 Environmental Restoration, Formerly Used Defense Sites.

1 (c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount
2 transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield
3 Superfund Site.

4 **SEC. 313. AIR QUALITY PLANS.**

5 (a) CONFORMITY WITH CLEAN AIR ACT.—In any case in which the requirements of
6 section 176(c) of the Clean Air Act would have applied to proposed military readiness activities,
7 the Department of Defense shall not be prohibited from engaging in such activities and it shall
8 have up to three years, from the date such activities begin, to satisfy the requirements of that
9 section, provided:

10 (1) the Department of Defense has provided the State in which the proposed
11 military readiness activities would occur an estimate of the annual emissions caused by
12 the proposed military readiness activities for all criteria pollutants for which the area is
13 designated "non-attainment" or "maintenance"; and

14 (2) the State provides written concurrence with the extension of up to three years.

15 (b) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.—Notwithstanding any other
16 provisions of law, an implementation plan or plan revision required under the Clean Air Act shall
17 be approved by the Administrator of the Environmental Protection Agency if:

18 (1) such plan or revision meets all the requirements applicable to it under the
19 Clean Air Act other than a requirement that such plan or revision demonstrate attainment
20 and maintenance of the relevant national ambient air quality standards by the attainment
21 date specified under the applicable provision of the Act, or in a regulation promulgated
22 under such provision; and

1 (2) the submitting State established to the satisfaction of the Administrator that
2 the implementation plan of such State would be adequate to attain and maintain the
3 relevant national ambient air quality standards by the attainment date specified under the
4 applicable provision of the Act, or in a regulation promulgated under such provision, but
5 for emissions emanating from military readiness activities not otherwise meeting section
6 176(c) of the Act pursuant to subsection (a) of this section.

7 (c) EFFECT ON STATE COMPLIANCE WITH OZONE STANDARDS.—Notwithstanding any
8 other provisions of law, any State that establishes to the satisfaction of the Administrator that,
9 with respect to an ozone non-attainment area in such State, such State would have attained the
10 national ambient air quality standard for ozone by the applicable attainment date, but for
11 emissions emanating from military readiness activities not otherwise meeting section 176(c) of
12 the Clean Air Act pursuant to subsection (a) of this section, shall not be subject to the provisions
13 of section 181(b)(2) and (4) or section 185 of the Act.

14 (d) EFFECT ON STATE COMPLIANCE WITH CARBON MONOXIDE STANDARDS.—
15 Notwithstanding any other provision of law, any State that establishes to the satisfaction of the
16 Administrator, with respect to a carbon monoxide non-attainment area in such State, that such
17 State has attained the national ambient air quality standard for carbon monoxide by the
18 applicable attainment date, but for emissions emanating from military readiness activities not
19 otherwise meeting section 176(c) of the Clean Air Act pursuant to subsection (a) of this section,
20 shall not be subject to the provisions of section 186(b)(2) or 187(g) of the Act.

21 (e) EFFECT ON STATE COMPLIANCE WITH PM-10 STANDARDS.—Notwithstanding any
22 other provisions of law, any State that establishes to the satisfaction of the Administrator that,

1 with respect to a PM-10 non-attainment area in such State, such State would have attained the
2 national ambient air quality standard for PM-10 by the applicable attainment date, but for
3 emission emanating from military readiness activities not otherwise meeting section 176(c) of
4 the Clean Air Act pursuant to subsection (a) of this section, shall not be subject to the provisions
5 of section 188(b)(2) of the Act.

6 (f) **MILITARY READINESS ACTIVITIES.**—The term "military readiness activities"—(1)
7 includes—

8 (A) all training and operations of the Armed Forces that relate to combat; and

9 (B) the adequate and realistic testing of military equipment, vehicles, weapons,
10 and sensors for proper operation and suitability for combat use; but

11 (2) does not include—

12 (A) the routine operation of installation operating support functions, including but
13 not limited to heat and electric production, administrative offices, military exchanges,
14 commissaries, water treatment facilities, storage facilities, schools, housing, motor pools,
15 laundries, morale, welfare, and recreation activities, shops, and mess halls;

16 (B) the operation of industrial activities; or

17 (C) the construction or demolition of facilities used for a purpose described in
18 paragraph (1).

19 **SEC. 314. RANGE MANAGEMENT.**

20 (a) **DEFINITION OF SOLID WASTE.**—(1) The term "solid waste" as used in the Solid Waste
21 Disposal Act, as amended (42 U.S.C. 6901 et seq.), does not include—

22 (A) military munitions, including unexploded ordnance; or

1 (B) the constituents thereof,
2 that are or have come to be located, incident to their normal and expected use, on an operational
3 range, and remain thereon.

4 (2) Paragraph (1) shall not apply to—

5 (A)(i) military munitions, including unexploded ordnance; or

6 (ii) the constituents thereof, that—

7 (B)(i) are recovered, collected, and then disposed of by burial or landfilling;

8 (ii) have migrated off an operational range;

9 (iii) come to be located off of an operational range; or

10 (iv) remain on the range once the range ceases to be an operational range.

11 (3) Nothing in this section affects the authority of federal, state, interstate, or local
12 regulatory authorities to determine when—

13 (A) military munitions, including unexploded ordnance; or

14 (B) the constituents thereof,

15 become hazardous waste for purposes of the Solid Waste Disposal Act, as amended, including,
16 but not limited to, sections 7002 and 7003 (42 U.S.C. 6972 and 6973), except for military
17 munitions, including unexploded ordnance, or the constituents thereof, that are excluded from
18 the definition of solid waste by this subsection.

19 (b) DEFINITION OF RELEASE.—(1) The term "release" as used in the Comprehensive
20 Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601
21 et seq.), does not include the deposit or presence of any—

22 (A) military munitions, including unexploded ordnance; or

1 (B) the constituents thereof,
2 that are or have come to be located, incident to their normal and expected use, on an operational
3 range, and remain thereon.

4 (2) Paragraph (1) shall not apply to—

5 (A)(i) military munitions, including unexploded ordnance; or

6 (ii) the constituents thereof, that—

7 (B)(i) migrate off an operational range;

8 (ii) come to be located off of an operational range; or

9 (iii) remain on the range once the range ceases to be an operational range.

10 (3) Notwithstanding the provisions of paragraph (1), the authority of the President under
11 section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act
12 of 1980, as amended (42 U.S.C. 9606(a)), to take action because there may be an imminent and
13 substantial endangerment to the public health or welfare or the environment because of an actual
14 or threatened release of a hazardous substance includes the authority to take action because of
15 the deposit or presence of any—

16 (A) military munitions, including unexploded ordnance; or

17 (B) the constituents thereof,

18 that are or have come to be located, incident to their normal and expected use, on an operational
19 range, and remain thereon.

20 (c) DEFINITIONS.—(1) For purposes of this section, the term "constituents" means any
21 materials originating from military munitions, including—

22 (A) unexploded ordnance;

1 (B) explosive and non-explosive materials; and

2 (C) emission, degradation, or breakdown products of such munitions.

3 (2) For purposes of this section, the terms "military munitions", "operational range", and
4 "unexploded ordnance" have the meanings given such terms in section 101(e) of title 10, United
5 States Code.

6 (d) CHANGE IN RANGE STATUS.—Nothing in this section affects the legal requirements
7 applicable to—

8 (1) military munitions, including unexploded ordnance; or

9 (2) the constituents thereof,

10 that have come to be located on an operational range, once the range ceases to be an operational
11 range.

12 (e) CONTINUATION OF AUTHORITY.—Nothing in this section affects the authority of the
13 Department of Defense to protect the environment, safety, and health on operational ranges.

14 **SEC. 315. EXTENDING IMPORT APPROVAL AUTHORITY.**

15 Section 6(e)(3)(B) of the Toxic Control Act (15 U.S.C. 2605(e)(3)(B)) is amended by
16 striking "one year" and inserting "three years".

17 **Subtitle C—Workplace and Depot Issues**

18 **SEC. 321. REPEAL OF TIME LIMITATION ON EXCLUSION OF EXPENDITURES**
19 **ON CONTRACTING FOR DEPOT-LEVEL MAINTENANCE.**

20 Section 2474(f)(1) of title 10, United States Code, is amended by striking "entered into
21 during fiscal years 2003 through 2009".

22 **Subtitle D—Outsourcing**

1 **SEC. 331. TEMPORARY SECURITY-GUARD SERVICES FOR INCREASED**
2 **WORKLOADS CAUSED BY REALIGNMENTS.**

3 (a) IN GENERAL.—Notwithstanding section 2465 of title 10, United States Code, the
4 Secretary of a military department may, for a period not to exceed one year at any single
5 installation, contract for security-guard services at installations selected for realignment under a
6 base closure law when additional security guard personnel are required for the safe and secure
7 relocation of—

- 8 (1) military munitions and munitions related equipment; or
9 (2) high value items in temporary storage areas.

10 (b) DEFINITIONS.—As used in this section—

11 (1) the term "base closure law" has the same meaning as provided in section
12 101(a)(17) of title 10, United States Code; and

13 (2) the term "military munitions" has the same meaning as provided in section
14 101(e)(4) of title 10, United States Code.

15 (c) EXPIRATION.—The authority granted by this section shall expire on September 15,
16 2011.

17 **SEC. 332. PARTICIPATION IN SECURITY PROGRAMS BY CHARTER AIR**
18 **CARRIERS PROVIDING TRANSPORTATION FOR THE ARMED**
19 **FORCES.**

20 (a) COMMERCIAL AIRCRAFT.—Section 231 of the Immigration and Nationality Act (8
21 U.S.C. 1221) is amended—

1 (1) by redesignating subsections (i) and (j) as subsection (j) and (k), respectively;

2 and

3 (2) by inserting after subsection (h) the following new subsection (i):

4 "(i) EXEMPTION FOR CERTAIN AIRCRAFT.—This section does not apply to aircraft
5 operated or owned by the armed forces, or to other aircraft when employed to provide charter
6 transportation to the armed forces."

7 (b) CARGO.—Section 343(a)(3) of the Trade Act of 2002 (Public Law 107-210; 116 Stat.
8 983), is amended by adding at the end the following new subparagraph:

9 "(M) The regulations required by this section shall exempt aircraft
10 operated or owned by the armed forces, as well as other aircraft when employed
11 to provide charter transportation to the armed forces."

12 (c) AIR CHARTER PROGRAM.—Section 44903(1)(2) of title 49, United States Code, is
13 amended—

14 (1) in subparagraph (A), by striking "members of";

15 (2) by redesignating subparagraph (C) as subparagraph (D); and

16 (3) by inserting after subparagraph (B) the following new subparagraph (C):

17 "(C) SECURITY OPTIONS.—The Secretary of Defense, or designee, may
18 authorize participation in any of the programs and apply any of the requirements
19 of this chapter to charter operations for the transportation of property or personnel
20 for the armed forces to facilitate the security and safety of such charters. The
21 Secretary of Defense will, consistent with operational requirements and to the
22 extent feasible, structure programs and systems to facilitate participation in

1 programs administered by the Secretary of Homeland Security and the Secretary
2 of Transportation. The Secretary of Defense will participate in information
3 sharing programs but only if he determines that participation does not diminish
4 the ability of the Government to effectively carry out its duties and powers related
5 to national defense."

6 **SEC. 333. REVISION AND EXTENSION OF TEMPORARY AUTHORITY FOR**
7 **CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.**

8 (a) Section 332(b) of the Bob Stump National Defense Authorization Act for Fiscal Year
9 2003 (Public Law 107-314; 116 Stat. 2513) is amended—

10 (1) by striking "and" at the end of paragraph (1);

11 (2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

13 "(3) in the case of an installation or facility where security-guard personnel
14 deploy in support of a contingency operation and thereby create a shortfall of dedicated
15 installation security-guard personnel at that installation or facility or at a supporting
16 installation or facility, the entire scope or extent of the performance of security-guard
17 functions by the security-guard personnel who deploy, from no more than 120 days
18 before the deployment to no more than 120 days after the completion of the
19 deployment."

20 (b) Section 332(c) of the Bob Stump National Defense Authorization Act for Fiscal Year
21 2003 (Public Law 107-314; 116 Stat. 2513-14), as amended by section 324(a) of the Ronald W.
22 Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118

1 Stat. 1846) and section 344 of the National Defense Authorization Act for Fiscal Year 2006
2 (Public Law 109-163; 119 Stat. 3201), is further amended by striking "2007" each place it
3 appears and inserting "2008".

4 **SEC. 334. EXCEPTION FROM PROHIBITION ON CONTRACTOR PERFORMANCE**
5 **OF FIREFIGHTING FUNCTIONS.**

6 Section 2465(b) of title 10, United States Code, is amended by adding at the end the
7 following new paragraph:

8 "(5) A contract for the performance of firefighting functions to—

9 "(A) fight wildland fires such as range or forest fires; and

10 "(B) perform wildland fire management such as conducting hazardous
11 fuels treatments to reduce wildland fire risks including prescribed fire and
12 mechanical treatments."

13 **SEC. 335. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS OF AIRCRAFT**
14 **UNDER CONTRACT WITH THE ARMED FORCES.**

15 (a) AMENDMENT TO DEFINITION.—Section 40102(a)(41)(E) of title 49, United States
16 Code, is amended—

17 (1) by inserting "or an operational support service" after "transportation"; and

18 (2) by adding at the end the following new sentence: "For purposes of this
19 paragraph, 'an operational support service' means a mission performed by an air operator
20 that uses fixed or rotary winged aircraft to provide a service other than transportation."

21 (b) ARMED FORCES OPERATIONAL MISSION.—Section 40125(c) of such title is
22 amended—

1 (1) in paragraph (1)(C), by inserting "or an operational support service" after
2 "transportation"; and

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

4 "(3) COMPLIANCE OF CIVIL AIRCRAFT OPERATIONS.—If the Secretary of Defense
5 (or the Secretary of the department in which the Coast Guard is operating) does not make
6 a designation under paragraph (1)(C) with regard to a chartered aircraft, the
7 transportation or operational support service provided to the armed forces by such aircraft
8 must be in compliance with the Federal Aviation Regulations under title 14, Code of
9 Federal Regulations."

10 (c) TECHNICAL CORRECTIONS.—

11 (1) Section 40125(b) of such title is amended by striking "40102(a)(37)" each
12 place it appears and inserting "40102(a)(41)".

13 (2) Section 40125(c) of such title is amended by striking "40102(a)(37)(E)" each
14 place it appears and inserting "40102(a)(41)(E)".

15 **Subtitle E—Other Matters**

16 **SEC. 341. PERFORMANCE BASED LOGISTICS CONTRACTS FOR WEAPONS**

17 **SYSTEMS LOGISTICS SUPPORT: SPECIAL FUNDING AUTHORITY.**

18 (a) SPECIFIC FUNDING AUTHORITY.—The Secretary of Defense may use funds made
19 available for operation and maintenance on Performance Based Logistics contracts to finance
20 both expense and investment costs associated with the implementation of engineering changes
21 that result in a reduction of operation and maintenance costs.

1 (b) NOTIFICATION TO CONGRESS.—The Secretary of a military department shall notify
2 Congress 30 days before entering into a Performance Based Logistics contract under this section
3 that may result in using operation and maintenance funds for engineering changes. The notice
4 shall state that—

5 (1) the Department has performed a business case analysis; and

6 (2) based on that analysis, there is a reasonable expectation that the proposed
7 Performance Based Logistics contract will result in an overall reduction of operation and
8 maintenance costs.

9 (c) DEFINITION.—In this section, the term "Performance Based Logistics contract" means
10 the acquisition of support as an integrated, affordable, performance package designed to optimize
11 system readiness and meet performance goals for a weapon system through long-term support
12 arrangements with clear lines of authority and responsibility. Application of Performance Based
13 Logistics may be at the system, subsystem, or major assembly level depending on program
14 unique circumstances and appropriate business case analysis.

15 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

16 **Subtitle A—Active Forces**

17 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

18 The Armed Forces are authorized strengths for active duty personnel as of September 30,
19 2007, as follows:

20 (1) The Army, 482,400.

21 (2) The Navy, 340,700.

22 (3) The Marine Corps, 175,000.

1 (4) The Air Force, 334,200.

2 **Subtitle B—Reserve Forces**

3 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

4 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve
5 personnel of the reserve components as of September 30, 2007, as follows:

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

7 (2) The Army Reserve, 200,000.

8 (3) The Navy Reserve, 71,300.

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

10 (5) The Air National Guard of the United States, 107,000.

11 (6) The Air Force Reserve, 74,900.

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

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

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

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

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

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

7 Within the end strengths prescribed in section 411(a), the reserve components of the
8 Armed Forces are authorized, as of September 30, 2007, the following number of Reserves to be
9 serving on full-time active duty or full-time duty, in the case of members of the National Guard,
10 for the purpose of organizing, administering, recruiting, instructing, or training the reserve
11 components:

12 (1) The Army National Guard of the United States, 27,441.

13 (2) The Army Reserve, 15,416.

14 (3) The Navy Reserve, 12,564.

15 (4) The Marine Corps Reserve, 2,261.

16 (5) The Air National Guard of the United States, 13,206.

17 (6) The Air Force Reserve, 2,707.

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

19 The minimum number of military technicians (dual status) as of the last day of fiscal year
20 2007 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
21 title 10, United States Code) shall be the following:

22 (1) For the Army Reserve, 7,912.

1 (2) For the Army National Guard of the United States, 26,050.

2 (3) For the Air Force Reserve, 10,124.

3 (4) For the Air National Guard of the United States, 23,255.

4 **SEC. 414. FISCAL YEAR 2007 LIMITATION ON NUMBER OF NON-DUAL STATUS**
5 **TECHNICIANS.**

6 (a) LIMITATIONS.—

7 (1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of
8 title 10, United States Code, the number of non-dual status technicians employed by the
9 National Guard as of September 30, 2007, may not exceed the following:

10 (A) For the Army National Guard of the United States, 1,600.

11 (B) For the Air National Guard of the United States, 350.

12 (2) ARMY RESERVE.—The number of non-dual status technicians employed by the
13 Army Reserve as of September 30, 2007, may not exceed 595.

14 (3) AIR FORCE RESERVE.—The number of non-dual status technicians employed
15 by the Air Force Reserve as of September 30, 2007, may not exceed 90.

16 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual
17 status technician" has the meaning given that term in section 10217(a) of title 10, United States
18 Code.

19 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
20 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

1 During fiscal year 2007, the maximum number of members of the reserve components of
2 the Armed Forces who may be serving at any time on full-time operational support duty under
3 section 115(b) of title 10, United States Code, is the following:

4 (1) The Army National Guard of the United States, 17,000.

5 (2) The Army Reserve, 13,000.

