

## S 2767

Department of Defense Authorization Act for Fiscal Year 2007

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### Sponsor

**Name:** Sen. Warner, John [R-VA]

**Party:** Republican • **State:** VA • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	Senate	Reported Original Measure	May 9, 2006

### Subjects & Policy Tags

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Armed Forces and National Security

### Related Bills

Bill	Relationship	Last Action
109 HR 5122	Related bill	<b>Oct 17, 2006:</b> Became Public Law No: 109-364.
109 S 2766	Related document	<b>Jul 25, 2006:</b> Senate Committee on Armed Services. Hearings held prior to introduction and/or referral. Hearings printed: S.Hrg. 109-827, pt. 4 (hearings held 3/1, 3/28, 7/25 and concluded).

Department of Defense Authorization Act for Fiscal Year 2007 - **Title I: Procurement - Subtitle A: Authorization of Appropriations** - (Sec. 101) Authorizes appropriations for FY2007 for the Army, Navy and Marine Corps, and Air Force for aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and other procurement.

(Sec. 104) Authorizes appropriations for FY2007 for defense-wide procurement.

**Subtitle B: Army Programs** - (Sec. 111) Limits the availability of Army procurement funds for procurement of the Joint Network Node until the Secretary of the Army reports to the congressional defense and appropriations committees on certain strategies connected with such Node and related programs.

(Sec. 112) Requires a report from the: (1) Comptroller General (CG) to the defense and appropriations committees on the participation and activities of the lead systems integrator in the Future Combat Systems (FCS) program; (2) Secretary of the Army to such committees on the Army modularity initiative; and (3) CG annually to such committees assessing Army progress and use of funds in connection with the modularity initiative.

(Sec. 114) Requires that priority for the distribution of new and combat serviceable equipment for active and reserve forces be given to units scheduled for mission deployment, employment first, or both, regardless of component. Authorizes priority distribution of Army National Guard equipment for states that have experienced a major disaster, but only after distribution of new and combat serviceable equipment has been made in accordance with the priority of distributing new and combat serviceable equipment for active and reserve forces to units scheduled for mission deployment, employment first, or both.

**Subtitle C: Navy Programs** - (Sec. 121) Makes Navy shipbuilding and conversion funds authorized for construction of CVN-21 class aircraft carriers available in the fiscal year for which they are authorized and the succeeding three fiscal years. Earmarks specified FY2007 Navy funds for advance procurement with respect to the CVN-21 class carriers designated CVN-78, 79, and 80. Provides contract authority with respect to advance procurement and construction for such ships.

(Sec. 122) Earmarks specified Navy shipbuilding and conversion funds for construction of the first two vessels under the next-generation destroyer program. Provides contract authority.

(Sec. 123) Amends the National Defense Authorization Act (NDAA) for Fiscal Year 1998 to increase the cost limitation on the procurement of the CVN-77 aircraft carrier.

**Subtitle D: Air Force Programs** - (Sec. 141) Requires any Joint Primary Aircraft Training System aircraft procured after FY2006 to be procured through a contract under provisions of the Federal Acquisition Regulation (FAR) relating to acquisition by negotiated contract rather than under FAR provisions relating to the acquisition of commercial items.

(Sec. 142) Prohibits the Secretary of the Air Force from retiring any C-130E/H tactical airlift aircraft in FY2007.

(Sec. 143) Directs the Secretary of the Air Force to ensure that the number, if any, of: (1) KC-135E aircraft that are retired in FY2007 does not exceed 29; and (2) B-52H bomber aircraft that are retired in FY2007 does not exceed 18.

(Sec. 145) Prohibits any funds authorized to the Department of Defense (DOD) from being obligated or expended for retiring or dismantling any of the 93 B-52H bomber aircraft in service in the Air Force as of June 1, 2006, until 30 days

after the Secretary of the Air Force reports to the defense committees on Air Force bomber force structure meeting specified modernization and national security requirements.

(Sec. 146) Prohibits the Secretary of the Air Force from using incremental funding for procurement of F-22A fighter aircraft. Authorizes such Secretary to enter into a multiyear contract, beginning with the FY2007 program year, for procurement of not more than 60 of such aircraft.

(Sec. 147) Authorizes the Secretary of the Air Force, beginning with the FY2007 program year, to enter into multiyear contracts for procurement of not more than: (1) 120 F-119 engines for F-22A aircraft; and (2) 13 spare F-119 engines for such aircraft.

(Sec. 148) Expresses the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after retirement of the U-2 aircraft fleet. Requires the Secretary of the Air Force to submit to the defense and appropriations committees a plan for migrating such capabilities from U-2 aircraft to the Global Hawk platform before the retirement of the U-2 aircraft fleet in 2011.

(Sec. 149) Directs the Air Force to modernize Minuteman III intercontinental ballistic missiles (ICBMs) in U.S. inventory in order to maintain a sufficient supply of launch test assets and spares to sustain the deployed force of such missiles through 2030. Prohibits the obligation or expenditure of DOD funds for the termination of any Minuteman III ICBM modernization program, or for the withdrawal of any such missile from the active force, until 30 days after the Secretary reports to the defense and appropriations committees certain justifications, analyses, and assessments with respect to the Minuteman III ICBM. Earmarks specified Air Force funds for ICBM security modernization for remote visual assessment for security for ICBM silos.

**Title II: Research, Development, Test, and Evaluation - Subtitle A: Authorization of Appropriations - (Sec. 201)** Authorizes appropriations for FY2007 for the Armed Forces for research, development, test, and evaluation (RDT&E). Earmarks specified amounts for: (1) defense science and technology projects; and (2) the development and validation of warfighter rapid awareness processing technology.

**Subtitle B: Program Requirements, Restrictions, and Limitations - (Sec. 211)** Prohibits obligation or expenditure of more than 50 percent of the funds authorized for FCS systems engineering and program management until the Secretary of Defense (Secretary) reports to the defense and appropriations committees an independent cost estimate for the FCS.

(Sec. 212) Amends the NDAA for Fiscal Year 2000 to extend through FY2012 the funding objectives of its defense science and technology programs. Outlines actions, including additional reports to the defense and appropriations committees, required of the Secretary following failure to comply with such objectives.

(Sec. 213) Directs the Secretary to establish within DOD a joint technology office on hypersonics, to carry out a program for the development of hypersonics for defense purposes. Requires: (1) the office to develop a roadmap for DOD hypersonics programs; and (2) the Secretary to submit the roadmap to the defense and appropriations committees.

(Sec. 214) Prohibits obligation or expenditure of funds for development or modification of the Trident D-5 sea-launched ballistic missile until 30 days after the Secretary submits to the defense and appropriations committees a proposal to replace nuclear warheads on 24 of such missiles with conventional kinetic warheads. Earmarks RDT&E funds for such proposal.

(Sec. 215) Earmarks specified RDT&E funds for: (1) the Arrow ballistic missile defense system; (2) high energy laser low aspect target tracking; (3) the advanced aluminum aerostructures initiative; (4) legged mobility robotic research; and (5) the wideband digital airborne electronic sensing array.

(Sec. 220) Earmarks specified RDT&E funds for: (1) Army, Navy, and Air Force support for university research initiatives; (2) computer science and cybersecurity; and (3) the SMART national defense education program.

**Subtitle C: Missile Defense Programs** - (Sec. 231) Allows FY2008 RDT&E funds to be used for the development and fielding of ballistic missile defense (BMD) capabilities.

(Sec. 232) States as the policy of the United States that DOD accord a priority within its missile defense program to the development, testing, fielding, and improvement of specified near-term missile defense capabilities.

(Sec. 233) Amends the NDAA for Fiscal Year: (1) 2002 to extend by one year CG assessments of BMD programs; and (2) 2006 to provide submittal dates of plans for test and evaluation of the operational capability of the BMD system.

(Sec. 235) Requires annual reports, from 2007 through 2013, from the Under Secretary of Defense for Acquisition, Technology, and Logistics (Under Secretary) to the defense and appropriations committees on DOD plans for the transition of missile defense programs from the Missile Defense Agency to the military departments.

(Sec. 236) Earmarks specified defense-wide RDT&E funds for the ballistic missile defense midcourse defense segment.

**Subtitle D: Other Matters** - (Sec. 251) Extends through the end of FY2011 the Global Research Watch Program carried out by DOD's Director of Defense Research and Engineering.

(Sec. 252) Authorizes the Director of Defense Research and Engineering and the service acquisition executives of the military departments (currently, only the Director of the Defense Advanced Research Projects Agency) to award prizes for advanced technology achievements within their respective departments. Extends such program through FY2011. Modifies related report requirements.

(Sec. 253) Requires that if, before a final decision is made within DOD to proceed with a major defense acquisition program (MDAP) beyond low-rate initial production, a decision is made to proceed to operational use of the program or to allocate procurement funds for the program, then the Director of Operational Test and Evaluation shall submit to the defense and appropriations committees a report with respect to the program. Directs the Under Secretary and such Director to: (1) review DOD policies and practices on test and evaluation in light of emerging approaches to acquisitions; and (2) if necessary, issue new or revised guidance for DOD on test and evaluation. Requires the Under Secretary to submit a review report to the defense and appropriations committees.

(Sec. 254) Directs the Secretary to: (1) provide for development of the propulsion system for the F-35 fighter aircraft (the joint strike fighter) by a means elected through a specified process; and (2) notify the defense and appropriations committees prior to any modification of the procurement program for such fighter that would result in propulsion system development in a manner other than the specified process.

(Sec. 255) Requires: (1) the Secretary, a federally funded research and development center, and the CG to each perform three independent cost analyses for the joint strike fighter engine program; and (2) each of the three to report to the defense and appropriations committees on such analyses.

(Sec. 256) Expresses the sense of the Senate that the Secretary should share U.S. joint strike fighter technology with the

Government of the United Kingdom consistent with national security interests of both nations.

(Sec. 257) Requires a report from the Secretary to Congress on DOD biometrics programs.

**Title III: Operation and Maintenance - Subtitle A: Authorization of Appropriations** - (Sec. 301) Authorizes appropriations for FY2007 for operation and maintenance (O&M) for the Armed Forces and specified activities and agencies of DOD.

(Sec. 302) Authorizes appropriations for FY2007 for: (1) working capital funds; (2) the Defense Health Program; (3) defense drug interdiction and counter-drug activities; and (4) the Defense Inspector General.

**Subtitle B: Program Requirements, Restrictions, and Limitations** - (Sec. 311) Limits the availability of funds for the development, fielding, or operation of the Army Logistics Modernization Program until the Chairman of the Defense Business Systems Modernization Committee makes specified certifications to the defense and appropriations committees with respect to such Program.

(Sec. 312) Earmarks specified Army O&M funds for contracts for the acquisition, installation, and maintenance of exhibits at the National Museums of the United States Army, United States Navy, Marine Corps and Heritage Center, and United States Air Force. Authorizes the Secretary of the military department concerned (Secretary concerned) to accept from nonprofit entities amounts as reimbursement for costs at such Museums.

(Sec. 313) Prohibits the Secretary from obligating or expending funds for any financial management improvement activity relating to the preparation, processing, or auditing of financial statements until the Secretary makes certain determinations to the defense and appropriations committees with respect to each activity proposed to be funded.

(Sec. 314) Limits the availability of funds for O&M of the management headquarters of the Defense Information Systems Agency until the Secretary submits to Congress the report on DOD acquisition strategy for commercial satellite communications services required under the NDAA for Fiscal Year 2006.

(Sec. 315) Requires the military department Secretaries to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps (JROTC) is organized. Outlines expansion targets within the various military departments.

(Sec. 316) Earmarks specified O&M funds for: (1) infantry combat equipment; (2) the individual first aid kit; (3) the DOD program of reading for the blind and dyslexic; and (4) military training infrastructure improvements at Virginia Military Institute.

(Sec. 320) Directs the Secretary of the Air Force to prepare environmental documentation for the beddown of F-22A aircraft at Holloman Air Force Base, New Mexico, as replacements for retiring F-117 aircraft.

**Subtitle C: Environmental Provisions** - (Sec. 331) Directs DOD to set certain performance goals for the remediation of unexploded ordnance, discarded military munitions, and munitions constituents (munitions) at all active military installations and formerly used defense sites. Requires the Secretary to submit to the defense and appropriations committees: (1) a comprehensive plan for addressing the remediation of such munitions at all such sites other than operational ranges; (2) specified updates to such plan; and (3) a report on the status of DOD efforts to achieve agreement with relevant regulatory agencies on appropriate munitions reuse standards or principles.