6 (3) The Navy Reserve, 6,200.

7 (4) The Marine Corps Reserve, 3,000.

8 (5) The Air National Guard of the United States, 16,000.

9 (6) The Air Force Reserve, 14,000.

10 **Subtitle C—Authorization of Appropriations**

11 **SEC. 421. ARMED FORCES RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fiscal year 2007 from the Armed Forces
13 Retirement Home Trust Fund the sum of \$54,846,000 for the operation of the Armed Forces
14 Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval
15 Home.

16 **TITLE V—MILITARY PERSONNEL POLICY**

17 **Subtitle A—Officer Personnel Policy**

18 **SEC. 501. DISCRETIONARY SEPARATION AND RETIREMENT OF TWICE** 19 **NON-SELECTED CHIEF WARRANT OFFICER FOURS.**

20 Section 580(a)(1) of title 10, United States Code, is amended—

21 (1) by inserting "(except for a chief warrant officer in the grade of CW4)" after
22 "chief warrant officer"; and

1 (2) by adding at the end the following new sentence: "Chief warrant officers in
2 the grade of CW4 shall be retired at the discretion of the Secretary concerned."

3 **Subtitle B—Reserve Component Management**

4 **SEC. 511. AUTHORIZED STRENGTHS OF NAVY RESERVE FLAG OFFICERS.**

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

6 (1) by amending section (c) to read as follows:

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

9 (2) by striking subsection (d); and

10 (3) by redesignating subsection (e) as subsection (d).

11 **SEC. 512. EXPANSION OF AUTHORITIES FOR NATIONAL GUARD AND**
12 **RESERVE COMPONENTS.**

13 (a) DEFINITION OF ACTIVE GUARD AND RESERVE.—Section 101(b) of title 10, United
14 States Code, is amended by adding at the end the following new paragraph (16):

15 "(16) The term 'Active Guard and Reserve' means a member of a reserve
16 component of the armed forces on active duty pursuant to section 12301(d) of this title, or
17 a member of the Army National Guard or Air National Guard on full-time National
18 Guard duty pursuant to section 502(f) of title 32, performing Active Guard and Reserve
19 duty."

20 (b) AUTHORITY FOR ACTIVE GUARD AND RESERVE DUTIES TO INCLUDE SUPPORT OF
21 OPERATIONAL MISSIONS ASSIGNED TO THE RESERVE COMPONENT AND THE INSTRUCTION AND
22 TRAINING OF ACTIVE DUTY PERSONNEL.—Section 12310 of such title is amended—

1 (1) by striking subsections (a) and (b); and

2 (2) by inserting the following new subsections (a) and (b):

3 "(a) AUTHORITY.—The Secretary concerned may order a member of the reserve
4 components to active duty pursuant to section 12301(d) of this title to perform Active Guard and
5 Reserve duty.

6 "(b) GRADE WHEN ORDERED TO ACTIVE DUTY.—A Reserve ordered to active duty under
7 subsection (a) shall be ordered in his reserve grade. While so serving, he continues to be eligible
8 for promotion as a Reserve, if he is otherwise qualified.";

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

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

12 "(c) DUTIES.—A Reserve on active duty under subsection (a) may perform the following
13 duties in addition to, and not in lieu of, his primary Active Guard and Reserve duties:

14 "(1) Supporting operations or missions assigned in whole or in part to the reserve
15 components.

16 "(2) Supporting operations or missions performed or to be performed by—

17 "(A) a unit composed of elements from more than one component of the
18 same armed force; or

19 "(B) a joint forces unit that includes—

20 "(i) one or more reserve component units; or

21 "(ii) a member of a reserve component whose reserve component
22 assignment is in a position in an element of the joint forces unit.

1 "(3) Advising the Secretary of Defense, the Secretaries of the military
2 departments, the Joint Chiefs of Staff, and the commanders of the unified combatant
3 command regarding reserve component matters.

4 "(4) Instructing or training active duty military, foreign military (under the same
5 authorities and restrictions applicable to active duty troops), Department of Defense
6 contractor personnel or Department of Defense civilian employees."

7 (c) DUTIES OF MILITARY TECHNICIANS.—Section 10216(a) of such title is amended—

8 (1) in paragraph (1)(C), by striking "administration and" and inserting
9 "organizing, administering, instructing, or"; and

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

11 "(3) A military technician (dual status) who is employed under section 3101 of
12 title 5 may perform the following duties in addition to, and not in lieu of, those primary
13 duties described in paragraph (1):

14 "(A) Supporting operations or missions assigned in whole or in part to the
15 technician's unit;

16 "(B) Supporting operations or missions performed or to be performed
17 by—

18 "(i) a unit composed of elements from more than one component of
19 the technician's armed force; or

20 "(ii) a joint forces unit that includes—

21 "(I) one or more units of the technician's component; or

1 "(II) a member of the technician's component whose
2 reserve component assignment is in a position in an element of the
3 joint forces unit.

4 "(C) Instructing or training active duty military, foreign military (under the
5 same authorities and restrictions applicable to active duty troops), Department of
6 Defense contractor personnel or Department of Defense civilian employees."

7 (d) DEFINITION OF 'ACTIVE GUARD AND RESERVE' AND 'ACTIVE GUARD AND RESERVE
8 DUTY'.—Section 101 of title 32, United States Code, is amended by adding at the end the
9 following new paragraphs:

10 "(20) The term 'Active Guard and Reserve' means a member of the Army
11 National Guard or Air National Guard on full-time National guard duty pursuant to
12 section 502(f) of this title, performing Active Guard and Reserve duty.

13 "(21)(A) The term 'Active Guard and Reserve duty' means active duty or full-time
14 National Guard duty performed by a member of a reserve component of the Army, Navy,
15 Air Force, or Marine Corps, or full-time National Guard duty performed by a member of
16 the National Guard, pursuant to an order to active duty or full-time National Guard duty
17 for a period of 180 consecutive days or more for the purpose of organizing,
18 administering, recruiting, instructing, or training the reserve components.

19 "(B) Such term does not include the following:

20 "(i) Duty performed as a member of the Reserve Forces Policy Board
21 provided for under section 10301 of title 10.

1 "(ii) Duty performed as a property and fiscal officer under section 708 of
2 this title.

3 "(iii) Duty performed for the purpose of interdiction and counter-drug
4 activities for which funds have been provided under section 112 of this title.

5 "(iv) Duty performed as a general or flag officer.

6 "(v) Service as a State director of the Selective Service System under
7 section 10(b)(2) of the Military Selective Service Act (50 App. U.S.C.
8 460(b)(2))."

9 (e) AUTHORITY TO ORDER MEMBERS TO ACTIVE GUARD AND RESERVE DUTY.—(1)

10 Chapter 3 of such title is amended by adding at the end the following new section:

11 **"§ 328. Active guard and reserve duty**

12 "(a) AUTHORITY.—The Governor of his State or Territory or Puerto Rico, or the
13 commanding general of the District of Columbia National Guard, as the case may be, with the
14 consent of the Secretary concerned, may order a member of the National Guard to perform
15 Active Guard and Reserve duty pursuant to section 502(f) of this title.

16 "(b) DUTIES.—A member of the National Guard performing duty under subsection (a)
17 may perform the following duties in addition to, and not in lieu of, his primary Active Guard and
18 Reserve duties:

19 "(1) Support of operations or missions undertaken by the member's unit at the
20 request of the President or the Secretary of Defense.

21 "(2) Support of Federal training operations or Federal training missions assigned
22 in whole or in part to the member's unit.

1 "(3) Instructing or training active duty military, foreign military (under the same
2 authorities and restrictions applicable to active duty troops), Department of Defense
3 contractor personnel or Department of Defense civilian employees."; and

4 (2) The table of sections at the beginning of such chapter is amended by adding at the end
5 the following new item:

6 "328. Active guard and reserve duty."

7 (f) AUTHORITY FOR NATIONAL GUARD DUTIES TO INCLUDE SUPPORT OF CERTAIN
8 OPERATIONS AND MISSIONS.—Section 502(f) of such title is amended by striking "subsection
9 (a)." and inserting "subsection (a), which may include:

10 "(A) support of operations or missions undertaken by the members' unit at the
11 request of the President or Secretary of Defense; and

12 "(B) support of Federal training operations or Federal training missions assigned
13 in whole or in part to the National Guard."

14 (g) EXPANSION OF DUTIES OF TECHNICIANS.—Section 709(a) of such title is amended—

15 (1) in paragraph (1)—

16 (A) by striking "administration and" and inserting "organizing,
17 administering, instructing, or"; and

18 (B) by striking "and" at the end of such paragraph;

19 (2) by striking the period at the end of paragraph (2) and inserting "; and"; and

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

21 "(3) the performance of the following duties in addition to, and not in lieu of,
22 those duties described by paragraphs (1) and (2):

1 "(A) Support of operations or missions undertaken by the technician's unit
2 at the request of the President or the Secretary of Defense.

3 "(B) Support of Federal training operations or Federal training missions
4 assigned in whole or in part to the technician's unit.

5 "(C) Instructing or training active duty military, foreign military (under the
6 same authorities and restrictions applicable to active duty troops), Department of
7 Defense contractor personnel or Department of Defense civilian employees."

8 (h) NATIONAL GUARD OFFICERS AUTHORITY TO COMMAND.—Section 325 of such title is
9 amended—

10 (1) in subsection (a)(2), by striking "in command of a National Guard unit";

11 (2) by redesignating subsection (b) as subsection (c); and

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

13 "(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and Governor of the State
14 or Territory or Puerto Rico, or the commanding general of the District of Columbia National
15 Guard, as the case may be, respectively, may give the authorization and consent required by
16 subsection (a)(2), in advance, for the purpose of establishing the succession of command of a
17 unit."; and

18 (4) by adding at the end the following new subsection:

19 "(d) NATIONAL GUARD DUTIES.—An officer who is not relieved from duty in the
20 National Guard while serving on active duty pursuant to subsection (a)(2) may perform any duty
21 authorized to be performed by the laws of his State or Territory, Puerto Rico, or the District of

1 Columbia, as the case may be, to be performed by the National Guard without regard to the
2 limitations imposed by section 1385 of title 18."

3 **SEC. 513. AMENDMENTS TO PRESIDENTIAL RESERVE CALL-UP AUTHORITY.**

4 Section 12304 of title 10, United States Code, is amended—

5 (1) in subsection (a), by striking "270" and inserting "365";

6 (2) in subsection (b)—

7 (A) by striking "or" at the end of paragraph (1);

8 (B) by striking the period at the end of paragraph (2) and inserting "; or";

9 and

10 (C) by adding at the end the following new paragraph:

11 "(3) a serious natural or manmade disaster, accident, or catastrophe.";

12 (3) in subsection (c)(1)—

13 (A) by striking "or," and inserting a comma; and

14 (B) by striking ", to" and all that follows through the end and inserting a
15 period;

16 (4) by redesignating subsection (i) as subsection (j); and

17 (5) by inserting after subsection (h) the following new subsection (i):

18 "(i) FAIR TREATMENT.—(1) In determining which members in the Selected Reserve and
19 Individual Ready Reserve will be recalled to duty without their consent, appropriate
20 consideration shall be given to—

21 "(A) the length and nature of previous service, to assure such sharing of exposure
22 to hazards as the national security and military requirements will reasonably allow;

1 **SEC. 522. UNITED STATES MILITARY ACADEMY EXCHANGE PROGRAM WITH**
2 **FOREIGN MILITARY ACADEMIES.**

3 Section 4345 of title 10, United State Code, is amended—

4 (1) in subsection (b), by striking "24" and inserting "100"; and

5 (2) in subsection (c)(3), by striking "for the Academy" and all that follows
6 through the period at the end of the second sentence and inserting "for the Academy and
7 additional funds provided to the Academy by the Department of Defense to support
8 cultural immersion, regional awareness, or foreign language training initiatives.

9 Expenditures from funds appropriated for the Academy in support of the exchange
10 program may not exceed \$1,000,000 during any fiscal year."

11 **SEC. 523. AUTHORITY TO PERMIT MEMBERS WHO PARTICIPATE IN THE**
12 **GUARANTEED RESERVE FORCES DUTY SCHOLARSHIP PROGRAM**
13 **TO PARTICIPATE IN THE HEALTH PROFESSIONS SCHOLARSHIP**
14 **PROGRAM AND SERVE ON ACTIVE DUTY.**

15 Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended—

16 (1) by striking "the Secretary may" and inserting "or a cadet or former cadet under
17 this section who signs an agreement under section 2122 of this title, the Secretary may";

18 (2) by striking "consent of the cadet concerned" and inserting "consent of the
19 cadet, or former cadet, concerned"; and

20 (3) by striking "submitted by the cadet" and inserting "submitted by the cadet, or
21 former cadet,".

22 **SEC. 524. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION**

1 **ELIGIBILITY EXPANSION.**

2 Section 2031 of title 10, United States Code, is amended—

3 (1) in subsection (d)(1), by inserting "who are drawing retired or retainer pay,"
4 after "Fleet Marine Corps Reserve,"; and

5 (2) by adding at the end the following new subsection (e):

6 "(e) Instead of, or in addition to, the detailing of active duty officers and non-
7 commissioned officers under subsection (c)(1), and the employment of retired officers and non-
8 commissioned officers and members of the Fleet Reserve or Fleet Marine Corps Reserve under
9 subsection (d), the Secretary of the military department concerned may authorize qualified
10 institutions to employ as administrators and instructors in the program, retired officers and non-
11 commissioned officers who qualify for retired pay for non-regular service under the provisions
12 of section 12731 (except those who qualify for age as defined in section 12731(a)(1)), whose
13 qualifications are approved by the Secretary and the institution concerned and who request such
14 employment, subject to the following:

15 "(1) The compensation package for officers and non-commissioned officers
16 employed under this subsection shall not be coupled with either active duty pay or retired
17 pay, but instead shall be at a rate contracted individually and determined by the Secretary
18 of the military department concerned. The Secretary may pay the institution an amount
19 the Secretary determined to be appropriate, but the amount may not be more than the
20 amount that would be paid on behalf of an equivalent retiree or member of the Fleet
21 Reserve or Fleet Marine Corps Reserve under the provisions of subsection (d)(1). The
22 Secretary may continue to pay individuals employed under this subsection pre-

1 determined compensation packages, even after they reach the age of 60. Payments by the
2 Secretary concerned under this paragraph shall be made from funds appropriated for that
3 purpose.

4 "(2) Notwithstanding any other provision of law, such a retired member is not,
5 while so employed, considered to be on active duty or inactive duty training for any
6 purpose."

7 **SEC. 525. FREQUENCY OF ADMINISTRATION OF SERVICE ACADEMY SEXUAL**
8 **ASSAULT SURVEY AND OF SUBMISSION OF ACADEMIC PROGRAM**
9 **YEAR REPORTS.**

10 (a) IN GENERAL.—(1) Subsection (b) of section 527 of the National Defense
11 Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1469) is amended—

12 (A) in paragraph (1)—

13 (i) by striking "an assessment during each academy program year" and
14 inserting "a Department of Defense-administered assessment during each
15 academy program year designated in this subsection"; and

16 (ii) by striking "conduct" and inserting "host"; and

17 (B) in paragraph (2)—

18 (i) by striking "2007, and 2008" and inserting "2008 and 2010"; and

19 (ii) by striking "conduct" and inserting "host".

20 (2) Subsection (c) of such section is amended—

21 (A) by striking "annual" each place it appears;

1 (B) in paragraph (1), by striking "2007, and 2008" and inserting "2008 and 2010";
2 and

3 (C) in paragraph (2)(D), by inserting "designated" after "subsequent".

4 (b) CLERICAL AND CONFORMING AMENDMENTS.—(1) Such section is further amended—

5 (A) by striking "sexual harassment and violence" each place it appears and
6 inserting "sexual harassment and sexual violence";

7 (B) by striking "academy personnel" each place it appears and inserting "cadets
8 and/or midshipmen";

9 (C) by inserting "**SEXUAL**" after "**HARASSMENT**" in the heading for such
10 section;

11 (D) by inserting "SEXUAL" after "HARASSMENT" in the heading for subsection (a);

12 (E) by striking "ANNUAL" and inserting "ACADEMY PROGRAM YEAR" in the
13 heading for subsection (b); and

14 (F) by striking "ANNUAL" and inserting "ACADEMY PROGRAM YEAR" in the
15 heading for subsection (c).

16 (2) The item relating to such section in the table of contents in section 2(b) of such Act is
17 amended to read as follows:

18 "Sec. 527. Actions to address sexual harassment and sexual violence at the service academies."

19 **SEC. 526. AUTHORITY TO ENROLL DEPENDENTS OF FOREIGN MILITARY AND**
20 **CIVILIAN MEMBERS ASSIGNED TO THE SUPREME**
21 **HEADQUARTERS ALLIED POWERS EUROPE.**

22 Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926), is
23 amended by adding at the end the following new subsection:

"8153. Enforcement authority.

"8154. Integration with other authorities.

1 **"§ 8150. Air Force Office of Special Investigations**

2 "(a) ESTABLISHMENT.—Subject to section 8011 of this title, there shall be an Air Force
3 Office of Special Investigations within the Department of the Air Force, organized in such
4 manner as the Secretary of the Air Force shall direct.

5 "(b) INVESTIGATIVE AUTHORITY.—The Air Force Office of Special Investigations shall,
6 under regulations prescribed by the Secretary of the Air Force, initiate and conduct criminal
7 investigations into matters involving the Department of the Air Force. The Air Force Office of
8 Special Investigations, subject to the provisions of this title and as otherwise allowed by law,
9 may perform such other functions of, or assigned to, the Department of the Air Force as the
10 Secretary directs.

11 **"§ 8151. Credentials and badges**

12 "The Commander of the Air Force Office of Special Investigations shall provide for the
13 issuance and revocation, including retrieval, of such credentials and badges to its personnel as
14 are necessary to provide for effective identification of its personnel.

15 **"§ 8152. Air Force law enforcement officers**

16 "(a) DESIGNATION OF SPECIAL AGENTS.—Special agents of the Air Force Office of
17 Special Investigations are law enforcement officers for purposes of this chapter.

18 "(b) DESIGNATION OF ADDITIONAL PERSONNEL.—The Secretary of the Air Force may
19 designate such additional personnel of the Air Force, whether military or civilian, as law
20 enforcement officers for purposes of this chapter, when such personnel are primarily engaged in
21 law enforcement functions. Except as provided in section 8154 of this title, the powers granted

1 by paragraphs (2) and (3) of section 8153(a) of this title shall only be exercised by such
2 additional designated personnel when the Secretary of Defense and the Attorney General
3 approve the application to them of the guidelines provided for in section 8153(c)(2) of this title.

4 **"§ 8153. Enforcement authority**

5 "(a) OFFICER AUTHORITY.—Any person who is a law enforcement officer in accordance
6 with section 8152 of this title, without regard to whether the officer is a civilian or a military
7 member, may—

8 "(1) carry firearms;

9 "(2) execute and serve any warrant or other processes issued under the authority
10 of the United States; and

11 "(3) make arrests without warrant for—

12 "(A) any offense against the United States committed in the presence of
13 such officer; or

14 "(B) any felony offense against the United States if such officer has
15 probable cause to believe that the person to be arrested has committed or is
16 committing that felony offense.

17 "(b) DISPOSITION OF PERSONS ARRESTED.—Any person not subject to chapter 47 of this
18 title (the Uniform Code of Military Justice) who is arrested pursuant to authority exercised under
19 subsection (a) shall, as soon as is reasonably practicable, be turned over to the appropriate
20 civilian Federal, state, or local authorities for custody and prosecution.

21 "(c) LIMITATIONS.—The powers granted by paragraphs (2) and (3) of subsection (a) shall
22 be exercised only—

1 designation of the Medal of Honor Flag by the Secretary of Defense under section 903 of title 36.
2 For purposes of this section, the term 'primary next of kin' means, in descending order, the
3 surviving spouse, son or daughter, parents (mother, father, stepmother, stepfather, mother
4 through adoption, father through adoption, and foster parents who stood in loco parentis),
5 brother, sister, half brother and half sister of the deceased veteran as determined by applicable
6 state law."

7 (b) NAVY.—Section 6257 of such title is amended by striking "after October 23, 2002"
8 and all that follows and inserting "or, if deceased, to the surviving primary next of kin. Such
9 presentation shall be made as expeditiously as possible after the date of the designation of the
10 Medal of Honor Flag by the Secretary of Defense under section 903 of title 36. For purposes of
11 this section, the term 'primary next of kin' means, in descending order, the surviving spouse, son
12 or daughter, parents (mother, father, stepmother, stepfather, mother through adoption, father
13 through adoption, and foster parents who stood in loco parentis), brother, sister, half brother and
14 half sister of the deceased veteran as determined by applicable state law."

15 (c) AIR FORCE.—Section 8755 of such title is amended by striking "after October 23,
16 2002" and all that follows and inserting "or, if deceased, to the surviving primary next of kin.
17 Such presentation shall be made as expeditiously as possible after the date of the designation of
18 the Medal of Honor Flag by the Secretary of Defense under section 903 of title 36. For purposes
19 of this section, the term 'primary next of kin' means, in descending order, the surviving spouse,
20 son or daughter, parents (mother, father, stepmother, stepfather, mother through adoption, father
21 through adoption, and foster parents who stood in loco parentis), brother, sister, half brother and
22 half sister of the deceased veteran as determined by applicable state law."

1 (d) COAST GUARD.—Section 505 of title 14, United States Code, is amended by striking
2 "after October 23, 2002" and all that follows and inserting "or, if deceased, to the surviving
3 primary next of kin. Such presentation shall be made as expeditiously as possible after the date
4 of the designation of the Medal of Honor Flag by the Secretary of Defense under section 903 of
5 title 36. For purposes of this section, the term 'primary next of kin' means, in descending order,
6 the surviving spouse, son or daughter, parents (mother, father, stepmother, stepfather, mother
7 through adoption, father through adoption, and foster parents who stood in loco parentis),
8 brother, sister, half brother and half sister of the deceased veteran as determined by applicable
9 state law."

10 **Subtitle F—Other Matters**

11 **SEC. 551. ENLISTMENT OATH: WHO MAY ADMINISTER.**

12 (a) ENLISTMENT OATH: WHO MAY ADMINISTER.—Section 502 of title 10, United States
13 Code, is amended by striking "This oath may be taken before any commissioned officer of any
14 armed force." and inserting "This oath may be taken before the President of the United States of
15 America, Vice-President, Secretary of Defense, any commissioned officer or other person
16 designated under regulations prescribed by the Secretary of Defense."

17 (b) ADMINISTRATION OF OATH.—Section 1031 of such title is amended by striking "Any
18 commissioned officer of any component of an armed force, whether or not on active duty, may
19 administer any oath" and inserting "The President of the United States of America, Vice-
20 President, Secretary of Defense, any commissioned officer, or other person designated under
21 regulations prescribed by the Secretary of Defense, may administer any oath".

22 **SEC. 552. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN**

1 **INTELLIGENCE COMMUNITY POSITIONS.**

2 Section 528 of title 10, United States Code, is amended by adding at the end the
3 following new subsections:

4 "(e) **MILITARY STATUS.**—Officers of the armed forces, while serving in positions covered
5 by this section—

6 " (1) shall not be subject to supervision or control by the Secretary of Defense or
7 by any officer or employee of the Department of Defense, except as directed by the
8 Secretary of Defense or his designee concerning reassignment from such position; and

9 " (2) shall not exercise, by reason of the officer's status as an officer, any
10 supervision or control with respect to any of the military or civilian personnel of the
11 Department of Defense except as otherwise authorized by law.

12 "(f) **EFFECT OF APPOINTMENT.**—Except as provided in subsection (e), the appointment of
13 an officer of the armed forces to a position covered by this section shall not affect the status,
14 position, rank, or grade of such officer in the armed forces, or any emolument, perquisite, right,
15 privilege, or benefit incident to or arising out of such status, position, rank, or grade.

16 "(g) **MILITARY PAY AND ALLOWANCES.**—An officer of the armed forces on active duty
17 who is appointed to a position covered by this section shall, while serving in such position and
18 while remaining on active duty, continue to receive military pay and allowances and shall not
19 receive the pay prescribed for such position. Funds from which such pay and allowances are
20 paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency
21 (for positions within the Central Intelligence Agency), or from funds available to the Director of
22 National Intelligence (for positions within the Office of the Director of National Intelligence).".

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

2 **Subtitle A—Pay and Allowances**

3 **SEC. 601. INCREASE IN GENERAL AND FLAG OFFICE PAY CAP.**

4 Section 203(a)(2) of title 37, United States Code, is amended by striking "level III" and
5 inserting "level II".

6 **Subtitle B—Bonuses and Special and Incentive Pays**

7 **SEC. 611. SPECIAL PAY FOR SELECTED RESERVE HEALTH CARE**

8 **PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**

9 Subsection (a) of section 302g of title 37, United States Code, is amended by striking
10 "\$10,000" and inserting "\$25,000".

11 **SEC. 612. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-**
12 **QUALIFIED OFFICERS.**

13 Section 312b(a)(1) of title 37, United States Code, is amended by striking "\$20,000" and
14 inserting "\$30,000".

15 **SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT**
16 **OF OTHER BONUSES AND SPECIAL PAYS.**

17 (a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States
18 Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

19 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking
20 "December 31, 2007" and inserting "December 31, 2008".

21 (c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is
22 amended by striking "December 31, 2006" and inserting "December 31, 2007".

1 (d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December
2 31, 2006" and inserting "December 31, 2007".

3 (e) RETENTION BONUS FOR MEMBERS QUALIFIED IN A CRITICAL MILITARY SKILL.—
4 Section 323(i) of such title is amended by striking "December 31, 2006" and inserting
5 "December 31, 2007".

6 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such
7 title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

8 (f) CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
9 SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2006" and
10 inserting "December 31, 2007".

11 **SEC. 614. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES**
12 **FOR NUCLEAR OFFICERS.**

13 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE
14 SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31,
15 2006" and inserting "December 31, 2007".

16 (b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by
17 striking "December 31, 2006" and inserting "December 31, 2007".

18 (c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is
19 amended by striking "December 31, 2006" and inserting "December 31, 2007".

20 **SEC. 615. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY**
21 **AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

1 (a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10,
2 United States Code, is amended by striking "December 31, 2006" and inserting "December 31,
3 2007".

4 (b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United
5 States Code, is amended by striking "December 31, 2006" and inserting "December 31, 2007".

6 (c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title
7 is amended by striking "December 31, 2006" and inserting "December 31, 2007".

8 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is
9 amended by striking "December 31, 2006" and inserting "December 31, 2007".

10 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is
11 amended by striking "December 31, 2006" and inserting "December 31, 2007".

12 **SEC. 616. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAYS FOR**
13 **RESERVE FORCES.**

14 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME
15 SPECIALTIES.—Section 302g(e) of title 37, United States Code, is amended by striking
16 "December 31, 2006" and inserting "December 31, 2007".

17 (b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of such title is
18 amended by striking "December 31, 2006" and inserting "December 31, 2007".

19 (c) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such
20 title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

1 (d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY
2 UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2006" and inserting
3 "December 31, 2007".

4 (e) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308g(f) of such
5 title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

6 (f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(e) of such
7 title is amended by striking "December 31, 2006" and inserting "December 31, 2007".

8 (g) PRIOR SERVICE REENLISTMENT BONUS.—Section 308i(f) of such title is amended by
9 striking "December 31, 2006" and inserting "December 31, 2007".

10 (h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO
11 SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is
12 amended by striking "January 1, 2007" and inserting "January 1, 2008".

13 **Subtitle C—Retired Pay and Survivor Benefits**

14 **SEC. 621. EXTENSION OF TEMPORARY CONTINUATION OF HOUSING**

15 **ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE** 16 **DUTY TO SPOUSES WHO ARE MEMBERS OF THE UNIFORMED** 17 **SERVICES.**

18 (a) IN GENERAL.—Section 403(l) of title 37, United States Code, is amended by adding at
19 the end the following new paragraph:

20 "(4) Notwithstanding any other provision of law, this subsection shall apply to a
21 member of a uniformed service who is the spouse of the deceased member. An

1 allowance paid under this subsection is in addition to any other pay and allowances to
2 which the member is entitled."

3 (b) EFFECTIVE DATE.—The amendments made by this section shall take effect on
4 October 1, 2006.

5 **SEC. 622. PROHIBIT COURT-ORDERED PAYMENTS BEFORE RETIREMENT**

6 **BASED ON IMPUTATION OF RETIRED PAY.**

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

8 (1) by inserting "(A)" after "(3)"; and

9 (2) by adding at the end the following new subparagraph:

10 "(B) A court may not order a member to make payments based upon an
11 imputation of a property interest in future retired pay of any kind to a spouse or former
12 spouse before the date of the member's actual retirement."

13 (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to final court
14 orders or court orders seeking enforcement of prior final decrees issued on or after the date of the
15 enactment of this Act.

16 **SEC. 623. REDUCTION IN DEPARTMENT OF DEFENSE ACCRUAL**

17 **CONTRIBUTIONS INTO THE MILITARY RETIREMENT FUND AND**
18 **GOVERNMENT CONTRIBUTIONS INTO THE MEDICARE-ELIGIBLE**
19 **RETIREE HEALTH CARE FUND.**

20 (a) RETIREMENT FUND.—(1) Section 1465 of title 10, United States Code, is amended—

21 (A) in subsection (b)(1)—

22 (i) by amending subparagraph (A)(ii) to read as follows:

1 "(ii) the total amount of basic pay expected to be paid during that fiscal
2 year for active duty in the armed forces (other than the Coast Guard) and for full-
3 time National Guard duty (other than full-time National Guard duty for training
4 only), but excluding any duty that would be excluded for active-duty end strength
5 purposes by section 115(i) of this title."; and

6 (ii) in subparagraph (B)(ii)—

7 (I) by striking "Ready" and inserting "Selected"; and

8 (II) by striking "and other than members on full-time National
9 Guard duty other than for training) who are" and inserting ") for service";

10 and

11 (B) in subsection (c)(1)—

12 (i) by amending subparagraph (A) to read as follows:

13 "(A) a determination (using the aggregate entry-age normal cost method)
14 of a single level percentage of basic pay for active duty in the armed forces (other
15 than the Coast Guard) and for full-time National Guard duty (other than full-time
16 National Guard duty for training only), but excluding any duty that would be
17 excluded for active-duty end strength purposes by subsection 115(i) of this title,
18 to be determined without regard to section 1413a or 1414 of this title; and"; and

19 (ii) in subparagraph (B)—

20 (I) by striking "Ready" and inserting "Selected"; and

21 (II) by striking "and other than members on full-time National
22 Guard duty other than for training) who are" and inserting ") for service".

1 (2) Section 1466(a) of such title is amended—

2 (A) by amending paragraph (1)(B) to read as follows:

3 "(B) the total amount of basic pay accrued for that month for active duty in the
4 armed forces (other than the Coast Guard) and for full-time National Guard duty (other
5 than full-time National Guard duty for training only), but excluding any duty that would
6 be excluded for active-duty end strength purposes by section 115(i) of this title."; and

7 (B) in paragraph (2)(B)—

8 (i) by striking "Ready" and inserting "Selected"; and

9 (ii) by striking "and other than members on full-time National Guard duty
10 other than for training) who are" and inserting ") for service".

11 (b) MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND.—(1) Section 1111(b) of such title
12 is amended by adding at the end the following new paragraph:

13 "(5) The term 'members of the uniformed services on active duty' does not include a cadet
14 at the United States Military Academy, the United States Air Force Academy, or the Coast
15 Guard Academy; or a midshipman at the United States Naval Academy."

16 (2) Section 1115 of such title is amended—

17 (A) in subsection (b)—

18 (i) in paragraph (1)(B), by inserting before the period at the end the
19 following: ", but excluding any members who would be excluded for active-duty
20 end strength purposes by section 115(i) of this title"; and

21 (ii) in paragraph (2)(B)—

22 (I) by striking "Ready" and inserting "Selected"; and

1 (II) by striking "other than members on full-time National Guard
2 duty other than for training"; and
3 (B) in subsection (c)(1)—
4 (i) in subparagraph (A), by inserting before the semicolon the following: ",
5 but excluding any members who would be excluded for active-duty end strength
6 purposes by section 115(i) of this title"; and
7 (ii) in subparagraph (B)—
8 (I) by striking "Ready" and inserting "Selected"; and
9 (II) by striking "(other than members on full-time National Guard
10 duty other than for training)".

11 **Subtitle D—Other Matters**

12 **SEC. 631. ACCRUAL OF ANNUAL LEAVE FOR MEMBERS OF THE UNIFORMED** 13 **SERVICES PERFORMING DUAL EMPLOYMENT.**

14 Section 5534a of title 5, United States Code, is amended by adding at the end the
15 following new sentence: "Such a member also is entitled to accrue annual leave with pay in the
16 manner specified in section 6303(a) of this title for a retired member of the uniformed service."

17 **SEC. 632. TECHNICAL MODIFICATION TO THE DEPARTMENT OF DEFENSE'S** 18 **COMPUTER/ELECTRONIC ACCOMMODATIONS PROGRAM TO** 19 **ALLOW COMBAT WOUNDED SERVICE MEMBERS.**

20 Section 1582(a)(1) of title 10, United States Code, is amended by adding at the end of the
21 following new sentence: "The Secretary of Defense may allow members of the armed forces who
22 have sustained severe or debilitating illnesses or injuries while serving in support of a

1 contingency operation to retain any assistive technology, devices, or services provided to the
2 member prior to their separation of military service upon their separation."

3 **SEC. 633. PERMANENT AUTHORITY FOR PRESENTATION OF RECOGNITION**
4 **ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.**

5 Section 2261 of title 10, United States Code, is amended by striking subsection (d).

6 **TITLE VII—HEALTH CARE PROVISIONS**

7 **Subtitle A—TRICARE Program Improvements**

8 **SEC. 701. TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING**
9 **SEXUAL ASSAULTS AND DOMESTIC VIOLENCE.**

10 Section 1079(a) of title 10, United States Code, is amended by adding at the end the
11 following new paragraph:

12 "(18) Forensic examinations following a sexual assault and domestic violence
13 may be provided."

14 **SEC. 702. INCREASING TRICARE PROGRAM COST SHARING AMOUNTS.**

15 (a) **AUTHORITY.**—Section 1086(b) of title 10, United States Code, is amended by adding
16 at the end the following new paragraph:

17 "(5)(A) Notwithstanding paragraphs (1) through (4), and subject to subparagraph (B), the
18 Secretary of Defense shall prescribe regulations to revise the requirements for payments by
19 beneficiaries under this subsection, other than Medicare-eligible beneficiaries, in order to reflect
20 increases in health care costs. Such requirements, which may include a revised deductible
21 amount and an enrollment fee, need not be uniform for all such beneficiaries. Any such

1 enrollment fee may be a condition of eligibility for health care benefits under chapter 55 of this
2 title.

3 "(B) The revisions required by subparagraph (A) may not result in average annual per
4 person out-of-pocket costs in excess of the average annual per person out-of-pocket costs
5 applicable in fiscal year 1996, indexed to fiscal year 2007 and future fiscal years based on the
6 annual rate of change (increase or decrease) in the average premiums under the Federal
7 Employee Health Benefits Program under chapter 89 of title 5.

8 "(C) In this paragraph:

9 "(i) The term 'Medicare-eligible beneficiary' means a person described in
10 subsection (d).

11 "(ii) The term 'out-of-pocket costs' means the portion of the total health care costs
12 (including deductible amounts, enrollment fees, and other cost sharing) of a beneficiary
13 reliant on the civilian sector component of the TRICARE Program that are not covered
14 by such program."

15 (b) TIME FOR PROMULGATION OF REGULATIONS.—The Secretary shall prescribe the
16 regulations required under paragraph (5) of section 1086(b) of title 10, United States Code (as
17 added by subsection (a)), not later than 90 days after the date of enactment of this Act.

18 (c) LIMITATION.—Notwithstanding any other provision of this Act, no authority to make
19 payments or collect any new deductible or enrollment fee under this Act shall be effective except
20 to such extent and in such amounts as are provided in advance in appropriation Acts.

21 **Subtitle B—Other Matters**

22 **SEC. 711. RESTRUCTURING THE DENTAL DIVISION OF THE BUREAU OF**

1 **MEDICINE AND SURGERY.**

2 (a) IN GENERAL.—Section 5138 of title 10, United States Code, is amended—

3 (1) in subsection (a)—

4 (A) by striking the first sentence; and

5 (B) by striking "Division" and inserting "Corps" in the second sentence;

6 (2) in subsection (b), by striking "Division" and inserting "Corps";

7 (3) in subsection (c), by striking ", that all such" and all that follows and inserting
8 a period; and

9 (4) by amending subsection (d) to read as follows:

10 "(d) The Chief of the Dental Corps shall serve as the advisor to the Surgeon
11 General/Chief, Bureau of Medicine and Surgery, on all matters relating directly to
12 dentistry, including professional standards and policies for dental practice."

13 (b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as
14 follows:

15 "**§ 5138. Bureau of Medicine and Surgery: Dental Corps; Chief**".