(Sec. 332) Amends the Toxic Substances Control Act to authorize the Administrator of the Environmental Protection

Agency (EPA) to grant an exemption from certain toxic disposal requirements for up to three years to allow the Secretary and the military department Secretaries to transport polychlorinated biphenyls generated by or under the control of DOD inside the United States for their disposal, treatment, or storage. Terminates such authority on September 30, 2012. Requires a report from the Secretary to the defense and environmental affairs committees on the status of polychlorinated biphenyls generated by or under the control of DOD outside the United States.

(Sec. 333) Requires the Secretary to: (1) conduct a historical review of the number, size, and probable locations where the Armed Forces disposed of military munitions in coastal waters; (2) periodically release any new information obtained during such review; (3) include such information in the annual report on environmental restoration activities submitted to Congress under current law; (4) complete the historical review and submit a final findings report to Congress; (5) provide information obtained to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration (NOAA) in preparing nautical charts and other navigational materials that identify known or potential hazards posed by such disposed munitions; (6) continue to inform potentially affected users of the ocean environment of such possible hazards; (7) continue to conduct research on the effects on ocean environment and those who use it of such disposed munitions; and (8) institute monitoring mechanisms if the review or research indicates that contamination is being released into ocean waters from disposed munitions at a particular site or that the site poses a significant public health or safety risk.

(Sec. 334) States that cooperative agreements for environmental restoration at defense facilities may extend beyond the normal two-year period when the agreements are funded out of either the Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005.

(Sec. 335) Authorizes the Secretary to transfer specified funds to the Moses Lake Wellfield Superfund Site Special Account to reimburse the EPA for costs incurred in overseeing a remedial investigation and feasibility study performed by the Army.

**Subtitle D: Reports** - (Sec. 351) Directs the CG to report to the defense and appropriations committees on the readiness of the active and reserve ground forces of the Army and Marine Corps.

(Sec. 352) Requires the Secretary of the Navy to enter into an agreement with the National Academy of Sciences to conduct a review and evaluation of scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to contaminated drinking water at Camp Lejeune, North Carolina, and birth defects or diseases and any other adverse health effects. Directs the: (1) Academy to submit review results to the Secretary and Congress; and (2) Commandant of the Marine Corps, after completion of a related study, to provide study results to former Camp Lejeune residents and employees who may have been exposed to such drinking water.

(Sec. 353) Expresses the sense of Congress that DOD should: (1) identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century; (2) determine aerial training airspace future requirements; and (3) undertake all necessary action to preserve and expand the identified areas. Requires the Secretary to submit to the defense and appropriations committees a plan to preserve and expand such areas.

(Sec. 354) Directs the Secretary to report to the defense committees on DOD actions to reduce its consumption of petroleum-based fuel.

(Sec. 355) Requires a report from the Secretary of the military department concerned (Secretary concerned) to the Secretary within 90 days after withdrawing equipment from a reserve unit to a unit being ordered to active duty or to a unit for the discharge of a mission.

(Sec. 356) Directs the Secretary to submit to the defense and appropriations committees a plan to replace equipment withdrawn or diverted from reserve units for use in Operations Iraqi Freedom or Enduring Freedom.

(Sec. 358) Directs the Secretary to contract with an appropriate independent entity to assess various foreign and domestic vehicle-based active protection systems for certain battlefield threats. Requires a results report from the entity chosen to the Secretary and the defense and appropriations committees.

(Sec. 359) Requires a report from the Secretary of the Army to the defense and appropriations committees on the High Altitude Aviation Training Site in Eagle County, Colorado.

(Sec. 360) Directs the Secretary of the Air Force to report to the defense and appropriations committees on Air Force safety requirements for flight training operations at Pueblo Memorial Airport, Colorado.

(Sec. 360A) Requires the Secretary to: (1) study the use of alternative fuels by the Armed Forces and defense agencies, as well as measures to increase the use of such fuels; and (2) report to the defense committees on such study.

**Subtitle E: Workplace and Depot Issues** - (Sec. 361) Requires each public depot served by a working capital fund to invest in its capital budget each fiscal year at least six percent of the actual total revenue of such depot for the previous fiscal year. Authorizes the Secretary to waive such requirement when necessary for national security, after notifying the defense and appropriations committees. Requires the Secretary to submit to such committees each year budget justification documents summarizing the level of capital investment at each such depot.

(Sec. 362) Makes permanent (currently limited to contracts entered into during FY2003-FY2009) the exclusion of certain contract expenditures from percentage limitations on the performance of depot-level maintenance by non-federal contractor personnel at a DOD Center of Industrial and Technical Excellence.

(Sec. 363) Excepts contracts for fighting wildland fires and performing wildland fire management from the DOD prohibition against contracting-out for the performance of firefighting or security-guard functions.

(Sec. 364) Authorizes the Secretary concerned to contract for up to a one-year period for security guard services at military installations approved for realignment under a base closure law when such services are required for the safe and secure relocation of either: (1) military munitions and related equipment; or (2) high-value items in temporary storage areas. Terminates such authority on September 15, 2011.

**Subtitle F: Other Matters** - (Sec. 371) Authorizes the Secretary of the Army to carry out a program, to be known as the Military Munitions Recycling Program, to: (1) sell recyclable munitions materials resulting from the demilitarization of conventional military munitions; and (2) use sale proceeds for reclamation, recycling, and reuse of conventional military munitions.

(Sec. 372) Authorizes the Secretary, in any contract for the destruction of the U.S. stockpile of lethal chemical agents and munitions pursuant to the Chemical Demilitarization Program under the Department of Defense Authorization Act, 1986, to provide the contractor an incentive to accelerate the safe elimination of the stockpile and to reduce the total cost of the Program by providing incentive payments for the early completion of destruction operations and the closure of the chemical demilitarization facility. Limits the amount of incentive payments.

(Sec. 373) Amends the NDAA for Fiscal Year 2004 to extend the termination date for the DOD telecommunications benefit under such Act from September 30, 2006, to 60 days after the date on which the Secretary determines that a contingency operation has ended. Extends such benefit to members who remain hospitalized as a result of wounds or

injuries incurred while in direct support of a contingency operation, up until the end of such operation. Directs the Secretary to report to the defense and appropriations committees on the implementation of the modified benefits.

(Sec. 374) Amends the NDAA for Fiscal Year 2006 to extend through FY2007 the availability of funds for activities associated with the commemoration of success of the U.S. Armed Forces in Operations Enduring Freedom and Iraqi Freedom.

(Sec. 375) Requires a report from the Secretary to the defense and appropriations committees on DOD progress in implementing its policy to improve the fuel efficiency of weapons platforms, consistent with mission requirements.