16 (2) The table of sections at the beginning of chapter 513 of such title is amended by
17 striking the item relating to section 5138 and inserting the following:

18 "5138. Bureau of Medicine and Surgery: Dental Corps; Chief."

19 **SEC. 712. ESTABLISHMENT OF A HEALTH SAVINGS ACCOUNT CHOICE PILOT**
20 **PROGRAM FOR DEPARTMENT OF DEFENSE RETIREES AND THEIR**
21 **FAMILIES NOT ELIGIBLE FOR MEDICARE.**

22 (a) IN GENERAL.—The Secretary of Defense may establish a pilot program to offer a
23 certain number of non-Medicare eligible military retirees and family members an option to enroll

1 in a High Deductible Health Plan (HDHP) in order to establish a Health Savings Account (HSA)
2 under section 223 of the Internal Revenue Code of 1986 (section 223 of title 26, United States
3 Code) in lieu of TRICARE coverage or care through the Military Health System.

4 Notwithstanding any other requirements outlined by the Department of Defense for determining
5 eligibility in the pilot program, a retiree must have "medically used" the system between October
6 1, 2003 and September 30, 2005 to be eligible. All HSA covered members, retirees and covered
7 family members must not participate in any other health care plan to participate in the pilot
8 program.

9 (b) PLAN ELECTIONS.—Notwithstanding section 8914 of title 5, United States Code, the
10 plan participants defined pursuant to subsection (a) shall be eligible to elect any of the High
11 Deductible Health Plan options offered to civilian employees under the Federal Employees
12 Health Benefits (FEHB) Program under the same cost share and plan stipulations as those
13 applicable to civilian employees.

14 (c) CONTRIBUTIONS.—(1) The Secretary of Defense shall be required to pay into the
15 Federal Employees Health Benefits Fund, under arrangements satisfactory to the Office of
16 Personnel Management ("Office"), an amount equal to the sum of:

17 (A) the agency contributions which would be required in the case of an employee
18 enrolled in the same High Deductible Health Plan and level of benefits; and

19 (B) an amount, determined under regulations, necessary for administrative
20 expenses.

21 (2) Plan participants as defined pursuant to subsection (a) shall be required to pay into the
22 Federal Employees Health Benefits Fund, under arrangements satisfactory to the Office, an

1 amount equal to the employee contributions which would be required in the case of an employee
2 enrolled in the same health benefits plan and levels of benefits.

3 (3) The Department of Defense shall reimburse the Office of Personnel Management for
4 costs incurred in the administration of this pilot program.

5 (d) REGULATIONS.—The Secretary of Defense and the Director of Office of Personnel
6 Management shall jointly prescribe regulations to implement this section. Such regulation shall
7 clarify and establish terms and conditions for the pilot, including:

- 8 (1) enrollee participation in the pilot program;
- 9 (2) how the pilot program shall be monitored and reported upon termination;
- 10 (3) the process to ensure that other Defense medical coverage is suspended during
11 the enrollee's participation in the pilot program;
- 12 (4) procedures for premium contributions and administrative expenses to the
13 Federal Employees Health Benefit Fund; and
- 14 (5) the amount necessary for administrative expenses.

15 (e) PILOT PROGRAM PERIOD.—Eligible pilot program participants may begin to enroll for
16 this option during the first normal FEHB open season that begins no earlier than 6 months after
17 the date of enactment of this section. After three full FEHB calendar years, the option will not
18 be offered to any new participants, but current participants may remain in the program until the
19 pilot program is subsequently reauthorized, folded into a broader program, or terminated. If the
20 pilot program is not reauthorized, the pilot program will automatically terminate after five full
21 calendar years from enactment of this section.

1 (f) PARTICIPANTS LEAVING THE PILOT PROGRAM.—All terms and conditions as provided
2 in chapter 89 of title 5, United States Code, involving a change in health coverage for other
3 FEHB participants will apply to members of this pilot program, including when a member may
4 drop coverage. A participant who terminates participation in this plan voluntarily or non-
5 voluntarily may request reinstatement of the current Defense military health benefits the
6 participant would be eligible for at that time, but at no time will that participant be eligible to
7 return to this HSA pilot program under the FEHB Program.

8 (g) PROHIBITION AGAINST THE USE OF MILITARY TREATMENT FACILITIES AND
9 ENROLLMENT UNDER TRICARE.—Covered participants under this chapter who are provided
10 coverage under the pilot program shall not be eligible to receive care at a military treatment
11 facility or to enroll in a health care plan under the TRICARE program or utilize Department of
12 Defense pharmacy benefits during their participation in the pilot program.

13 (h) DEFINITIONS.—In this section:

14 (1) The terms "high deductible health plan" and "health savings account" have the
15 same meaning established under section 223 of the Internal Revenue Code of 1986
16 (section 223 of title 26, United States Code).

17 (2) The term "Federal Employee Health Benefits Program" has the same meaning
18 established under chapter 89 of title 5, United States Code.

19 (3) The term "medically used" means use, by a person eligible for the health care
20 benefit established under chapter 55 of title 10, United States Code, of at least two
21 outpatient visits for physician services (not including prescription drugs) or one inpatient
22 admission.

1 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
2 **AND RELATED MATTERS**

3 **Subtitle A—Acquisition Policy and Management**

4 **SEC. 801. EXPANDED USE OF RESERVE COMPONENT MEMBERS TO PERFORM**
5 **DEVELOPMENTAL AND OPERATIONAL TESTING AND NEW**
6 **EQUIPMENT TRAINING.**

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

11 (b) DEMONSTRATION PROGRAM.—(1) A demonstration program under this section shall
12 evaluate—

13 (A) cost savings and other benefits that may result from the use of members of the
14 reserve components to perform test, evaluation, and related activities for an acquisition
15 program, rather than the use of contractor personnel for such purposes; and

16 (B) the use of appropriations available for multi-year research, development,
17 testing and evaluation and procurement to reimburse reserve components for the pay,
18 allowances, and expenses incurred when such members perform duties to conduct
19 acquisition, logistics, and new equipment training activities in connection with the
20 demonstration program.

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

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

3 (d) MERGER OF TRANSFERRED FUNDS.—Funds transferred to an account under this
4 section shall be merged with other sums in the account and shall be available for the same period
5 and purposes as the sums with which merged.

6 (e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority under this
7 section is in addition to any other transfer authority.

8 (f) TERMINATION.—The demonstration program under this section shall terminate on
9 September 30, 2010.

10 **SEC. 802. MINIMUM ANNUAL PURCHASE FOR CIVIL RESERVE AIR FLEET**
11 **CONTRACTS.**

12 (a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at
13 the end the following new section:

14 **"§ 9515. Minimum annual purchase for Civil Reserve Air Fleet contracts**

15 "(a) IN GENERAL.—The Secretary of Defense is authorized to award to air carriers
16 participating in the Civil Reserve Air Fleet (CRAF) program annual airlift contracts with a
17 minimum purchase amount determined in accordance with this section.

18 "(b) MINIMUM ANNUAL CONTRACT AWARDS.—Such contract minimum purchase amount
19 shall be based on forecast needs but may not be for more than eighty percent of the annual
20 average expenditures of airlift for the prior 5-year period. Unusually high demand years, such as
21 during a conflict, will normally be omitted to obtain a more accurate forecast. Award amounts

1 shall be divided among the carriers or carrier teaming arrangements proportional to the
2 commitments to the CRAF program.

3 "(c) SUBSIDY.—Should any of the amounts set aside for the annual minimum airlift
4 purchase not be utilized to purchase actual transportation from the carriers to whom awarded,
5 such remainder will be transferred to the carrier prior to the first day of the following fiscal year.
6 Proportional adjustment shall be made for periods when services from the air carrier are
7 unavailable for usage by the Department of Defense, such as refused business, suspended
8 operations, or when the air carrier is placed in non-use status pursuant to section 2640 of this title
9 for safety issues. If purchases of transportation services exceed minimum contract amounts for
10 that carrier or teaming arrangement, no subsidy will be provided.

11 "(d) MERGER OF FUNDS.—Amounts available to the Services for transportation equal to
12 the proportional share of usage by each Service shall be transferred to the transportation working
13 capital fund to fund contract award. Each Service shall be entitled to obtain transportation of
14 equal value or transfer that entitlement to other Services or DOD units. Such transferred value
15 shall be merged with the appropriations of the receiving unit."

16 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
17 amended by adding at the following new item:

18 "9515. Minimum annual purchase for Civil Reserve Air Fleet contracts."

19 **SEC. 803. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND**
20 **TO COMBAT EMERGENCIES.**

21 Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003
22 (Public Law 107-314; 116 Stat. 2607; 10 U.S.C. 2302 note), as amended by section 811 of the

1 Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-
2 375), is further amended—

3 (1) in subsection (a), by inserting "or utilization of services" after "items";

4 (2) in subsection (b)—

5 (A) in paragraph (1)(B), by inserting "or services" after "items";

6 (B) in paragraph (2)—

7 (i) by inserting "or utilizing services" after "items";

8 (ii) in subparagraph (A), by inserting "or service" after "item";

9 (iii) in subparagraph (B), by inserting "or the utilization of a
10 service" after "item"; and

11 (iv) in subparagraph (C), by inserting "or utilization" after
12 "deployment";

13 (3) in subsection (c)—

14 (A) by inserting "or service" after "equipment" each place it appears;

15 (B) by striking "combat capability" each place it appears;

16 (C) by striking "casualties" and inserting "fatalities" each place it appears;

17 (D) in paragraph (1), by inserting "below the Under Secretary of Defense
18 (Acquisition, Technology and Logistics)" after "delegation"; and

19 (E) by amending paragraph (4) to read as follows:

20 "(4) The Secretary of Defense shall notify the congressional defense committees
21 within 15 days after the end of each quarter of the fiscal year with regard to each

1 determination made under paragraph (1) during that quarter. For each determination,
2 such notice shall identify—

3 "(A) the equipment and services being acquired;

4 "(B) the amount being expended for each acquisition; and

5 "(C) the source of funds for each acquisition."; and

6 (4) in subsection (d)—

7 (A) in paragraph (1)—

8 (i) by inserting "or service" after "equipment" each place it
9 appears;

10 (ii) in subparagraph (B), by striking "or"; and

11 (iii) in subparagraph (C), by striking the period and inserting "; or";

12 and

13 (B) by adding at the end the following new subparagraph:

14 "(D) domestic source or content restrictions that would inhibit or impede
15 the rapid acquisition of the equipment or service."

16 **SEC. 804. UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING**

17 **EXPERIMENTATION: ACQUISITION AUTHORITY.**

18 Section 167a of title 10, United States Code, is amended—

19 (1) in subsection (a), by striking "and acquire" and inserting ", acquire and
20 sustain"; and

21 (2) by striking subsection (f).

22 **SEC. 805. QUALITY CONTROL IN PROCUREMENT OF SHIP CRITICAL SAFETY**

1 **ITEMS AND RELATED SERVICES.**

2 (a) **QUALITY CONTROL POLICY.**—The Secretary of Defense shall prescribe in regulations
3 a quality control policy for the procurement of ship critical safety items and the procurement of
4 modifications, repair, and overhaul of such items.

5 (b) **CONTENT OF REGULATIONS.**—The policy set forth in the regulations shall include the
6 following requirements:

7 (1) That the head of the design control activity for ship critical safety items
8 establish processes to identify and manage the procurement, modification, repair, and
9 overhaul of ship critical safety items.

10 (2) That the head of the contracting activity for a ship critical safety item enter
11 into a contract for the procurement, modification, repair, or overhaul of such item only
12 with a source on a Qualified Manufacturers List or a source approved by the design
13 control activity in accordance with section 2319 of title 10, United States Code.

14 (3) That the ship critical safety items delivered, and the services performed with
15 respect to ship critical safety items, meet all technical and quality requirements specified
16 by the design control activity.

17 (c) **DEFINITIONS.**—In this section, the terms "ship critical safety item" and "design control
18 activity" have the meanings given such terms in section 2319(g) of title 10, United States Code,
19 as amended by subsection (d).

20 (d) **CONFORMING AMENDMENTS.**—Section 2319 of title 10, United States Code, is
21 amended—

22 (1) in subsection (c)(3), by inserting "or ship" after "aviation"; and

1 (2) in subsection (g)—

2 (A) by redesignating paragraph (2) as paragraph (3);

3 (B) by inserting after paragraph (1) the following new paragraph (2):

4 "(2) The term 'ship critical safety item' means any ship part, assembly, or support
5 equipment containing a critical characteristic whose failure, malfunction, or absence may
6 cause a catastrophic or critical failure resulting in loss or serious damage to the ship, or
7 unacceptable risk of personal injury or loss of life."; and

8 (C) in paragraph (3) (as redesignated)—

9 (i) by inserting "or ship" after "aviation" the first place it appears;

10 and

11 (ii) by inserting "or the seaworthiness of a ship system or

12 equipment" after "equipment".

13 **SEC. 806. EXTENSION OF SPECIAL TEMPORARY CONTRACT CLOSEOUT**

14 **AUTHORITY.**

15 Section 804 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law
16 108-136; 117 Stat. 1541), as amended by section 852 of the Ronald W. Reagan National Defense
17 Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2021), is further
18 amended in subsection (d) by striking "September 30, 2006" and inserting "September 30, 2007".

19 **SEC. 807. DEFENSE ACQUISITION CHALLENGE PROGRAM.**

20 Section 2359b of title 10, United States Code, is amended by striking subsection (j).

21 **Subtitle B—United States Defense Industrial Base Provisions**

22 **SEC. 811. REPEAL OF THE MILITARY SYSTEM BREAKOUT LIST.**

1 Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law
2 108-136; 117 Stat. 1543) is repealed.

3 **Subtitle C—National Defense Stockpile**

4 **SEC. 821. REVISION OF LIMITATIONS ON REQUIRED DISPOSALS OF CERTAIN**
5 **MATERIALS IN NATIONAL DEFENSE STOCKPILE.**

6 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.—Section 3303 of
7 the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat.
8 2855; 50 U.S.C. 98d note), as amended by section 3402(f) of the National Defense Authorization
9 Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 973), and section 3304(c) of the National
10 Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1390), is further
11 amended—

12 (1) in subsection (a), by striking paragraph (2) and inserting the following new
13 paragraph:

14 "(2) \$720,000,000 during the twelve-fiscal year period ending September 30,
15 2008."; and

16 (2) in subsection (b)(2), by striking "10-fiscal year period" and inserting "12-fiscal
17 year period".

18 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998.—Section
19 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85;
20 111 Stat. 2057; 50 U.S.C. 98d note), as amended by section 3305 of the National Defense
21 Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1390), is further
22 amended by striking "2006" and inserting "2008".

1 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999.—Section 3303(a)
2 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law
3 105-261; 112 Stat. 2263; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W.
4 Reagan National Defense Authorization Act for Year 2005 (Public Law 108–375; 118 Stat.
5 2193), and section 3302(a) of the National Defense Authorization Act for Fiscal Year 2006
6 (Public Law 109-163; 119 Stat. 3545), is further amended—

7 (1) by striking "and" at the end of paragraph (5); and

8 (2) by striking paragraph (6) and inserting the following new paragraphs:

9 "(6) \$1,000,000,000 by the end of fiscal year 2013; and

10 "(7) \$1,365,000,000 by the end of fiscal year 2014."

11 **Subtitle D—Other Matters**

12 **SEC. 831. CLARIFICATION OF JURISDICTION OF THE UNITED STATES**

13 **DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING** 14 **MARITIME CONTRACTS.**

15 Section 1491 of title 28, United States Code, is amended by adding at the end the
16 following new subsection:

17 "(d) Jurisdiction over any actions described under subsection (b)(1) arising out of a
18 maritime contract or a proposed maritime contract shall be governed by this section, and shall
19 not be subject to the jurisdiction of the District Courts of the United States under the Act of
20 March 9, 1920, as amended (41 Stat. 525, as amended, 46 U.S.C. 741-752) or the Act of March
21 3, 1925, as amended (43 Stat. 1112, as amended, 46 U.S.C. 781-790)."

1 "(d) Unless otherwise entitled to higher retired grade and retired pay, a member who
2 holds, or has held, an appointment under this section is entitled, when retired, to be retired in,
3 and with retired pay based on, the highest grade held under this section in which the Secretary
4 determines that he served satisfactorily.

5 "(e) The Secretary may revoke any appointment of a member of the Marine Band or
6 Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade under
7 this section terminates, the member is entitled, at his option—

8 "(1) to be discharged from the Marine Corps; or

9 "(2) to revert to the grade and status he held at the time of his designation."

10 (b) CLERICAL AMENDMENT.—The table of sections for chapter 565 of such title is
11 amended by striking the item relating to section 6222 and inserting the following new item:
12 "6222. United States Marine Band and United States Marine Drum and Bugle Corps: composition; appointment and
13 promotion."

14 **SEC. 902. ELIMINATION OF DUPLICATIVE VOTING ASSISTANCE**

15 **INSTALLATION VISITS.**

16 Section 1566 of title 10, United States Code, is amended—

17 (a) by striking subsection (d); and

18 (b) by redesignating subsections (e), (f), (g), (h) and (i) as subsections (d), (e), (f),
19 (g), and (h), respectively.

20 **Subtitle B—Space Activities**

21 **SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION**
22 **OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED**
23 **STATES GOVERNMENT ENTITIES.**

1 Section 2274(i) of title 10, United States Code, is amended by striking "shall be
2 conducted during the three-year period beginning on a date specified by the Secretary of
3 Defense, which date shall be not later than 180 days after the date of the enactment of this
4 section" and inserting "may be conducted through September 30, 2009".

5 **SEC. 912. DESIGNATION OF SUCCESSOR ORGANIZATIONS FOR THE**
6 **DISESTABLISHED INTERAGENCY GLOBAL POSITIONING**
7 **EXECUTIVE BOARD.**

8 Section 8 of the Commercial Space Transportation Competitiveness Act of 2000 (Public
9 Law 106-405; 114 Stat. 1753) is amended by striking "the Interagency Global Positioning
10 System Executive Board, including an Executive Secretariat to be housed at the Department of
11 Commerce" and inserting "the National Space-Based Positioning, Navigation, and Timing
12 Executive Committee, the National Space-Based Positioning, Navigation, and Timing
13 Coordination Office, and the National Space-Based Positioning, Navigation, and Timing
14 Advisory Board, or successor organizations".

15 **Subtitle C—Intelligence-Related Matters**

16 **SEC. 921. PERMANENT AUTHORITY FOR DEFENSE INTELLIGENCE**
17 **COMMERCIAL ACTIVITIES.**

18 Section 431(a) of title 10, United States Code, is amended by striking the last sentence.

19 **SEC. 922. DEFENSE INFORMATION SYSTEMS AGENCY.**

20 Section 193(f)(1) of title 10, United States Code, is amended to read as follows:

21 "(1) The Defense Information Systems Agency."