(Sec. 376) Authorizes the Secretary to carry out chemical demilitarization program responsibilities under the Department of Defense Authorization Act, 1986 through multiyear contracts entered into before the date of enactment of this Act.

(Sec. 377) Directs the Secretary to consider the utilization of fuel cells as replacements for current back-up power systems in a variety of DOD operations and activities.

(Sec. 378) Authorizes the Secretary to provide for the repositioning of pre-packaged or pre-identified basic response assets in order to improve DOD support to civilian authorities.

(Sec. 379) Authorizes the Secretary of the Army to recover from any country to which a grant of rifles, ammunition, repair parts, or other related supplies (munitions) is made under provisions of the Foreign Assistance Act of 1961 any such munitions that are excess to the needs of such country. Makes such munitions available for transfer to the Corporation for the Promotion of Rifle Practice and Firearms Safety.

**Title IV: Military Personnel Authorizations - Subtitle A: Active Forces** - (Sec. 401) Sets forth authorized end strengths for active-duty forces as of the end of FY2007.

(Sec. 402) Repeals a provision that establishes permanent end strength levels for the simultaneous support of two major regional contingencies.

**Subtitle B: Reserve Forces** - (Sec. 411) Sets forth authorized end strengths as of the end of FY2007 for members of the Selected Reserve and reserve personnel on active duty in support of the reserves.

(Sec. 413) Sets forth minimum end strengths for FY2007 for Army and Air Force dual status military technicians.

(Sec. 414) Provides a FY2007 limitation on the number of non-dual status Army and Air Force military technicians.

(Sec. 415) Provides, during FY2007, the maximum number of reserve personnel authorized to be on active duty for operational support.

**Subtitle C: Authorization of Appropriations** - (Sec. 421) Authorizes appropriations for FY2007 for: (1) military personnel; and (2) the Armed Forces Retirement Home.

**Title V: Military Personnel Policy - Subtitle A: Officer Personnel Policy - Part I: Officer Personnel Policy Generally** - (Sec. 501) States that general and flag officers assigned to senior level intelligence positions within the Central Intelligence Agency (CIA) and the Office of the Director of National Intelligence shall not be subject to supervision or control by the Secretary or any other officer or employee of DOD and shall not exercise supervision or control with respect to any DOD military or civilian personnel, except as otherwise authorized by law. Provides that an officer's appointment to such a position shall not affect the officer's status, position, rank, grade, rights, or benefits, and that such

officer's pay and allowances shall be reimbursed to DOD from funds available to the CIA or the Office of the Director of National Intelligence.

(Sec. 502) Extends through October 1, 2008, the temporary reduction of the time-in-grade requirement before eligibility for promotion for certain active-duty officers in the grades of first lieutenant and lieutenant (junior grade).

(Sec. 503) Increases from 62 to 64 the mandatory retirement age for general and flag officers. Authorizes the: (1) Secretary to defer the retirement of officers serving in grades above major general and rear admiral until age 66; and (2) President to defer the retirement for such officers until age 68. Eliminates the numerical limit on the number of deferments that may be in effect at any one time.

(Sec. 504) Raises the grade of officers serving as judge advocates general to lieutenant general or vice admiral, as appropriate. Redesignates assistant judge advocates general as deputy judge advocates general. Excludes such positions from authorized end strength limits for officers serving on active duty in grades above major general or rear admiral.

(Sec. 505) Requires officers recommended for appointment as Surgeon General of the Army, Navy, or Air Force to have significant joint experience, as determined by the Chairman of the Joint Chiefs of Staff (JCS). Authorizes the Secretary, until October 1, 2010, to waive the experience requirement if: (1) the military department Secretary concerned requests the waiver; and (2) in the judgment of the Secretary, the officer is qualified and the waiver is necessary for the good of that department. Makes the joint experience requirement effective on October 1, 2008.

(Sec. 506) States that an active-duty or reserve officer serving as Attending Physician to the Congress shall: (1) hold the grade of major general during such service; and (2) be exempt from end strength and distribution limits for officers serving in grades above brigadier general or rear admiral (lower half).

(Sec. 507) Authorizes military department Secretaries, in their discretion, to retain, retire, or separate from active duty chief warrant officers in grade W-4 who have twice failed of selection for promotion. Allows those retained on active duty to be further considered for promotion.

(Sec. 508) Increases the mandatory retirement age for: (1) major generals and rear admirals from 62 to 64; (2) brigadier generals and rear admirals (lower half) and all officers below such grades from 60 to 62; and (4) officers holding certain offices (chiefs of the reserves and National Guard, and state adjutant generals) from 64 to 66.

(Sec. 509) Revises the qualifications for leadership of the Naval Postgraduate School to allow in such position: (1) a retired officer; and (2) an officer in the Marine Corps (currently, only the Navy).

**Part II: Officer Promotion Policy** - (Sec. 515) Revises military promotion procedures to treat a promotion that requires Senate confirmation as being established on the date the promotion list is received by the Senate for consideration. Directs the Secretary, by March 1, 2008, to prescribe regulations controlling delays in appointment following Senate confirmation. Provides additional bases for delays in such appointments due to lack of qualifications.

(Sec. 516) Prohibits a promotion selection board from recommending an officer for promotion unless a majority of board members, after consideration of any adverse information, finds that the officer is among those best qualified for promotion to meet the needs of the department concerned.

(Sec. 517) Authorizes the Secretary and Deputy Secretary of Defense (currently, only the President) to remove the name of an officer from the report of a selection board with respect to officers being recommended for promotion to grades

below brigadier general and rear admiral (lower half).

(Sec. 518) Prohibits proceedings of a selection board from being disclosed to any person not a member of such board. Makes board discussions, deliberations, and records immune from legal process and inadmissible as evidence.

(Sec. 519) Limits the availability of special selection boards to officers who are in or above the primary promotion zone.

(Sec. 520) Provides that, in the case of an active-duty or reserve officer or group of officers on a list approved for promotion by the President and submitted to the Senate for consideration and then returned (disapproved) by the Senate to the President, the officer or group shall automatically be removed from such list at the end of the 365-day period beginning on the date of such return. Allows the President to: (1) resubmit such list during the 365-day period; and (2) extend such period by an additional 365 days. Requires the immediate removal of an officer or group on a list returned a second time.

(Sec. 521) Requires a report from the Secretary to the defense committees on the desirability and feasibility of conducting joint officer promotion selection boards.

**Part III: Joint Officer Management Requirements** - (Sec. 526) Revises the system for the designation and management of joint qualified officers (JQOs) to replace the term "joint specialty officer" with "joint qualified officer." Allows an officer to qualify as a JQO if the officer successfully completes an appropriate program at a joint professional military education school and successfully demonstrates a mastery of knowledge, skills, and abilities in joint matters. (Currently, an officer can only qualify if he or she completes such education and completes a full tour of duty in a joint duty assignment.) Authorizes the Secretary, on a case-by-case basis, to waive the educational requirement in the case of an officer who completes two full tours of duty in a joint duty assignment and demonstrates the joint knowledge, skills, and abilities. Revises provisions concerning the number of joint duty assignments. Replaces the system of time-in-duty requirements for qualifications for a JQO with a system of experience and performance in joint duty areas.

(Sec. 527) Repeals the requirement for a separate promotion policy objective for joint specialty officers or officers designated as joint qualified. States as the policy objective that officers who are serving or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than that for all officers of that armed force in that grade and competitive category.

(Sec. 528) Limits joint professional military education schools to schools under the National Defense University. Includes within such schools the National War College, the Industrial College of the Armed Forces, the Joint Advanced Warfighting School, and the Joint Forces Staff College.

(Sec. 529) Revises the definition of "joint matters" to include the integrated use of military forces that may be conducted under unified action on land, sea, or in air or space, or in the information environment with participants from multiple armed forces, U.S. Armed Forces and other U.S. departments and agencies, U.S. Armed Forces and the military forces or agencies of other countries, U.S. Armed Forces and non-governmental persons or entities, or any combination thereof. Broadens the assignments that may be considered "joint duty assignments."

(Sec. 530) Requires that, as a condition of appointment to the position of Director of National Intelligence or Director of the CIA, an officer shall acknowledge that, upon termination of such service, the officer shall be retired by the Secretary concerned under any mandatory retirement provisions under which such officer is eligible to retire.

**Subtitle B: Reserve Component Personnel Matters** - (Sec. 531) Expands the authorized duties of members of the

National Guard and reserves on active duty and military technicians (dual status) to include: (1) supporting reserve component or military technician operations, as appropriate; and (2) instructing and training members of the U.S. Armed Forces, foreign military forces, or DOD contractor or civilian personnel.

Authorizes reserve personnel ordered by their governor to perform National Guard Active Guard and Reserve duty to: (1) perform duties to support operations or missions undertaken by the member's unit at the request of the President or Secretary; and (2) support federal training operations or missions assigned in whole or in part to the member's unit. Authorizes National Guard technicians to perform such additional duties.

(Sec. 532) Authorizes the deployment to Canada or Mexico of Weapons of Mass Destruction Civil Support Teams. Expands the types of emergencies for which the Secretary may prepare or employ such teams to include the intentional or unintentional release of nuclear, biological, radiological, toxic, or poisonous chemical materials, or natural or manmade disasters.

(Sec. 533) Amends the NDAA for Fiscal Year 2005 to authorize the Chairman of the Commission on the National Guard and Reserves to exercise with Commission members the same waiver regarding annuity eligibility upon reemployment as that available for the Director of the Office of Personnel Management (OPM) with respect to former federal employees.

(Sec. 534) Directs the Secretary of the Army to carry out a pilot program to facilitate the reintegration of members of the National Guard into civilian life after their return from deployment overseas. Outlines program elements, including reintegration training. Requires a program report from such Secretary to the defense and appropriations committees. Provides program funding from Army National Guard O&M funds.

**Subtitle C: Military Justice and Related Matters** - (Sec. 551) Requires the military department Secretaries to amend current or prescribe new regulations to subject military personnel who are ordered to active duty at locations overseas in an inactive duty for training status to the jurisdiction of the Uniform Code of Military Justice (UCMJ) continuously from commencement to conclusion of such orders.

(Sec. 552) Applies UCMJ provisions to declared wars or contingency operations (currently, only "war").

**Subtitle D: Education and Training Matters** - (Sec. 561) Authorizes each department Secretary to detail commissioned officers as students at accredited medical schools or schools of osteopathy in the United States for a period of training leading to the degree of doctor of medicine. Prohibits more than 25 officers from each military department from commencing such training in a fiscal year. Outlines eligibility requirements, including having served on active duty for a period of not less than two years nor more than six years, and agreeing to serve as a medical officer in that military department when such training is completed.

(Sec. 562) Authorizes the Secretary concerned to allow retired National Guard and reserve officers to provide JROTC instruction. Directs the Secretary concerned to pay to the educational institution at which the instruction is provided one-half of the amount paid by the institution to the officer for any period up to a maximum of one-half of the difference between the retired pay for an active duty officer of the same grade and years of service for such period and the active duty pay and allowances which the former officer would have received for such period if on active duty.

(Sec. 563) Increases from \$22,000 to \$60,000 the maximum amount of repayment by the Secretary under the education loan repayment program for officers in specified military health care professions.

(Sec. 564) Increases the monthly stipend and annual grant amounts under the Health Professions Scholarship and

Financial Assistance Program. Prohibits any additional adjustments during FY2007.

(Sec. 565) Requires a report from the Secretary to the defense and appropriations committees on the above Program for active service during fiscal years 2000 through 2006.

(Sec. 566) Allows all enlisted members (currently, only enlisted members of the Navy and Marine Corps) to participate in certain programs and courses offered by the Naval Postgraduate School in furtherance of the performance of required duties. Authorizes the Secretary to allow an enlisted member to receive graduate-level instruction at such School in a program leading to a master's degree in a technical, analytical, or engineering curriculum.

(Sec. 567) Amends the NDAA for Fiscal Year 2004 to change from annually to biennially the frequency of administration of the service academy sexual assault survey and an associated report to Congress.

(Sec. 568) Directs the Secretary to prescribe DOD policy on service academy and ROTC graduates seeking to participate in professional sports before the completion of their active-duty service obligation. Requires military department Secretaries, by December 1, 2007, to amend current or prescribe new regulations to implement the policy prescribed by the Secretary.

(Sec. 569) Requires the Secretary to: (1) conduct a review of the 1976 legal opinion issued by the DOD General Counsel regarding instruction of non-host unit students participating in JROTC programs; and (2) report review results to the defense committees.