22 **SEC. 923. PROTECTION OF INFORMATION REGARDING WEAPONS OF MASS**

1 **DESTRUCTION.**

2 (a) PROHIBITION FROM DISCLOSURE UNDER FREEDOM OF INFORMATION ACT.—

3 Information in the possession of the Department of Defense concerning weapons of mass
4 destruction, as defined in subsection (d) of this section, shall not be disclosed under section 552
5 of title 5, United States Code (commonly referred to as the Freedom of Information Act (FOIA))
6 for the period of time the sensitivity of the information can be reasonably confirmed. Any
7 information controlled under the Atomic Energy Act of 1954, as amended, is exempt from the
8 provisions of this Act. This exemption shall be implemented in a manner so as to not unduly
9 restrict the public's current level of access to environmental impact statements, records
10 concerning healthcare activities, or other information essential to inform official decision-
11 making concerning the health and safety of the public.

12 (b) REQUIREMENT FOR SAFEGUARDING.—The Department of Defense shall safeguard
13 information concerning weapons of mass destruction commensurate with the sensitivity of the
14 information concerned and shall take all reasonable actions to ensure parties outside the Federal
15 government with whom the Department shares such information safeguard it in the same
16 manner.

17 (c) APPLICATION OF STATE OR LOCAL DISCLOSURE LAWS.—Information subject to this
18 section that the Department has provided to state and local authorities shall not be made
19 available pursuant to any State or local law requiring disclosure of information or records.

20 (d) DEFINITIONS.—In this section:

21 (1) The term "weapon of mass destruction" has the same meaning as given in the
22 Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302).

1 (2) The term "information concerning weapons of mass destruction" means
2 information that—

3 (A) would assist in developing, producing, or using weapons of mass
4 destruction or in evading the detection or the monitoring of the development,
5 production, use, or presence of weapons of mass destruction; or

6 (B) would disclose a vulnerability to the effects of a weapon of mass
7 destruction.

8 Examples of such information could include information that remains current and
9 sensitive, such as but not limited to, formulas and design descriptions of lethal and
10 incapacitating materials; maps, designs, security/emergency response plans, and
11 vulnerability assessments for facilities containing weapons of mass destruction materials;
12 studies of the effects and possible methods of weaponization of weapons of mass
13 destruction materials; design details, capabilities, and application of detection,
14 surveillance, countermeasures, and measurement equipment or plans; United States
15 Government evaluations of response plans of state and local governments; and evaluation
16 of weapons of mass destruction dispersal systems or methods.

17 (e) REPORTING.—Ninety days following the one-year anniversary of the effective date of
18 this section, the Department of Defense will provide to the Department of Justice and the Office
19 of Management and Budget a report detailing the number of FOIA requests received for
20 information covered under this section, a description of the information requested, and specific
21 actions taken as a result of the request.

22 **SEC. 924. AUTHORITY FOR THE NATIONAL SECURITY AGENCY TO COLLECT**

1 **SERVICE CHARGES FOR CERTIFICATION OR VALIDATION OF**
2 **INFORMATION ASSURANCE PRODUCTS.**

3 The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at
4 the end the following new section:

5 "SEC. 20. The Director may collect charges for evaluating, certifying, or validating
6 information assurance products under the National Information Assurance Program or successor
7 program. Such charges may be based upon fixed prices or costs. The appropriation or fund
8 bearing the cost of the service may be reimbursed, or the Director may require advance payment
9 subject to such adjustment on completion of the work as may be agreed upon. Amounts
10 collected are hereby made available for the National Information Assurance Program."

11 **TITLE X—GENERAL PROVISIONS**

12 **Subtitle A—Financial Matters**

13 **SEC. 1001. REPEAL OF REQUIREMENT FOR SEPARATE BUDGET REQUEST FOR**
14 **PROCUREMENT OF RESERVE EQUIPMENT.**

15 Section 114(e) of title 10, United States Code, is repealed.

16 **SEC. 1002. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR**
17 **THE DEPARTMENT OF DEFENSE.**

18 Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105
19 note) is repealed.

20 **SEC. 1003. ACCEPTANCE AND RETENTION OF REIMBURSEMENT FROM NON-**
21 **FEDERAL SOURCES TO DEFRAY DEPARTMENT OF DEFENSE**
22 **CONFERENCE COSTS.**

1 (a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at
2 the end the following new section:

3 **"§ 2016. Conference funding**

4 "(a) IN GENERAL.—The Secretary of Defense may, directly or by contract, collect fees
5 from individual or commercial participants in a conference, seminar, exhibition, symposium or
6 similar meeting (hereinafter referred to collectively as a 'conference') conducted by and in the
7 interests of the Department of Defense. Fees for a conference shall be established at rates no
8 greater than necessary to defray the estimated costs of the conference.

9 "(b) CREDITING OF RECEIPTS.—(1) Amounts received by the Department under this
10 section shall be credited to the appropriation from which the conference costs were paid.
11 Amounts received in excess of actual costs incurred shall be deposited into the Treasury as
12 miscellaneous receipts.

13 "(2) Amounts received by a contractor under this section may be used to pay for the
14 expenses of a conference, to reimburse the Department for conference costs, or to defray other
15 authorized costs under a conference contract."

16 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
17 amended by adding at the end the following new item:

18 "2016. Conference funding."

19 **SEC. 1004. INCREASED FLEXIBILITY IN THE USE OF JOINT STAFF EXERCISE**
20 **FUNDS.**

21 Section 166 of title 10, United States Code, is amended—

22 (1) in subsection (b)(1), by inserting ", including some service expenses" after
23 "Joint exercises"; and

1 (2) by adding at the end the following new subsection:

2 "(d) FUNDING OF EXERCISES.—The funding authorized in this section may include the
3 following:

4 "(1) exercise-related expenses of the Armed Forces, to include self-deploying
5 watercraft owned by the military departments;

6 "(2) port support activity costs, to include transportation and port handling; and

7 "(3) the breakout and operation of prepositioned watercraft and lighterage for
8 joint logistics over the shore exercises.

9 "Any amounts provide by the Chairman of the Joint Chiefs of Staff during any fiscal year out of
10 such funds shall be in addition to amounts otherwise available for that activity for that fiscal
11 year."

12 **SEC. 1005. RETENTION AND USE OF PROCEEDS OF SALES OF M109**

13 **HOWITZERS UNDER THE ARMS EXPORT CONTROL ACT TO**
14 **PROCURE M109-BASED VEHICLES.**

15 Section 114(c)(2) of title 10, United States Code, is amended—

16 (1) by striking "and" at the end of subparagraph (A);

17 (2) by striking the period at the end of subparagraph (B) and inserting "; and"; and

18 (3) by adding at the end the following new subparagraph:

19 "(C) from the sale of M109 howitzers from stock of the Department of
20 Defense that have been identified by the Secretary of the Army and that are
21 neither excess defense articles nor defense articles intended to be replaced—

1 "(i) shall be deposited into the Procurement of Weapons and
2 Tracked Combat Vehicles, Army appropriations account and shall be
3 available—

4 "(I) to purchase a defense article that has a function similar
5 to the M109 howitzer sold; or

6 "(II) to procure or upgrade M109-based vehicles, including
7 resupply and command and control vehicles.

8 "(ii) Such amounts shall be available for obligation in the fiscal
9 year following the fiscal year in which they are received, and for three
10 years thereafter.

11 "(iii) The authority of this subparagraph shall expire on September
12 30, 2012."

13 **Subtitle B—Naval Vessels and Shipyards**

14 **SEC. 1011. AUTHORITY TO REQUEST TRANSFER TO FOREIGN NATIONS BY**
15 **VESSEL CLASS.**

16 Section 7307(a) of title 10, United States Code, is amended by inserting "or vessel of that
17 class" after "that vessel".

18 **Subtitle C—Counter-Drug Activities**

19 **SEC. 1021. EXTENSION OF AUTHORITY TO PROVIDE DEPARTMENT OF**
20 **DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER**
21 **GOVERNMENTAL AGENCIES.**

1 Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public
2 Law 101-510; 10 U.S.C. 374 note), as amended by section 1021 of the National Defense
3 Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1212), is further
4 amended by striking "2002 through 2006" and inserting "2006 through 2011".

5 **SEC. 1022. USE OF FUNDS FOR UNIFIED COUNTERDRUG AND**
6 **COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

7 Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal
8 Year 2005 (Public Law 108-375; 118 Stat. 2042) is amended—

9 (1) in subsection (a)(1), by striking "2005 and 2006" and inserting "2007 and
10 2008"; and

11 (2) in subsection (c), by striking "2005 and 2006" and inserting "2007 and 2008".

12 **SEC. 1023. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE**
13 **ADDITIONAL SUPPORT FOR COUNTER DRUG ACTIVITIES.**

14 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.—Section 1033 of
15 the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat.
16 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year
17 2004, (Public Law 108 136, 117 Stat. 1593) is further amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking "shall consult with" and inserting "will
20 seek concurrence of"; and

21 (B) in paragraph (2), by striking "2006" and inserting "2011";

22 (2) in subsection (b), by adding at the end of the following new paragraphs:

1 "(10) The Government of Azerbaijan.

2 "(11) The Government of Kazakhstan.

3 "(12) The Government of Kyrgyzstan.

4 "(13) The Government of Niger.

5 "(14) The Government of Mauritania.

6 "(15) The Government of Mali.

7 "(16) The Government of Chad.

8 "(17) The Government of Indonesia.

9 "(18) The Government of Philippines.

10 "(19) The Government of Thailand.

11 "(20) The Government of Malaysia.

12 "(21) The Government of Guatemala.

13 "(22) The Government of Belize.

14 "(23) The Government of Panama.".

15 (3) in subsection (c)(2), by inserting ", vehicles, aircraft, and detection,

16 interception, monitoring and testing equipment" after "boats"; and

17 (4) in subsection (e)(2)—

18 (A) by striking "\$40,000,000" and inserting "\$80,000,000; and

19 (B) by striking "2006" and inserting "2011".

20 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997.—Section 1031(b)

21 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104 201; 110 Stat.

22 2637) is amended—

1 (1) by amending paragraph (3) to read as follows:

2 "(3) The transfer of non lethal components, accessories, attachments, parts
3 (including ground support equipment), firmware, and software, and related repair
4 equipment related to the equipment in paragraph (2)."; and

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

6 "(5) The sustainment, including individual and crew served weapons and
7 ammunition, of counterdrug security forces."

8 **SEC. 1024. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER DRUG**
9 **ACTIVITIES.**

10 Section 1021(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public
11 Law 107-107; 115 Stat. 1212), is amended by striking "2002 through 2006" and inserting "2007
12 through 2011".

13 **Subtitle D—Matters Related to Homeland Security**

14 **SEC. 1031. DUTIES RELATING TO DEFENSE AGAINST WEAPONS OF MASS**
15 **DESTRUCTION.**

16 Section 12310(c)(1) of title 10, United States Code, is amended—

17 (1) by striking "or" at the end of subparagraph (A);

18 (2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

19 (3) by adding at the end the following new subparagraph:

20 "(C) the intentional or unintentional release of nuclear, biological,
21 radiological, or toxic or poisonous chemical materials likely to result in
22 catastrophic loss of life or property."

1 **SEC. 1032. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT**
2 **COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION**
3 **PROGRAMS.**

4 (a) JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE
5 UNITED STATES.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994
6 (title XVI of Public Law 103-160; 22 U.S.C. 2751 note) is repealed.

7 (b) REPORTS ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503 of
8 the National Defense Authorization Act for Fiscal Year 1995 (title XV of Public Law 103-337;
9 22 U.S.C. 2751 note) is repealed.

10 **SEC. 1033. EXPANSION OF OPERATIONS OF CIVIL SUPPORT TEAMS.**

11 (a) IN GENERAL.—Section 12310(c) of title 10, United States Code, is amended—

12 (1) in paragraph (1)—

13 (A) by amending subparagraph (A) to read as follows:

14 "(A) the use or threatened use of a weapon of mass destruction (as defined
15 in section 12304(i)(2) of this title) in the United States, Canada, or the United
16 Mexican States;"

17 (B) in subparagraph (B)—

18 (i) by inserting ", in Canada, or the United Mexican States" after

19 "United States"; and

20 (ii) by striking the period at the end and inserting a semicolon; and

21 (C) by adding at the end the following new subparagraphs:

1 "(C) the intentional or unintentional release of nuclear, biological,
2 radiological, or toxic or poisonous chemical materials in the United States,
3 Canada, or the United Mexican States that results, or could result, in catastrophic
4 loss of life or property; or

5 "(D) a natural or manmade disaster in the United States, Canada, or the
6 United Mexican States that results, or could result, in catastrophic loss of life or
7 property.";

8 (2) by amending paragraph (3) to read as follows:

9 "(3)(A) A Reserve may perform duties described in subparagraphs (1)(A), (1)(B),
10 and (1)(C)—

11 "(i) only while assigned to a reserve component civil support team; and

12 "(ii) if performing those duties in Canada or the United Mexican States,
13 only after being ordered to active duty under this title.

14 "(B) A Reserve may perform the duties described in subparagraph (1)(D)—

15 "(i) only while assigned to a reserve component civil support team;

16 "(ii) only with the approval of the Secretary of Defense; and

17 "(iii) if performing those duties in Canada or the United Mexican States,
18 only after being ordered to active duty under this title.

19 "(C) Any duties described in paragraph (1) that are performed in Canada or the
20 United Mexican States may occur, with consultation of the Secretary of State, at any
21 distance beyond the United States' borders with those countries as appropriate authorities
22 in those countries may consent."; and

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

2 "(7) In this subsection, the term 'United States' means each of the several States,
3 the District of Columbia, Puerto Rico, Guam, and the Virgin Islands."

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further
5 amended—

6 (1) by amending the heading to read as follows:

7 "(c) OPERATIONS RELATING TO DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION,
8 TERRORIST ATTACKS, AND NATURAL OR MANMADE DISASTERS.—";

9 (2) in paragraph (5), by striking "rapid assessment element team" and inserting
10 "civil support team"; and

11 (3) in paragraph (6)(B), by striking "paragraph (3)(B)" and inserting "paragraph
12 (3)".

13 **Subtitle E—Other Matters**

14 **SEC. 1041. HARMONIZING THE DEFINITION OF NATIONAL SECURITY SYSTEM** 15 **WITHIN THE DEPARTMENT OF DEFENSE.**

16 (a) DEFENSE BUSINESS SYSTEMS.—Section 2222(j)(6) of title 10, United States Code, is
17 amended by striking "in section 2315 of this title" and inserting "by section 3542(b)(2) of title
18 44".

19 (b) INFORMATION TECHNOLOGY.—Section 2223(c)(3) of such title is amended by striking
20 "section 11103 of title 40" and inserting "section 3542(b)(2) of title 44".

21 (c) PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES.—
22 Section 2315 of such title is amended to read as follows:

1 "For the purposes of subtitle III of title 40, the term 'national security systems' has the
2 meaning given that term by section 3542(b)(2) of title 44."

3 **SEC. 1042. AMENDMENT TO DELEGATION AUTHORITY FOR ASSISTANCE IN**
4 **COMBATING TERRORISM.**

5 Section 127b of title 10, United States Code, is amended—

6 (1) in subsection (c)—

7 (A) in paragraph (1)(B), by inserting ", or to a subcombatant commander
8 designated by a combatant commander and approved by the designated Under
9 Secretary of Defense under subparagraph (A)" after "combatant command"; and

10 (B) in paragraph (2), by striking "\$2,500" and inserting "\$10,000"; and

11 (2) in subsection (f)(2)(C)—

12 (A) by inserting "and" at the end of clause (i);

13 (B) by striking clause (ii); and

14 (C) by redesignating clause (iii) as clause (ii).

15 **SEC. 1043. DEFENSE ECONOMIC ADJUSTMENT PROGRAM: RESEARCH AND**
16 **TECHNICAL ASSISTANCE.**

17 Section 2391 of title 10, United States Code, is amended by inserting after subsection (b)
18 the following new subsection (c):

19 "(c) RESEARCH AND TECHNICAL ASSISTANCE.—(1) The Secretary of Defense may make
20 grants, conclude cooperative agreements, and enter into contracts in order to conduct research
21 and technical assistance in support of activities under this section or Executive Order 12788, as
22 amended.

1 "(2) A grant, cooperative agreement, or contract under this subsection may be with or to a
2 Federal agency, a State or local government, or any private entity."

3 **SEC. 1044. CLARIFICATION OF GOVERNMENT STANDING UNDER THE**
4 **LANHAM ACT TO TAKE A CIVIL ACTION FOR FALSE**
5 **DESIGNATIONS OF ORIGIN, FALSE DESCRIPTIONS AND FALSE**
6 **REPRESENTATIONS.**

7 Section 43(a) of the Trademark Act of 1946 (15 U.S.C. 1125(a)) is amended—

8 (1) in paragraph (1), by striking "any person who believes that he or she is or is
9 likely" and inserting "by any person, including the United States when the United States
10 is a consumer or the owner of a trademark, who believes that he, she, or it is or is likely";
11 and

12 (2) in paragraph (2)—

13 (A) by inserting "the United States," after "includes"; and

14 (B) by striking "Any" and inserting "The United States, any".

15 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

16 **SEC. 1101. PERMIT CONTINUED APPLICATION OF SENIOR EXECUTIVE**
17 **SERVICE PROVISIONS FOR CERTAIN NONCAREER SENIOR**
18 **EXECUTIVE SERVICE MEMBERS AND CHIEFS OF MISSION AFTER**
19 **APPOINTMENT TO NON-SENIOR EXECUTIVE SERVICE OR CHIEF**
20 **OF MISSION POSITIONS.**

21 (a) SENIOR EXECUTIVE SERVICE.—Section 3392(c) of title 5, United States Code, is
22 amended—

1 (1) in paragraph (1)—

2 (A) by inserting ", or a noncareer appointee who has served under a
3 noncareer appointment for at least 180 days without a break in service," after "a
4 career appointee"; and

5 (B) by striking "the career appointee" both places it appears and inserting
6 "the career or noncareer appointee";

7 (2) in paragraph (2), by inserting ", or any noncareer appointee who has served
8 under a noncareer appointment for at least 180 days without a break in service," after
9 "any career appointee"; and

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

11 "(3) An employee who makes an election under paragraph (1) or (2) will be
12 subject to the provisions of section 207(c)(2)(i) of title 18."