(Sec. 570) Requires that, in order for a retired or noncommissioned officer to be employed as a JROTC instructor, the officer must be certified by the Secretary concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the JROTC program. Requires senior military instructors to be retired officers and serve as instructional leaders who oversee the program. Outlines senior military instructor qualifications. Requires non-senior military instructors to be retired noncommissioned officers and serve as instructional leaders who teach independently of, but share program responsibilities with, senior military instructors. Outlines non-senior military instructor qualifications.

(Sec. 570A) Allows a member who separates from the Selected Reserve after completion of the required period of active service and completion of a service contract under other than dishonorable conditions up to ten years after such separation to use the educational assistance entitlement.

**Subtitle E: Defense Dependents Education Matters** - (Sec. 571) Earmarks specified defense-wide O&M funds for assistance during FY2007 to local educational agencies (LEAs) that benefit dependents of members of the Armed Forces and DOD civilian employees. Requires the Secretary to work collaboratively with the Secretary of Education to ease the transition of military dependents from attendance in DOD dependent schools to attendance in civilian schools in systems operated by LEAs Terminates the Secretary's authority at the end of FY2011.

(Sec. 572) Earmarks specified defense-wide O&M funds for impact aid payments for children with disabilities as authorized under the Elementary and Secondary Education Act of 1965.

(Sec. 573) Requires a report from the Secretary to the defense and appropriations committees on a plan to provide assistance to LEAs that experience growth in the enrollment of military dependent students as a result of force structure changes, the relocation of a military unit, or the closure or realignment of a military installation pursuant to a defense base closure law. Requires plan updates every six months through January 1, 2011.

(Sec. 574) Directs the Secretary to carry out a three-year pilot program on the provision of educational and support tools to promote early childhood education for dependent children affected by a military deployment or the relocation of a military unit. Requires a program report from the Secretary to the defense and appropriations committees. Provides program funding through Army O&M funds.

**Subtitle F: Other Matters** - (Sec. 581) Authorizes the military enlistment or appointment oath to be administered by the President, the Vice President, the Secretary, any commissioned officer, or any other person designated under regulations prescribed by the Secretary.

(Sec. 582) Requires the Secretary concerned to issue a permanent military ID card to a permanently disabled dependent of a military retiree.

(Sec. 583) Repeals the requirement of periodic DOD Inspector General assessments of military installation compliance with requirements of the Uniformed and Overseas Citizens Absentee Voting Rights Act. Requires a report from the CG to Congress on DOD programs and activities to facilitate voter registration and voting, including Internet-based electronic voting. Directs the Secretary to continue the Interim Voting Assistance System ballot request program with respect to all absent military voters, overseas DOD employees, and their dependents for all elections through December 31, 2006. Requires reports from the Secretary to the defense and appropriations committees on: (1) assessments and recommendations with respect to the Interim Voting Assistance System; and (2) plans for expanding the use of electronic voting technology for individuals covered under the Uniformed Overseas Citizens Absentee Voting Act for elections through November 30, 2010.

(Sec. 584) Authorizes the President to provide for the presentation of a Medal of Honor flag to the primary living next-of-kin of a deceased Medal of Honor recipient.

(Sec. 585) Authorizes the presentation of recognition items for recruitment or retention purposes during the period of any war or national emergency declared by the President or Congress.

(Sec. 586) Directs the Secretary to establish within DOD a center to augment and support programs and activities of the military departments for the provision of assistance to severely wounded or injured servicemembers. Designates such center as the Military Severely Injured Center. Requires the Center to establish a database for tracking severely wounded or injured servicemembers.

(Sec. 587) Expresses the sense of the Senate that the Secretary or the Secretary concerned should, upon awarding a medal or otherwise recognizing a member for extraordinary heroism, bravery, achievement, or other distinction, notify the defense committees, the senators from the state in which the member resides, and the member of the House from the district in which the member resides.

(Sec. 588) Requires a report from the Secretary to the defense and appropriations committees on the feasibility and advisability of providing an electronic copy of military records to members upon their discharge or release from service.

(Sec. 589) Directs the President to report to the defense committees on the advisability of modifying the criteria for the award of the Purple Heart to authorize its award to members who die in captivity under unknown circumstances or as a result of conditions and treatment which currently do not qualify the decedent for the Purple Heart, and for members who survive captivity as prisoners of war, but die thereafter as a result of a disease or disability incurred during such captivity.

(Sec. 590) Requires the Secretary, as soon as practicable after the completion of the comprehensive review of DOD

procedures on mortuary affairs, to report to the defense and appropriations committees on such review.

Amends the NDAA for Fiscal Year 2006 to require an additional element in the DOD policy of casualty assistance to survivors of military decedents.

(Sec. 591) Directs the Secretary to report to Congress on the feasibility of using military identification cards that do not contain, display, or exhibit the individual's Social Security number.

(Sec. 592) Authorizes the Secretary concerned to support the conduct of funeral honors for a veteran that are provided solely by members of veterans organizations and certain related organizations.

Authorizes the use of excess M-1 rifles for ceremonial and other purposes.

**Title VI: Compensation and Other Personnel Benefits - Subtitle A: Pay and Allowances** - (Sec. 601) Waives any FY2007 pay increases tied to increases in the General Schedule of Compensation for government employees. Increases, effective January 1, 2007, by 2.2 percent the rates of basic pay for military personnel.

(Sec. 602) Increases from level III to level II of the Executive Schedule the maximum pay rate for general and flag officers.

(Sec. 603) States that the prohibition on compensation for work or study in connection with correspondence courses applies to any such work or study performed on or after September 7, 1962.

(Sec. 604) Extends through December 31, 2007, the prohibition against requiring certain injured military personnel to pay for meals provided by military treatment facilities.

(Sec. 605) Authorizes the Secretary concerned to provide an additional housing allowance for reserve members on active duty in support of a contingency operation.

(Sec. 606) Allows a member who is the spouse of a member who died while on active duty to receive a temporary basic allowance for housing.

**Subtitle B: Bonuses and Special and Incentive Pays** - (Sec. 611) Extends through 2007 specified authorities currently scheduled to expire at the end of 2006 with respect to certain special pay and bonus programs within the regular and reserve Armed Forces.

(Sec. 615) Increases from \$10,000 to \$25,000 the maximum annual special pay for Selected Reserve health care professionals serving in critically short wartime specialties.

(Sec. 616) Increases from \$30,000 to \$200,000 the maximum bonus for dental officers.

Authorizes a bonus payment of up to \$400,000 to a person who is a graduate of an accredited school of medicine or osteopathy in a specialty designated by DOD as a critically short wartime specialty and who executes a written agreement to accept a commission as a medical officer in the Armed Forces and remain on active duty for at least four consecutive years. Requires pro rata repayment for time not successfully served. Terminates the bonus program on December 31, 2007.

Authorizes the same bonus payment, with the same requirements, conditions, and termination date, for graduates of an accredited dental school in a critically short wartime specialty.

(Sec. 617) Increases from \$20,000 to \$30,000 the nuclear career officer accession bonus.

(Sec. 618) Revises provisions concerning the targeted shaping of the Armed Forces to: (1) make the voluntary separation incentive (VSI) available to officers and enlisted personnel with more than six but not more than 20 years of service; (2) increase the maximum VSI to no greater than four times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated; (3) extend through 2012 the authority to make VSI payments; (4) reduce a limitation on selective early retirement during the period beginning beginning October 1, 2006, and ending on December 30, 2012; (5) provide, during the same period, enhanced authority for selective early retirement and early discharges; and (6) increase from \$2,500 to \$10,000 the maximum incentive bonus for transfer between the Armed Forces due to a shortage of trained and qualified personnel.

(Sec. 619) Amends the NDAA for Fiscal Year 2006 to extend through 2008 a pilot program on contributions to the Thrift Savings Plan (TSP) for initial Army enlistees.

(Sec. 620) Authorizes an accession bonus of up to \$8,000 for a person who, during the period beginning on October 1, 2006, and ending on December 31, 2007, is appointed a commissioned officer after completion of officer candidate school and execution of a written agreement to serve on active duty for a period specified in the agreement. Requires repayment for unserved periods. Authorizes the Secretary of the Army to provide such a bonus to a person who, during the period beginning on April 1, 2005, and ending on April 1, 2006, executed an agreement to enlist for the purpose of attending officer candidate school.

(Sec. 621) Amends the NDAA for Fiscal Year 2006 to include members of the Army in a retired status and civilian Army employees as individuals eligible for the payment of a bonus for referring other persons for enlistment in the Army. Increases from \$1,000 to \$2,000 the maximum bonus amount, payable in two equal installments at the beginning and completion of basic training of the individual referred.

**Subtitle C: Travel and Transportation Allowances** - (Sec. 631) Requires (current law authorizes) the Secretary to include in contracts for the transportation of baggage and household effects for members of the Armed Forces (current law) and civilian DOD employees a clause requiring the carrier to pay the full replacement value of lost or damaged goods. Directs the: (1) Secretary to report to the defense and appropriations committees on the capabilities and costs of the DOD program known as the "Families First" program; and (2) CG to conduct a review and assessment, and submit an interim and final report to the defense committees, with respect to DOD progress in achieving the goals of the Families First program, as well as related matters.

**Subtitle D: Retired Pay and Survivor Benefits** - (Sec. 641) Authorizes the Secretary, as of October 1, 2007, to make contributions to the Department of Defense Military Retirement Fund at the lower percentage rate for reserve component personnel who are mobilized or performing active duty for special work. Excludes cadets and midshipmen from end strength caps upon which accrual payments to the Medicare-Eligible Health Retiree Care Fund are based.

(Sec. 642) Repeals the requirement for the reduction of annuities received under the Survivor Benefit Plan (SBP) by the amount of dependency and indemnity compensation (DIC) paid to eligible beneficiaries. Requires the return of SBP premiums previously refunded to SBP recipients due to the DIC offset. Allows the waiver of such repayment in circumstances of hardship or when repayment would not be in the best interests of the United States.

(Sec. 643) Changes the effective date for paid-up coverage under the SBP from October 1, 2008, to October 1, 2006.

(Sec. 644) Eliminates certain conditions on the direct payment of divisible retired pay by the Defense Finance and

Accounting Service under the terms of a court decree.

(Sec. 645) Authorizes a court order to provide for the payment of cost-of-living adjustments with respect to retired pay treated as divisible property.

(Sec. 646) Allows members to waive notice of court orders concerning the payment of retired pay. Eliminates the requirement that a copy of such court order be sent to all parties (instead allowing a member to request a copy).

(Sec. 647) Authorizes severely injured or ill members who have been provided assistive technology or devices to retain such technology or devices after separation from service.

(Sec. 648) Designates as fallen hero compensation the death gratuity payable for deaths of members in or related to the line of duty.

(Sec. 649) Provides that the phase-in for the full concurrent receipt of military retired pay and veterans' disability compensation will last only during the period beginning January 1, 2004, and ending on December 1, 2004, in the case of retirees receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

(Sec. 650) Requires the determination of the retired pay base of general and flag officers (pay grades O-7 through O-10) to be based on rates of basic pay provided by law, without taking into account any pre-retirement reduction in such pay due to comparability with Executive Schedule pay.

(Sec. 651) Revises the retired pay multiplier maximum percentage with respect to members retiring with more than 30 years of creditable military service.

(Sec. 652) Makes members who die after October 7, 2001 (currently, November 23, 2003) eligible to choose optional annuities for dependents under the SBP.

(Sec. 653) Reduces below 60 the eligibility age for the receipt of non-regular (reserve) service retirement pay, with respect to members of the Ready Reserve on active federal status or on active duty for significant periods, by three months for each 90 days on which the person remains in such status or performs such duty. Continues as 60 the minimum age for eligibility of non-regular service retirees for military health care.

**Subtitle E: Other Matters** - (Sec. 661) Requires the Secretary of the Army to: (1) conduct an audit of the pay accounts of each Army member wounded or injured in a combat zone who was evacuated for inpatient care during the period beginning on May 1, 2005, and ending on April 30, 2006; and (2) report to the defense and appropriations committees on audit results. Directs the Secretary to establish within DOD an assistance center, accessible by a toll-free number, through which a covered member or their primary next of kin may secure assistance in resolving difficulties relating to the military pay or accounts of such member.

(Sec. 662) Directs the Secretary to conduct a pilot program to: (1) assist nurse corps officers in achieving qualifications to become nurse educators at accredited schools of nursing; and (2) provide scholarships to such officers in return for continued service in the Selected Reserve or in other forms of public service. Requires the program to be conducted from January 1, 2007, through December 31, 2012. Designates: (1) the program as the Troops to Nurse Teachers Pilot Program; and (2) as program-eligible an officer in a nurse corps who is serving in a reserve component, honorably discharged from the Armed Forces, or retired from the Armed Forces. Outlines program requirements, including a participant agreement. Limits scholarship assistance to \$30,000 annually for no more than four years. Requires a

program report from the Secretary to Congress after three years.