13 (b) CHIEF OF MISSION.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C.
14 3942), is amended by adding at the end the following new subsection:

15 "(c) If a chief of mission who has served under an appointment pursuant to subsection
16 (a)(1) for at least 180 days without a break in service is appointed by the President, by and with
17 the advice and consent of the Senate, to a civilian position in the executive branch which is not in
18 the Senior Executive Service, or a subsequent appointment pursuant to subsection (a)(1), and the
19 rate of basic pay payable for which is equal to or greater than the rate payable for level V of the
20 Executive Schedule, the appointee may elect to continue to have the provisions of section 401
21 apply as if the appointee remained in the chief of mission position from which he was appointed.

1 Such provisions shall apply in lieu of the provisions which would otherwise apply so long as the
2 appointee continues to serve under such Presidential appointment."

3 **SEC. 1102. PAYMENT OF FULL REPLACEMENT VALUE FOR PERSONAL**
4 **PROPERTY CLAIMS OF CIVILIANS.**

5 Section 2636a(a) of title 10, United States Code, is amended by inserting "and
6 Department of Defense civilian employees" after "members of the armed forces".

7 **SEC. 1103. FLEXIBILITY IN PAYING ANNUITY TO FEDERAL RETIREES WHO**
8 **RETURN TO WORK.**

9 Section 9902(j) of title 5, United States Code, is amended to read as follows:

10 "(j) PROVISIONS RELATING TO REEMPLOYMENT.—(1) The Secretary of Defense may,
11 under procedures and criteria prescribed under paragraph (2), waive the application of the
12 provisions of section 8344 or 8468 of this title on a case-by-case or group basis for employment
13 of an annuitant in a position in the Department of Defense.

14 "(2) The Secretary shall prescribe procedures for the exercise of any authority under this
15 subsection, including criteria for any exercise of authority and procedures for a delegation of
16 authority.

17 "(3) An employee as to whom a waiver under this subsection is in effect shall not be
18 considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of this title."

19 **SEC. 1104. REPEAL OF LIMITATION ON APPOINTMENT OF RETIRED MEMBERS**
20 **OF THE ARMED FORCES TO POSITIONS IN THE DEPARTMENT OF**
21 **DEFENSE.**

22 Section 3326 of title 5, United States Code, is repealed.

1 **SEC. 1105. EXPAND POOL OF JOBS THAT COUNT FOR CREDIT UNDER SERVICE**
2 **AGREEMENTS REQUIRED BY THE NATIONAL SECURITY**
3 **EDUCATION PROGRAM.**

4 Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50
5 U.S.C. 1902(b)(2)) is amended to read as follows:

6 "(2)(A) will begin work not later than three years after the recipient's completion
7 of degree study during which scholarship assistance was provided under the program, in
8 accordance with regulations issued by the Secretary of Defense, in coordination with the
9 relevant Executive departments and agencies—

10 "(i) for no less than one year in a position certified by the Secretary of
11 Defense, in coordination with the Secretaries of State and Homeland Security and
12 the Director of National Intelligence, as appropriate, as contributing to U.S.
13 national security in the Department of Defense, any element of the Intelligence
14 Community, the Department of Homeland Security, or the Department of State;

15 "(ii) for no less than one year in a position in a federal agency or office
16 that is identified by the Secretary under subsection (g) of this section as having
17 national security responsibilities if the recipient demonstrates to the Secretary that
18 no position is available in the agencies set forth in clause (i); or

19 "(iii) for no less than one academic year in a position in the field of
20 education in a discipline related to the study supported by National Security
21 Education Program if the recipient demonstrates to the Secretary that no position
22 is available in the entities set forth in clauses (i) or (ii); or

1 "(B) will begin work not later than two years after the recipient's completion or
2 termination of study for which fellowship assistance was provided under the program, in
3 accordance with regulations issued by the Secretary of Defense, in coordination with the
4 relevant Executive departments and agencies—

5 "(i) for no less than one year in a position certified by the Secretary of
6 Defense, in coordination with the Secretaries of State and Homeland Security and
7 the Director of National Intelligence, as appropriate, as contributing to U.S.
8 national security in the Department of Defense, any element of the Intelligence
9 Community, the Department of Homeland Security, or the Department of State;

10 "(ii) for no less than one year in a position in a federal agency or office
11 that is identified by the Secretary under subsection (g) of this section as having
12 national security responsibilities if the recipient demonstrates to the Secretary that
13 no position is available in the agencies set forth in clause (i); or

14 "(iii) for no less than one academic year in a position in the field of
15 education in a discipline related to the study supported by National Security
16 Education Program if the recipient demonstrates to the Secretary that no position
17 is available in the entities set forth in clauses (i) or (ii)."

18 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

19 **Subtitle A—Assistance and Training**

20 **SEC. 1201. LOGISTIC SUPPORT OF ALLIED FORCES FOR COMBINED** 21 **OPERATIONS.**

1 (a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after
2 section 127b the following new section:

3 **"§ 127c. Logistic support of allied forces for combined operations**

4 "(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of
5 State, subject to the limitations of subsections (b) and (c) and notwithstanding any other
6 provision of law, may use funds available to the Department of Defense for operations and
7 maintenance to provide logistic support, supplies, and services, as defined in section 2350(1) of
8 this title, to allied forces participating in combined operations with the armed forces of the
9 United States.

10 "(b) LIMITATIONS.—The authority conferred in subsection (a) is limited to—

11 "(1) combined operations during a period of active hostilities, a contingency, or a
12 non-combat operation (including operations in support of the provision of humanitarian
13 or foreign disaster assistance, country stabilization operations, or peacekeeping
14 operations under chapter VI or VII of the Charter of the United Nations); and

15 "(2) circumstances in which the Secretary of Defense determines the allied forces
16 to be provided logistic support, supplies, and services under this section are essential to
17 the success of the combined operation, and would not be able to participate in the
18 combined operation but for the provision of such logistic support, supplies, and services.

19 "(c) LIMITATION ON VALUE.—The value of logistic support, supplies, and services
20 (including airlift and sealift) provided under this section may not exceed \$100,000,000 in any
21 fiscal year. A maximum of an additional \$20,000,000 per year may be provided during the
22 periods in subsection (b) or at other times to allied forces to ensure interoperability of their

1 logistical support systems with those of the United States to facilitate future combined
2 operations.".

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
4 amended by inserting after the item relating to section 127b the following new item:
5 "127c. Logistic support of allied forces for combined operations."

6 **SEC. 1202. CHANGE TO ACQUISITION AND CROSS SERVICING AGREEMENTS**

7 **DEFINITION TO ALLOW LOAN OF SIGNIFICANT MILITARY**
8 **EQUIPMENT.**

9 Section 2350(1) of title 10, United States Code, is amended by inserting before the period
10 at the end the following: ", except that such items of significant military equipment may be
11 provided for temporary use, not to exceed one year, to armed forces of nations participating in
12 combined operations with United States Forces for personnel protection or to aid in personnel
13 survivability, if the Secretary of Defense, with the concurrence of the Secretary of State,
14 determines in writing that it is in the best interests of the United States to provide such support".

15 **SEC. 1203. EXPANSION OF HUMANITARIAN AND CIVIC ASSISTANCE TO**

16 **INCLUDE DEVELOPING COMMUNICATIONS AND INFORMATION**
17 **CAPACITY.**

18 Section 401 of title 10, United States Code, is amended—

19 (1) in subsection (c), by adding at the end the following new paragraph:

20 "(5) Expenses covered by paragraph (1) include communications or information
21 systems equipment or supplies that are to be transferred or otherwise furnished to a
22 foreign country in furtherance of the provision of assistance under this section."; and

23 (2) in subsection (e), by adding at the end the following new paragraph:

1 Section 2347 of title 10, United States Code, is amended by adding at the end the
2 following new subsection:

3 "(d) The monetary limitations contained in this section shall not apply to the sale,
4 purchase or exchange of petroleum, oil and lubricants."

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

7 **SEC. 1301. TEMPORARY AUTHORITY TO WAIVE LIMITATION FUNDING FOR**
8 **CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.**

9 Section 1303(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal
10 Year 2005 (Public Law 108-375; 118 Stat. 2094) is amended by striking "shall expire on
11 December 31, 2006, and no waiver shall remain in effect after that date" and inserting "shall
12 expire upon completion of the chemical weapons destruction facility currently under
13 construction".

14 **DIVISION B—MILITARY CONSTRUCTION**
15 **AUTHORIZATIONS**

16 **SECTION 2001. SHORT TITLE.**

17 This division may be cited as the "Military Construction Authorization Act for Fiscal
18 Year 2007".

19 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION**
20 **PROJECTS.**

1 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real
 3 property and carry out military construction projects for the installations or locations inside the
 4 United States, and in the amounts set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	72,300,000
California	Fort Irwin	10,000,000
Colorado	Fort Carson	24,000,000
Georgia	Fort Gillem	15,000,000
	Fort Stewart/Hunter Army Air Field	95,300,000
Hawaii	Schofield Barracks	54,500,000
Kansas	Fort Leavenworth	15,000,000
	Fort Riley	37,200,000
Kentucky	Blue Grass Army Depot	3,500,000
	Fort Campbell	115,400,000
Missouri	Fort Leonard Wood	17,000,000
New York	Fort Drum	209,200,000
North Carolina	Fort Bragg	89,000,000
	Sunny Point (Military Ocean Terminal)	46,000,000
Oklahoma	McAlester Army Ammunition Plant	3,050,000
Texas	Fort Hood	75,000,000
Utah	Dugway Proving Ground	14,400,000
Virginia	Fort Belvoir	58,000,000
Washington	Fort Lewis	502,600,000
	Total	1,456,450,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
 6 authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real
 7 property and carry out military construction projects for the installations or locations outside the
 8 United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	157,632,000
	Vilseck	19,000,000

Italy	Vicenza	223,000,000
Japan	Okinawa	7,150,000
Korea	Camp Humphreys	77,000,000
	Yongpyong	7,400,000
	Total	491,182,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
2 authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real
3 property and carry out military construction projects for unspecified installations or locations in
4 the amount set forth in the following table:

Army: Unspecified Worldwide

Location	Installation or Location	Amount
Classified	Unspecified Worldwide	34,800,000
	Total	34,800,000

5 **SEC. 2102. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
7 authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may
8 construct or acquire family housing units (including land acquisition and supporting facilities) at
9 the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	162 Units	70,000,000
	Fort Wainwright	234 Units	132,000,000
Arizona	Fort Huachuca	119 Units	32,000,000
Arkansas	Pine Bluff Arsenal	10 Units	2,900,000
Wisconsin	Fort McCoy	13 Units	4,900,000
	Total		241,800,000

10 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization

1 of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural
2 and engineering services and construction design activities with respect to the construction or
3 improvement of family housing units in an amount not to exceed \$16,332,000.

4 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

5 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
6 pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the
7 Army may improve existing military family housing units in an amount not to exceed
8 \$336,859,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
11 appropriated for fiscal years beginning after September 30, 2006, for military construction, land
12 acquisition, and military family housing functions of the Department of the Army in the total
13 amount of \$3,331,582,000 as follows:

14 (1) For military construction projects inside the United States authorized by
15 section 2101(a), \$1,150,450,000.

16 (2) For military construction projects outside the United States authorized by
17 section 2101(b), \$491,182,000.

18 (3) For the military construction projects at unspecified worldwide locations
19 authorized by section 2101(c), \$34,800,000.

20 (4) For unspecified minor military construction projects authorized by section
21 2805 of title 10, United States Code, \$23,000,000.

1 (5) For architectural and engineering services and construction design under
2 section 2807 of title 10, United States Code, \$212,830,000.

3 (6) For military family housing functions:

4 (A) For construction and acquisition, planning and design, and
5 improvement of military family housing and facilities, \$594,991,000.

6 (B) For support of military family housing (including the functions
7 described in section 2833 of title 10, United States Code), \$676,829,000.

8 (7) For the construction of increment 2 of a barracks complex at Fort Drum, New
9 York, authorized by section 2101(a) of the Military Construction Authorization Act for
10 Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3485), \$16,500,000.

11 (8) For the construction of increment 2 of a barracks complex at Fort Bragg,
12 North Carolina, authorized by section 2101(a) of the Military Construction Authorization
13 Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3485),
14 \$37,000,000.

15 (9) For the construction of increment 2 of a barracks complex at Fort Bragg,
16 North Carolina, authorized by section 2101(a) of the Military Construction Authorization
17 Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3485),
18 \$50,000,000.

19 (10) For the construction of increment 2 of a barracks complex at Fort Bragg,
20 North Carolina, authorized by section 2101(a) of the Military Construction Authorization
21 Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3485),
22 \$31,000,000.

1 (11) For the construction of phase 2 of the Defense Access Road at Fort Belvoir,
2 Virginia, authorized by section 2101(a) of the Military Construction Authorization Act
3 for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3486), \$13,000,000.

4 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost
5 variations authorized by section 2853 of title 10, United States Code, and any other cost variation
6 authorized by law, the total cost of all projects carried out under section 2101 of this Act may not
7 exceed the sum of the following:

8 (1) The total amount authorized to be appropriated under paragraphs (1), (2), and
9 (3) of subsection(a).

10 (2) \$306,000,000 (the balance of the amount authorized under section 2101(a) for
11 construction of a Brigade Complex for Fort Lewis, Washington).

12 TITLE XXII—NAVY

13 SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION 14 PROJECTS.

15 (a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
16 authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real
17 property and carry out military construction projects for the installations or locations inside the
18 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	5,966,000
California	Marine Corps Base, Camp Pendleton	112,554,000
	Miramar	2,968,000
	North Island	21,535,000
	Twentynine Palms	8,217,000
Florida	Naval Air Station, Pensacola	13,486,000

Georgia	Marine Corps Logistics Base, Albany	62,000,000
	Navy Submarine Base, Kings Bay	20,282,000
Hawaii	Naval Base, Pearl Harbor	48,338,000
Maryland	Naval Air Station, Patuxent River	16,316,000
	Suitland	11,780,000
North Carolina	Marine Corps Air Station, New River	21,500,000
	Marine Corps Base, Camp Lejeune	160,904,000
South Carolina	Marine Corps Air Station, Beaufort	22,225,000
Virginia	Marine Corps Base, Quantico	30,628,000
	Naval Station, Norfolk	75,476,000
Washington	Naval Air Station, Whidbey Island	57,653,000
	Naval Submarine Base, Bangor	13,507,000
	Total	705,335,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real
3 property and carry out military construction projects for the installation or location outside the
4 United States, and in the amount set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	37,473,000
Italy	Sigonella	13,051,000
	Total	50,524,000

5 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
6 authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real
7 property and carry out military construction projects for unspecified installations or locations in
8 the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Various Locations	Helicopter Support Facility	12,185,000
	Hockmuth Hall Addition	1,400,000
	Total	13,585,000

9 **SEC. 2202. FAMILY HOUSING.**

1 Using amounts appropriated pursuant to the authorization of appropriations in section
2 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units
3 (including land acquisition and supporting facilities) at the installations or locations, for the
4 purposes and in the amount set forth in the following table:

Navy: Family Housing			
State	Installation or Location	Purpose	Amount
California	Marine Corps Logistics Base Barstow	74 Units	27,851,000
Guam	Naval Station, Guam	176 Units	98,174,000
	Total		126,025,000

5 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
6 of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural
7 and engineering services and construction design activities with respect to the construction or
8 improvement of family housing units in an amount not to exceed \$2,600,000.

9 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

10 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
11 pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the
12 Navy may improve existing military family housing units in an amount not to exceed
13 \$176,446,000.

14 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
16 appropriated for fiscal years beginning after September 30, 2006, for military construction, land
17 acquisition, and military family housing functions of the Department of the Navy in the total
18 amount of \$2,085,371,000, as follows:

1 (1) For military construction projects inside the United States authorized by
2 section 2201(a), \$814,471,000.

3 (2) For military construction projects outside the United States authorized by
4 section 2201(b), \$50,524,000.

5 (3) For military construction projects at unspecified worldwide locations
6 authorized by section 2201(c), \$23,744,000.

7 (4) For unspecified minor military construction projects authorized by section
8 2805 of title 10, United States Code, \$8,939,000.

9 (5) For architectural and engineering services and construction design under
10 section 2807 of title 10, United States Code, \$67,861,000.

11 (6) For military family housing functions:

12 (A) For construction and acquisition, planning and design, and
13 improvement of military family housing and facilities, \$305,071,000.

14 (B) For support of military family housing (including functions described
15 in section 2833 of title 10, United States Code), \$509,126,000.

16 (7) For the construction of incremented helicopter hangar replacement at
17 Jacksonville, Florida, authorized by section 2201(a) of the Military Construction
18 Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat.
19 3489), \$43,250,000.

20 (8) For the construction of Alpha/Bravo wharves improvements at Naval Station
21 Guam, Marianas Islands, authorized by section 2201(b) of the Military Construction

1 Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat.
2 3490), \$29,772,000.

3 (9) For the construction of increment 2 of recruit training barracks infrastructure
4 upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section
5 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B
6 of Public Law 109-163; 119 Stat. 3490), \$23,589,000.

7 (10) For the construction of increment 2 of the Wesley Brown Field House at the
8 United States Naval Academy, Annapolis, Maryland, authorized by section 2201(a) of
9 the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public
10 Law 109-163; 119 Stat. 3490), \$26,685,000.

11 (11) For the construction of increment 2 of wharf upgrades at Yokosuka, Japan,
12 authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal
13 Year 2006 (division B of Public Law 109-163; 119 Stat. 3490), \$44,360,000.

14 (12) For the construction of increment 2 of the ship repair pier 3 replacement at
15 Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military
16 Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163;
17 119 Stat. 3490), \$30,939,000.

18 (13) For the construction of increment 2 of the Bachelor Enlisted Quarters
19 Homeport Ashore Program at Naval Station Everett, Washington, authorized by section
20 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B
21 of Public Law 109-163; 119 Stat.3490), \$20,917,000.

1 (14) For the construction of phase 2 of the reclamation/conveyance at Marine
2 Corps Base Camp Pendleton, California, authorized by section 2201(a) of the Military
3 Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163;
4 119 Stat. 3490), \$33,290,000.

5 (15) For the construction of the next increment of the outlying landing field
6 facilities at Washington County, North Carolina, authorized by section 2201(a) of the
7 Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law
8 108-375; 118 Stat. 2100), \$7,926,000.

9 (16) For the construction of increment 3 of the limited area production and
10 storage complex at Naval Submarine Base Bangor, Washington, authorized by section
11 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B
12 of Public Law 108-375; 118 Stat. 2100), \$14,274,000.

13 (17) For the construction of increment 4 of pier 11 replacement at Naval Station
14 Norfolk, Virginia, authorized by section 2201(a) of the Military Construction
15 Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat.
16 1704), \$30,633,000.

17 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
18 **YEAR 2004 AND 2005 PROJECTS.**

19 (a) FISCAL YEAR 2004 INSIDE THE UNITED STATES PROJECT.—The table in section
20 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of
21 Public Law 108-136; 117 Stat. 1704), as amended by section 2205 of the Military Construction

1 Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3492), is
2 further amended—

3 (1) in the item relating to Various Locations, CONUS, by striking "\$56,360,000"
4 and inserting "\$193,260,000"; and

5 (2) by striking the amount identified as the total in the amount column and
6 inserting "\$1,489,424,000".

7 (b) FISCAL YEAR 2005 INSIDE THE UNITED STATES PROJECT.—The table in section
8 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of
9 Public Law 108-375; 118 Stat. 2105), as amended by section 2206 of the Military Construction
10 Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3493), is
11 further amended—

12 (1) by striking the item relating to Navy Outlying Landing Field, Washington
13 County; and

14 (2) by striking the amount identified as the total in the amount column and
15 inserting "\$825,479,000".

16 (c) CONFORMING AMENDMENTS.—(1) Section 2204(b)(6) of the Military Construction
17 Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1706) is
18 amended by striking "\$28,750,000" and inserting "\$165,650,000".

19 (2) Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005
20 (division B of Public Law 108-375; 118 Stat. 2107) is amended—

21 (A) in subsection (a), by adding at the end the following new paragraph:

South Carolina	Shaw Air Force Base	22,200,000
Texas	Fort Bliss	8,500,000
	Lackland Air Force Base	13,200,000
Utah	Hill Air Force Base	53,400,000
Virginia	Langley Air Force Base	57,700,000
Wyoming	Francis E Warren Air Force Base	11,000,000
	Total	736,661,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire
3 real property and carry out military construction projects for the installations or locations outside
4 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	53,150,000
Guam	Andersen Air Force Base	80,800,000
Korea	Kunsan Air Base	46,700,000
	Osan Air Base	2,156,000
	Total	182,806,000

5 (c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the
6 authorization of appropriations in section 2304(a)(4), the Secretary of the Air Force may acquire
7 real property and carry out military construction projects for unspecified installations or locations
8 in the amount set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Common Battlefield Airman Training Complex	14,200,000
Worldwide Classified	Global Hawk Aircraft Maintenance & Operations Complex	26,000,000
	Classified Project	3,377,000
	Classified – Special Evaluation Program	4,600,000
	Classified	1,700,000
	Total	49,877,000

9 **SEC. 2302. FAMILY HOUSING.**

1 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
 2 authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may
 3 construct or acquire family housing units (including land acquisition and supporting facilities) at
 4 the installations or locations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Eielson Air Force Base	129 Units	87,414,000
Idaho	Mountain Home Air Force Base	457 Units	107,800,000
Missouri	Whiteman Air Force Base	116 Units	39,270,000
Montana	Malmstrom Air Force Base	493 Units	140,252,000
North Carolina	Seymour Johnson Air Force Base	56 Units	22,956,000
North Dakota	Minot Air Force Base	575 Units	171,188,000
Texas	Dyess Air Force Base	199 Units	49,215,000
Germany	Ramstein Air Base	101 Units	73,488,000
	Spangdahlem Air Base	60 Units	39,294,000
United Kingdom	Royal Air Force Lakenheath	74 Units	35,282,000
	Total		766,159,000

5 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
 6 of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out
 7 architectural and engineering services and construction design activities with respect to the
 8 construction or improvement of family housing units in an amount not to exceed \$13,202,000.

9 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

10 Subject to section 2825 of title 10, United States Code, and using amounts appropriated
 11 pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air
 12 Force may improve existing military family housing units in an amount not to exceed
 13 \$403,727,000.

14 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

1 Funds are hereby authorized to be appropriated for fiscal years beginning after September
2 30, 2006, for military construction, land acquisition, and military family housing functions of the
3 Department of the Air Force in the total amount of \$3,094,357,000, as follows:

4 (1) For military construction projects inside the United States authorized by
5 section 2301(a), \$736,661,000.

6 (2) For military construction projects outside the United States authorized by
7 section 2301(b), \$182,806,000.

8 (3) For the military construction projects at unspecified worldwide locations
9 authorized by section 2301(c), \$49,877,000.

10 (4) For unspecified minor military construction projects authorized by section
11 2805 of title 10, United States Code, \$15,000,000.

12 (5) For architectural and engineering services and construction design under
13 section 2807 of title 10, United States Code, \$87,504,000.

14 (6) For military family housing functions:

15 (A) For construction and acquisition, planning and design, and
16 improvement of military family housing and facilities, \$1,183,138,000.

17 (B) For support of military family housing (including functions described
18 in section 2833 of title 10, United States Code), \$755,071,000.

19 (7) For the construction of phase 2 of the C-17 maintenance complex at
20 Elmendorf Air Force Base, Alaska, authorized by section 2301(a) of the Military
21 Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163;
22 119 Stat.3494), \$30,000,000.

(8) For the construction of phase 2 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), \$31,000,000.

(9) For the construction of phase 2 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3494), \$23,300,000.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND

ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Fort Knox, Kentucky	18,108,000
Defense Logistics Agency	Marine Corps Air Station Yuma, Arizona	8,715,000
	Beale Air Force Base, California	9,000,000
	Defense Distribution Depot, New Cumberland, Pennsylvania	8,900,000
	Fort Belvoir, Virginia	5,500,000
	Naval Air Station Whidbey Island, Washington	26,000,000
National Security Agency	Augusta, Georgia	340,836,000
	Fort Meade, Maryland	4,517,000
Special Operations Command	Marine Corps Base Camp Pendleton, California	24,400,000
	Fort Carson, Colorado	26,100,000
	Hurlburt Field, Florida	14,482,000
	MacDill Air Force Base, Florida	27,300,000

Tri-Care Management Activity	Fort Campbell, Kentucky	24,500,000
	Fort Bragg, North Carolina	60,144,000
	Marine Corps Base Camp Lejeune, North Carolina	51,600,000
	Naval Air Base Little Creek, Virginia	22,000,000
	Fort Richardson, Alaska	37,200,000
	Fort Irwin, California	6,050,000
	Jacksonville, Florida	16,000,000
	MacDill Air Force Base, Florida	87,000,000
	Naval Base Pearl Harbor, Hawaii	7,700,000
	Naval Hospital Great Lakes, Illinois	20,000,000
	Fort Detrick, Maryland	550,000,000
Fort Drum, New York	9,700,000	
Fort Hood, Texas	18,000,000	
	Total	1,423,752,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the
2 authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real
3 property and carry out military construction projects for the installations or locations outside the
4 United States, and in the amounts set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Camp Ederle, Italy	31,460,000
	Vicenza, Italy	15,750,000
	Osan Air Base, Korea	4,589,000
	Naval Station Rota, Spain	23,048,000
Defense Logistics Agency	Okinawa, Japan	5,000,000
	Wake Island	2,600,000
Missile Defense Agency	Kwajalien Atoll, Kwajalien	7,592,000
National Security Agency	Royal Air Force Menwith Hall Station, United Kingdom	1,398,000
Special Operations Command	Qatar	44,500,000
Tri-Care Management Activity	Vicenza, Italy	52,000,000
	Total	187,937,000

5 **SEC. 2402. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the
7 authorization of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may
8 construct or acquire family housing units (including land acquisition and supporting facilities) at
9 the installations or locations, for the purposes, and in the amounts set forth in the following table:

Defense Agencies: Family Housing

State	Installation or Location	Purpose	Amount
Virginia	Richmond International Airport	25 Units	7,840,000
	Total		7,840,000

1 (b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization
2 of appropriations in section 2404(a)(9)(A), the Secretary of the Defense may carry out
3 architectural and engineering services and construction design activities with respect to the
4 construction or improvement of family housing units in an amount not to exceed \$484,000.

5 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

6 Using amounts appropriated pursuant to the authorization of appropriations in section
7 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under section
8 2865 of title 10, United States Code, in the amount of \$60,000,000.

9 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

10 Funds are hereby authorized to be appropriated for fiscal years beginning after September
11 30, 2006, for military construction, land acquisition, and military family housing functions of the
12 Department of Defense (other than the military departments) in the total amount of
13 \$7,085,455,000, as follows:

14 (1) For military construction projects inside the United States authorized by
15 section 2401(a), \$669,034,000.

16 (2) For military construction projects outside the United States authorized by
17 section 2401(b), \$217,175,000.

18 (3) For unspecified minor military construction projects under section 2805 of
19 title 10, United States Code, \$21,672,000.

1 (4) For contingency construction projects of the Secretary of Defense under
2 section 2804 of title 10, United States Code, \$10,000,000.

3 (5) For architectural and engineering services and construction design under
4 section 2807 of title 10, United States Code, \$172,150,000.

5 (6) For Energy Conservation projects authorized by section 2403, \$60,000,000.

6 (7) For base closure and realignment activities funded through the account created
7 pursuant to section 2906 of, and authorized by, the Defense Base Closure and
8 Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended; 10
9 U.S.C. 2687 note), \$191,220,000.

10 (8) For base closure and realignment activities funded through the account created
11 pursuant to section 2906A of, and authorized by, the Defense Base Closure and
12 Realignment Act of 1990 (part A of title XXIX of Public Law 101-510, as amended; 10
13 U.S.C. 2687 note), \$5,626,223,000.

14 (9) For military family housing functions:

15 (A) For construction and acquisition, planning and design, and
16 improvement of military family housing and facilities, \$8,808,000.

17 (B) For support of military family housing (including functions described
18 in section 2833 of title 10, United States Code), \$48,506,000.

19 (C) For credit to the Department of Defense Family Housing Improvement
20 Fund established by section 2883(a)(1) of title 10, United States Code,
21 \$2,500,000.

1 (10) For the construction of NSA/CSS Hawaii replacement at Kunia, Hawaii,
2 authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal
3 Year 2006 (division B of Public Law 109-163; 119 Stat. 3497), \$47,016,000.

4 (11) For the construction of increment 2 of the classified material conversion
5 facility at Fort Meade, Maryland, authorized by section 2401(a) of the Military
6 Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109-163;
7 119 Stat. 3497), \$11,151,000.

8 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL**
9 **YEAR 2006 PROJECT.**

10 The table in section 2401(a) of the Military Construction Authorization Act for Fiscal
11 Year 2006 (division B of Public Law 109-163;119 Stat. 3497) is amended under the agency
12 heading relating to National Security Agency, in the item relating to Kunia, Hawaii, by striking
13 “\$305,000,000” in the amount column and inserting “\$350,490,000”.

14 **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION**
15 **SECURITY INVESTMENT PROGRAM**

16 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION**
17 **PROJECTS.**

18 The Secretary of Defense may make contributions for the North Atlantic Treaty
19 Organization Security Investment Program as provided in section 2806 of title 10, United States
20 Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this
21 purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as
22 a result of construction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for fiscal years beginning after September
3 30, 2006, for contributions by the Secretary of Defense under section 2806 of title 10, United
4 States Code, for the share of the United States of the cost of projects for the North Atlantic
5 Treaty Organization Security Investment Program authorized by section 2501, in the amount of
6 \$220,985,000.

7 **TITLE XXVI—CHEMICAL DEMILITARIZATION CONSTRUCTION,**
8 **DEFENSE**

9 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL**
10 **DEMILITARIZATION.**

11 Funds are hereby authorized to be appropriated for fiscal years beginning after September
12 30, 2006, for military construction and land acquisition for Chemical Demilitarization in the total
13 amount of \$130,993,000, as follows:

14 (1) For the construction of phase 8 of a munitions demilitarization facility at
15 Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military
16 Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201;
17 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization
18 Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), and section
19 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of
20 Public Law 107-314; 116 Stat. 2697), \$41,836,000.

21 (2) For the construction of phase 7 of a munitions demilitarization facility at Blue
22 Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction

1 Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835),
2 as amended by section 2405 of the Military Construction Authorization Act of 2002
3 (division B of Public Law 107-107; 115 Stat. 1298), and section 2405 of the Military
4 Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314;
5 116 Stat. 2697), \$89,157,000.

6 **TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES**

7 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND** 8 **ACQUISITION PROJECTS.**

9 Funds are hereby authorized to be appropriated for fiscal years beginning after September
10 30, 2006, for the costs of acquisition, architectural and engineering services, and construction of
11 facilities for the reserve components, and for contributions therefor, under chapter 1803 of title
12 10, United States Code (including the cost of acquisition of land for those facilities), in the
13 following amounts:

14 (1) For the Department of the Army—

15 (A) for the Army National Guard of the United States, \$473,197,000; and

16 (B) for the Army Reserve, \$166,487,000.

17 (2) For the Department of the Navy, for the Navy and Marine Corps Reserve,
18 \$48,408,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the United States, \$125,788,000; and

21 (B) for the Air Force Reserve, \$44,936,000.

1 **TITLE XXVIII—EXPIRATION AND EXTENSION OF**
2 **AUTHORIZATIONS**

3 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO**
4 **BE SPECIFIED BY LAW.**

5 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in
6 subsection (b), all authorizations contained in titles XXI through XXVIII for military
7 construction projects, land acquisition, family housing projects and facilities, and contributions
8 to the North Atlantic Treaty Organization Security Investment Program (and authorizations of
9 appropriations therefor) shall expire on the later of—

10 (1) October 1, 2009; or

11 (2) the date of the enactment of an Act authorizing funds for military construction
12 for fiscal year 2010.

13 (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military
14 construction projects, land acquisition, family housing projects and facilities, and contributions
15 to the North Atlantic Treaty Organization Security Investment Program (and authorizations of
16 appropriations therefor), for which appropriated funds have been obligated before the later of—

17 (1) October 1, 2009; or

18 (2) the date of the enactment of an Act authorizing funds for fiscal year 2010 for
19 military construction projects, land acquisition, family housing projects and facilities, or
20 contributions to the North Atlantic Treaty Organization Security Investment Program.

21 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004**
22 **PROJECTS.**

1 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction
 2 Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1704),
 3 authorizations set forth in the tables in subsection (b), as provided in sections 2101, 2301, 2302,
 4 2401, and 2701 of that Act, shall remain in effect until October 1, 2007, or the date of the
 5 enactment of an Act authorizing funds for military construction for fiscal year 2008, whichever
 6 is later.

7 (b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Multi-purpose Training Range Complex	47,000,000
Hawaii	Helemano Military Reservation	Land Easement	1,400,000
Massachusetts	Natick Soldier System Center	Thermal Test Facility	5,500,000
Virginia	Fort Belvoir	NGIC Land Acquisition	7,000,000
	Fort Lee	Fire & Emergency Services Center (Ph 2)	3,850,000
Italy	Aviano	Joint Deployment Facility (Ph 1)	15,500,000

Air Force: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
California	Travis Air Force Base	Replace Family Housing (56 units)	12,723,000
Delaware	Dover Air Force Base	Replace Family Housing (112 units)	19,601,000
Florida	Eglin Air Force Base	Replace Family Housing (279 units)	32,166,000
Hawaii	Hickam Air Force Base	Expand Strategic Airlift Parking Ramp	10,102,000
Texas	Dyess Air Force Base	Replace Family Housing (116 units)	19,973,000
	Randolph Air Force Base	Replace Family Housing (96 units)	13,754,000

Defense Wide: Extension of 2004 Project Authorizations

Agency	Installation or Location	Project	Amount
Defense Logistics Agency	Hickam AFB, Hawaii	Replace Hydrant Fuel System	14,100,000

Army National Guard: Extension of 2004 Project Authorizations

State	Installation or Location	Project	Amount
New Mexico	Albuquerque	Readiness Center, Add/Alt (ADRS)	2,533,000
Pennsylvania	Fort Indiantown Gap	Multi-purpose Training Range	15,338,000

8 **SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003**
 9 **PROJECTS.**

1 (a) EXTENSION.—Notwithstanding section 2701 of the Military Construction
 2 Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2681),
 3 authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act,
 4 shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing
 5 funds for military construction for fiscal year 2007, whichever is later.

6 (b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force : Extension of 2003 Project Authorization

State	Installation or Location	Project	Amount
Florida	Eglin Air Force Base	Replace Family Housing (134 units)	15,906,000
	Eglin Air Force Base	Replace Housing Office	597,000
Mississippi	Keesler Air Force Base	Replace Family Housing (117 units)	16,505,000
Texas	Randolph Air Force Base	Replace Family Housing (112 units)	14,311,000
	Randolph Air Force Base	Replace Family Housing Maintenance Facility	447,000

7 **TITLE XXIX—GENERAL PROVISIONS**

8 **Subtitle A—Military Construction Program and Military Family Housing**

9 **Changes**

10 **SEC. 2901. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS**

11 **FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.**

12 (a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by inserting
 13 after section 2809 the following new section:

14 **"§ 2810. Authority to use operation and maintenance funds for construction projects**
 15 **outside the United States**

1 "(a) IN GENERAL.—The Secretary of Defense may obligate appropriated funds available
2 for operation and maintenance to carry out a construction project outside the United States that
3 the Secretary determines meets each of the following conditions:

4 "(1) The construction is necessary to meet urgent military operational
5 requirements involving the use of the armed forces in support of a declaration of war, the
6 declaration by the President of a national emergency under section 201 of the National
7 Emergencies Act (50 U.S.C. 1621), or a contingency operation.

8 "(2) The requirement is of a temporary nature, such that there is no intention of
9 using the construction after the operational requirements have been satisfied.

10 "(3) The level of construction is the minimum necessary to meet the temporary
11 operational requirements.

12 "(b) LIMITATION ON USE OF AUTHORITY.—(1) The total cost of the construction projects
13 carried out under this section shall not exceed \$200,000,000 in any fiscal year.

14 "(2) The Secretary of Defense may waive the limitation imposed by paragraph (1) if the
15 Secretary determines that the obligation of operation and maintenance funds for construction
16 projects in excess of the amount specified in such paragraph is vital to the national security.

17 "(3) Upon use of the waiver authority granted by paragraph (2), the Secretary shall notify
18 the Office of Management and Budget of the amounts of operation and maintenance funds
19 obligated in excess of \$200,000,000 along with a description of the projects so funded.

20 "(c) RELATION TO OTHER AUTHORITIES.—The authority provided by this section, and the
21 limited authority provided by section 2805(c) of this title, are the only authorities available to the

1 Secretary of Defense and the Secretaries of the military departments to use appropriated funds
2 available for operation and maintenance to carry out construction projects."

3 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
4 amended by inserting after the item relating to section 2809 the following new item:
5 "2810. Authority to use operation and maintenance funds for construction projects outside the United States."

6 **SEC. 2902. PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF**
7 **MILITARY UNACCOMPANIED HOUSING.**

8 Section 2881a of title 10, United States Code, is amended—

9 (1) in subsection (d)(2), by striking "90" and inserting "30";

10 (2) in subsection (e)(2), by striking "90" and inserting "30"; and

11 (3) in subsection (f), by striking "2007" and inserting "2009".

12 **SEC. 2903. AUTHORIZE USE OF OPERATION AND MAINTENANCE FUNDS TO**
13 **CARRY OUT MINOR CONSTRUCTION NECESSARY TO REPLACE**
14 **DAMAGED OR DESTROYED FACILITIES.**

15 Section 2854 of title 10, United States Code, is amended by adding at the end the
16 following new subsection:

17 "(c) The Secretary concerned may spend from appropriations available for operations and
18 maintenance amounts necessary to carry out a construction project under this section costing not
19 more than \$7,500,000."

20 **SEC. 2904. ALTERNATIVE USE OF PROCEEDS FROM THE SALE OF MILITARY**
21 **FAMILY HOUSING IN SUPPORT OF THE MILITARY HOUSING**
22 **PRIVATIZATION INITIATIVE.**

23 (a) TRANSFER FLEXIBILITY.—Section 2831 of title 10, United States Code, is amended—

1 (1) in subsection (b), by striking "There" and inserting "Except as provided in
2 subsection (e), there";

3 (2) by redesignating subsections (e) and (f) as subsections (f) and (g),
4 respectively; and

5 (3) by inserting after subsection (d) the following new subsection (e):

6 "(e) The Secretary concerned may transfer funds received under paragraph (3) of
7 subsection (b) to the Department of Defense Family Housing Improvement Fund established
8 under subsection (a) of section 2883 of this title."

9 (b) EXPANSION OF CREDITS AND NOTIFICATION REQUIREMENT.—Section 2883 of such
10 title is amended—

11 (1) in subsection (c), by adding at the end of paragraph (1) the following new
12 subparagraph:

13 "(G) Subject to subsection (f), any amounts from the proceeds of handling
14 or disposal of family housing of a military department transferred to that Fund
15 pursuant to section 2831(e) of this title."; and

16 (2) in subsection (f), by inserting ", (1)(G)" after "Fund under paragraph (1)(B)".

17 **SEC. 2905. UPDATING FOREIGN CURRENCY FLUCTUATION ADJUSTMENT FOR**
18 **MILITARY FAMILY HOUSING LEASES IN FOREIGN COUNTRIES.**

19 Section 2828(e)(5)(A) of title 10, United States Code, is amended by striking "for foreign
20 currency fluctuations from October 1, 1987" and inserting "at the beginning of each fiscal year,
21 for foreign currency fluctuations during the previous fiscal year".

22 **SEC. 2906. MILITARY UNACCOMPANIED HOUSING: LOCAL COMPARABILITY**

1 **OF FLOOR AREAS.**

2 (a) IN GENERAL.—Section 2856 of title 10, United States Code, is amended to read as
3 follows:

4 "**§ 2856. Military unaccompanied housing: local comparability of floor areas**

5 "In the construction, acquisition, and improvement of military unaccompanied housing,
6 the Secretary concerned shall ensure that the floor areas of such housing in a particular locality
7 (as designated by the Secretary concerned for purposes of this section) do not exceed the floor
8 areas of similar housing in the private sector in that locality."

9 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of
10 such title is amended by striking the item related to section 2856 and inserting the following:
11 "2856. Military unaccompanied housing: local comparability of floor areas."

12 **SEC. 2907. FLEXIBLE FINANCING OF HOUSING PRIVATIZATION INITIATIVE.**

13 Section 2883(d) of title 10, United States Code, is amended by adding at the end the
14 following new paragraph:

15 "(4) Notwithstanding the requirement in paragraphs (1) and (2) for authority in an
16 appropriation Act to expend amounts in the Funds, amounts credited to the Funds under
17 paragraphs (1)(C), (1)(D), (2)(C), and (2)(D) in subsection (c) may be used to carry out or
18 facilitate the carrying out of a transaction as authorized by section 2872 after the end of
19 the 30-day period beginning on the date the Secretary of Defense submits written notice
20 of, and justification for, the use of such amounts to the appropriate committees of
21 Congress or, if earlier, the end of the 14-day period beginning on the date on which a

1 copy of the notice and justification is provided in an electronic medium pursuant to
2 section 480 of this title."

3 **SEC. 2908. STREAMLINING MILITARY CONSTRUCTION THRESHOLDS.**

4 (a) EMERGENCY CONSTRUCTION.—Section 2803(c)(1) of title 10, United States Code, is
5 amended by striking "\$45,000,000" and inserting "\$60,000,000".

6 (b) MINOR CONSTRUCTION THRESHOLDS.—Section 2805 of such title is amended—

7 (1) in subsection (a)(1)—

8 (A) by striking "\$1,500,000" and inserting "\$3,000,000"; and

9 (B) by striking the third sentence;

10 (2) in subsection (b)(1), by striking "\$750,000" and inserting "\$1,500,000
11 (\$3,000,000 for a medical facility)";

12 (3) in subsection (c)(1)—

13 (A) in subparagraph (A)—

14 (i) by striking "\$1,500,000" and inserting "\$3,000,000";

15 (ii) by inserting "for a medical facility or" after "project"; and

16 (iii) by striking "or" at the end; and

17 (B) in subparagraph (B)—

18 (i) by striking "\$750,000" and inserting "\$1,500,000"; and

19 (ii) by striking the period at the end and inserting "; or"; and

20 (4) by adding at the end the following new subparagraph:

21 "(C) \$2,000,000, in cases where the disposal of obsolete facilities as part
22 of the project results in a reduction in facility value at least equal to the value of

1 the new facility. The approving official must certify the demolition (or disposal
2 by other means) of the offsetting facility."

3 **SEC. 2909. INCREASED LEASE AMOUNT FOR TWO HOUSING UNITS FOR**
4 **UNITED STATES SPECIAL OPERATIONS COMMAND SOUTH.**

5 Section 2828(b) of title 10, United States Code, is amended—

6 (1) in paragraph (2)—

7 (A) by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4),
8 and (5)"; and

9 (B) by striking "paragraph (5)" and inserting "paragraph (6)";

10 (2) in paragraph (3), by striking "paragraph (5)" and inserting "paragraph (6)";

11 (3) in paragraph (4)(B), by striking "paragraph (6)" and inserting "paragraph (7)";

12 (4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7),

13 respectively;

14 (5) by inserting after paragraph (4) the following new paragraph (5):

15 "(5)(A) The Secretary of the Army may lease not more than two housing units in
16 the vicinity of Homestead, Florida, for key and essential personnel, as designated by the
17 Secretary, for the United States Special Operations Command South for which the
18 expenditure for the rental of such units (including the costs of utilities, maintenance, and
19 operation, including security enhancements) exceeds the expenditure limitations in
20 paragraphs (2) and (3).

21 "(B) The total amount of both leases under this paragraph may not exceed
22 \$70,000 per year, as adjusted from time to time under paragraph (7).

1 "(C) The term of any lease under this paragraph may not exceed 5 years."; and
2 (6) in paragraph (7), as redesignated, by striking "paragraph (4)" and inserting
3 "paragraphs (4) and (5)".

4 **Subtitle B—Real Property and Facilities Administration**

5 **SEC. 2911. REPEAL REQUIREMENT TO DETERMINE THE AVAILABILITY OF**
6 **SUITABLE ALTERNATIVE HOUSING FOR ACQUISITION IN LIEU OF**
7 **CONSTRUCTION OF NEW FAMILY HOUSING.**

8 (a) IN GENERAL.—Section 2823 of title 10, United States Code, is repealed.

9 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of
10 such title is amended by striking the item related to section 2823.

11 **SEC. 2912. CLARIFICATION OF POTENTIAL RECIPIENTS OF PLANNING**
12 **GRANTS.**

13 Section 2391(d)(1) of title 10, United States Code, is amended by adding at the end the
14 following new sentence: "For purposes of subsection (b)(1)(D) of this section, a 'military
15 installation' may also include a military facility owned and operated by a State, the District of
16 Columbia, the Commonwealth of Puerto Rico, Guam, or the Virgin Islands even though not
17 under the jurisdiction of a military department, if the military facility is subject to significant use
18 for training by the armed forces."

19 **SEC. 2913. CONSOLIDATION OF EASEMENT PROVISIONS.**

20 (a) CONSOLIDATION OF EASEMENT PROVISIONS.—(1) Section 2668 of title 10, United
21 States Code, is inserted after section 2671 of such title.

22 (2) Section 2672, as redesignated by paragraph (1), is amended—

1 (A) by amending the heading to read as follows:

2 **"§ 2672. Easements: Rights-of-way";**

3 (B) in subsection (a)—

4 (i) by inserting "(a) TYPES OF EASEMENTS.—" after "(a)"; and

5 (ii) in the matter preceding paragraph (1), by striking "to a State, Territory,
6 Commonwealth, or possession, or political subdivision thereof, or to a citizen,
7 association, partnership, or corporation of a State, Territory, Commonwealth, or
8 possession,";

9 (iii) in paragraph (2), by striking "oil pipe lines" and inserting "gas, water,
10 sewer, and oil pipe lines"; and

11 (iv) in paragraph (13), by striking ", except a purpose covered by section
12 2669 of this title";

13 (C) in subsection (b), by inserting "LIMITATION ON SIZE.—" after "(b)";

14 (D) in subsection (c), by inserting "TERMINATION.—" after "(c)";

15 (E) in subsection (d), by inserting "NOTICE TO DEPARTMENT OF THE INTERIOR.—"
16 after "(d)"; and

17 (F) in subsection (e), by inserting "DISPOSITION OF CONSIDERATION.—" after
18 "(e)".

19 (b) REPEAL OF SECTION 2669.—Section 2669 of such title is repealed.

20 (c) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 159 of
21 such title is amended—

22 (1) by striking the items related to sections 2668 and 2669; and

1 (2) by inserting after the item relating to section 2671 the following new item:

2 "2672. Easements: rights-of-way."

3 **SEC. 2914. CONSOLIDATION OF PROVISIONS RELATING TO TRANSFER OF**
4 **REAL PROPERTY WITHIN THE DEPARTMENT OF DEFENSE AND**
5 **TO OTHER FEDERAL AGENCIES.**

6 (a) RENUMBERING OF 10 U.S.C. 2696.—Section 2696 of title 10, United States Code, is
7 amended—

8 (1) in subsection (a), by striking "(a) SCREENING REQUIREMENT." and inserting

9 "(c) GENERAL SCREENING REQUIREMENTS.—(1) SCREENING REQUIREMENT.";

10 (2) by redesignating subsections (b), (d), and (e) as paragraphs (2), (3), and (4),

11 respectively;

12 (3) in paragraph (2), as redesignated—

13 (A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B),

14 respectively; and

15 (B) in subparagraph (A), as redesignated—

16 (i) by striking "subsection (a)" and inserting "paragraph (1)"; and

17 (ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i),

18 (ii), and (iii), respectively; and

19 (4) in paragraph (3), as redesignated, by striking "subsection (b)(1)" and inserting

20 "paragraph (2)(A)".

21 (b) TRANSFERS BETWEEN THE ARMED FORCES.—Such section is further amended by

22 inserting a new subsection (a) as follows:

1 "(a) TRANSFERS BETWEEN THE ARMED FORCES.—(1) If either of the Secretaries
2 concerned requests it and the other approves, real property may be transferred, without
3 compensation, from one armed force to another.

4 "(2) No agency or official of the executive branch of the Federal Government may
5 establish any regulation, program, or policy or take any other action which precludes, directly or
6 indirectly, the Secretaries concerned from exercising the authority provided in this subsection."

7 (c) TRANSFER AND RENUMBERING OF 10 U.S.C. 2693.—(1) The text of section 2693 of
8 such title is transferred to section 2696 and inserted after subsection (a).

9 (2) Subsection (b) of section 2696, as redesignated, is amended—

10 (A) by redesignating subsections (a) and (b) as paragraphs (1) and (2),
11 respectively;

12 (B) in paragraph (1), as redesignated—

13 (i) by striking "(a) Except as provided in subsection (b)" and inserting "(b)

14 DEPARTMENT OF JUSTICE CORRECTIONAL OPTIONS PROGRAM.—(1) GENERAL.—
15 Except as provided in paragraph (2)"; and

16 (ii) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A),

17 (B), and (C), respectively; and

18 (C) in paragraph (2), as redesignated—

19 (i) by striking "(b) The provisions" and inserting "(2) EXCEPTIONS.—The
20 provisions"; and

21 (ii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B),
22 respectively.

1 (d) CLERICAL AMENDMENTS.—(1) The heading for section 2696 of such title is amended
2 to read as follows:

3 **"§ 2696. Transfers and Disposals: Interchanges and screening requirements".**

4 (2) The table of sections at the beginning of chapter 159 of such title is amended—

5 (A) by striking the item relating to section 2693; and

6 (B) by amending the item relating to section 2696 to read as follows:

7 "2696. Transfers and Disposals: Interchanges and screening requirements."

8 (e) CONFORMING AMENDMENTS.—Section 2571(a) of such title 10 is amended—

9 (1) by striking "and real estate";

10 (2) by striking "**PROPERTY**" in the section heading and inserting "**SUPPLIES**";

11 and

12 (3) in the table of sections at the beginning of chapter 153 of such title, by

13 amending the item relating to section 2571 to read as follows:

14 "2571. Interchange of supplies and services."

15 **SEC. 2915. EXTENDING LEASE TERMS FOR STRUCTURES AND REAL**

16 **PROPERTY RELATING TO STRUCTURES IN FOREIGN COUNTRIES**

17 **THAT ARE NEEDED FOR PURPOSES OTHER THAN FAMILY**

18 **HOUSING.**

19 Section 2675(a) of title 10, United States Code, is amended by striking "five" and

20 inserting "ten".

21 **SEC. 2916. PREVENTING ENCROACHMENT.**

22 Section 2684a(h) of title 10, United States Code, is amended—

1 (1) by striking "FUNDING.—(1)" and inserting "CONSIDERATION.—Consideration
2 for an agreement under this section may take the following forms—(1)"; and

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

4 "(3) Notwithstanding title 40 and the McKinney Vento Homeless Assistance Act,
5 land under the Secretary's jurisdiction and determined to be excess to the needs of the
6 Department of Defense may be used by way of exchange to enter into agreements under
7 this section, provided the excess lands are located within the same state as the installation
8 that is the subject of the agreement. Prior to using excess lands for exchange under this
9 section, the Secretary concerned shall request the concurrence of the Office of
10 Management and Budget, and the Secretary of the Interior in the case of lands withdrawn
11 from the public domain, using a process developed by the Secretary of Defense."

12 **SEC. 2917. AUTHORITY TO GRANT RESTRICTIVE EASEMENTS.**

13 (a) AUTHORITY TO GRANT RESTRICTIVE EASEMENTS.—Chapter 159 of title 10, United
14 States Code, is amended by inserting after section 2671 adding the following new section:

15 **"§ 2672a. Easements: restrictive**

16 "(a) CONSERVATION EASEMENTS.—(1) If the Secretary of a military department finds that
17 it will not be against the public interest, he may grant, upon such terms as he considers advisable,
18 a restrictive easement—

19 "(A) to—

20 "(i) a state or local government; or

21 "(ii) a qualified organization, as that term is used in section 170(h) of the
22 Internal Revenue Code of 1986 (26 U.S.C. 170(h));

1 "(B) for a conservation purpose consistent with section 170(h)(4)(A)(iv) of that
2 Act (26 U.S.C. 170(h)(4)(A)(iv));

3 "(C) over, in, and upon any real property that is to be transferred by deed by that
4 department;

5 "(D) restricting future uses of the property.

6 "(2) An easement under paragraph (1) shall not be granted if the Secretary determines
7 that—

8 "(A) the conservation of the property can be effectively achieved through the
9 application of State law by units of State or local government;

10 "(B) the jurisdiction that encompasses the property authorizes such an easement;
11 and

12 "(C) the Secretary can give or assign to a third party the responsibility for
13 monitoring and enforcing such an easement.

14 "(b) ENVIRONMENTAL EASEMENTS.—(1) If the Secretary of a military department finds
15 that it will not be against the public interest, he may grant, upon such terms as he considers
16 advisable, a restrictive easement—

17 "(A) to a state or local government;

18 "(B) over, in, and upon any real property that is to be transferred by deed by that
19 department;

20 "(C) restricting future uses of the property to ensure the continued effectiveness of
21 any environmental restoration function on the property conducted pursuant to chapter 160
22 of this title.

1 **Subtitle D—Other Matters**

2 **SEC. 2931. REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES.**

3 (a) IN GENERAL.—Section 2805 of title 10, United States Code, is amended—

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

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

6 "(d) LABORATORY REVITALIZATION.—(1) For the revitalization of laboratories owned by
7 the United States and under the jurisdiction of the Secretary concerned, the Secretary may spend
8 from appropriations available—

9 "(A) for operation and maintenance amounts necessary to carry out an unspecified
10 minor military construction project costing not more than \$1,500,000; or

11 "(B) for military construction not otherwise authorized by law amounts necessary
12 to carry out an unspecified minor military construction project costing not more than
13 \$3,000,000.

14 "(2) For projects conducted pursuant to this subsection, \$1,500,000 shall be the amount
15 applied for purposes of subsection (b)(1).

16 "(3) For purposes of this subsection, a laboratory includes—

17 "(A) a research, engineering, and development center;

18 "(B) a test and evaluation activity; and

19 "(C) any buildings, structures, or facilities located at and supporting such centers
20 or activities."

21 (b) STYLISTIC AND CLERICAL AMENDMENTS.—Such section is further amended—

1 (1) in subsection (a), by inserting "MILITARY CONSTRUCTION FUNDING.—" after
2 "(a);
3 (2) in subsection (b), by inserting "NOTIFICATIONS.—" after "(b);
4 (3) in subsection (c), by inserting "OPERATION AND MAINTENANCE FUNDING.—"
5 after "(c); and
6 (4) in subsection (e), as redesignated by subsection (a) of this section, by inserting
7 "LIMITATIONS.—" after "(e)".

8 **SEC. 2932. THRESHOLD FOR MEDICAL FACILITY PROJECTS.**

9 Section 2805(a) of title 10, United States Code, is amended—

10 (1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and
11 (3);
12 (2) by adding at the end the following new paragraph:
13 "(3) For an unspecified minor military construction project for a medical facility,
14 the cost limitation for purposes of paragraph (1) is the expenditure threshold for a major
15 medical facility project under section 8104(a)(3)(A) of title 38."