(Sec. 663) Includes a retired or former member of a military department (currently, only a member on active duty, or a reserve member in an active status) within provisions authorizing the Secretary to remit or cancel the indebtedness of members. Removes time limits on the exercise of such authority (instead allowing the Secretary to prescribe regulations).

(Sec. 664) Prohibits DOD from notifying consumer reporting agencies regarding debts or erroneous payments made to a member while a decision is pending regarding the waiver, remission, or cancellation of such debt or payment, unless the Secretary concerned determines that such disclosure is in the best interests of the United States. Requires a report from the Secretary to the defense and appropriations committees on the exercise of such authority.

(Sec. 665) Includes claims of up to \$10,000 (currently, \$1,500) within the authority of the Secretaries concerned to waive claims against members for the erroneous overpayment of pay and allowances. Increases from three to five years after such overpayment the time period during which a member's application for such waiver will be accepted.

(Sec. 666) Amends the Servicemembers Civil Relief Act to provide terms of consumer credit extended to servicemembers or their dependents, including a credit interest limit of 36% annually. Provides mandatory loan disclosure requirements, including a statement of the annual percentage rate and a clear description of payment obligations. Preempts any contrary federal or state law. Provides penalties for creditor violations.

(Sec. 667) Directs the Secretary to carry out, in at least six regions of the country, a joint family support assistance program for families of members of the Armed Forces. Directs the Secretary to submit to the defense and appropriations committees: (1) a plan for program implementation; and (2) a program report after plan implementation. Terminates the program three years after the first obligation of program funds. Provides program funding through DOD O&M funds.

(Sec. 668) Amends the Armed Forces Retirement Home Act of 1991 to redesignate the Home's Chief Operating Officer as the Chief Executive Officer.

**Subtitle F: Transition Assistance for Members of the National Guard and Reserve Returning From Deployment in Operation Iraqi Freedom or Operation Enduring Freedom - Heroes at Home Act of 2006 - (Sec. 682)**

Directs the Secretary to establish within DOD a working group to identify and assess the needs of members of the National Guard and Reserve returning from deployment in Operations Iraqi Freedom or Enduring Freedom in transitioning to civilian employment. Requires: (1) an activities report from the working group to the Secretary and Congress; and (2) such report to be made available to the public. Terminates the working group two years after the date of enactment of this Act.

(Sec. 683) Requires the Secretary to designate an office within DOD to assist employers, employment assistance organizations, and associations of employers in facilitating the successful transition to civilian employment of members of the National Guard and Reserve returning from deployment in Operations Iraqi Freedom or Enduring Freedom. Designates such office as the Office for Employers and Employment Assistance Organizations. Outlines Office functions and resources to be provided, including education on physical and mental health conditions that can and may be experienced by such members. Requires an annual Office report to the Secretary who shall transmit such report to the defense committees, together with comments and recommendations.

(Sec. 684) Amends the NDAA for Fiscal Year 2006 to require the task force on mental health established under such Act to submit to the Secretary an assessment and recommendations on the mental health needs of National Guard and Reserve members after deployment in Operations Iraqi Freedom and Enduring Freedom.

(Sec. 685) Authorizes the Secretary to award grants to eligible entities to carry out demonstration projects to assess the feasibility and advisability of utilizing community-based settings (through grants) for the provision of assistance to members of the National Guard and Reserve returning from deployment in Operations Iraqi Freedom and Enduring Freedom, and their families, including reuniting services and education to increase awareness of possible physical and mental health conditions of such members. Requires annual reports: (1) by grant recipients to the Secretary; and (2) from the Secretary to Congress on activities undertaken under the grants program.

(Sec. 686) Directs the Secretary to: (1) conduct a 15-year longitudinal study on the effects of traumatic brain injury incurred by members of the Armed Forces in Operations Iraqi Freedom and Enduring Freedom; and (2) provide periodic and final reports to Congress on study results. Authorizes appropriations (with a corresponding offset).

(Sec. 687) Requires the Secretary to establish within DOD a panel to develop curricula for training family members in the provision of care and assistance to members and former members with traumatic brain injuries incurred during service in Operations Iraqi Freedom and Enduring Freedom. Designates such panel as the Traumatic Brain Injury Family Caregiver Panel. Requires: (1) dissemination of the curricula developed; and (2) a report from the Panel to the Secretary, the Secretary of Veterans Affairs, and Congress. Authorizes appropriations (with a corresponding offset).

**Title VII: Health Care - Subtitle A: Benefits Matters** - (Sec. 701) Amends the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) to include cervical and breast cancer screening (currently, only pap smears and mammograms) within the services provided under the TRICARE program (a DOD managed health care program).

(Sec. 702) Requires that, as of April 1, 2007, refills of maintenance medications provided for military personnel and their beneficiaries be obtained from the DOD national mail-order pharmacy program. Allows refills through other means (after such date) only if clinical requirements so necessitate. Prohibits the Secretary, in establishing cost-sharing requirements, from imposing any copayment or cost-sharing requirement with respect to: (1) refills of generic medications; or (2) brand-name medications determined by a physician to be medically necessary.

(Sec. 703) Authorizes payment under TRICARE for hospitalization and anesthesia services in connection with dental treatment for a child under the age of six for a dental procedure determined necessary by a dental specialist.

(Sec. 704) Authorizes TRICARE coverage for forensic examinations following sexual assaults and domestic violence.

(Sec. 705) Prohibits any increase during FY2007 in TRICARE Prime enrollment fees.

(Sec. 706) Limits to 2.2% over the FY2006 amount the FY2007 increase in premiums for coverage under TRICARE of members of reserve components who commit to continued service in the Selected Reserve after release from active duty.

(Sec. 707) Provides copayment limits, for the period beginning on October 1, 2006, and ending on September 31, 2007, for the receipt of generic, formulary, and nonformulary agents under the retail pharmacy system of the DOD pharmacy benefits program.

(Sec. 708) Allows members of the Selected Reserve who are employees of a business with 20 or fewer employees to apply for TRICARE coverage. Requires the payment of premiums for such coverage.

**Subtitle B: Planning, Programming, and Management** - (Sec. 721) Treats the TRICARE Retail Pharmacy Network as an element of DOD for purposes of federal pricing limits applicable to covered drugs.

(Sec. 722) Makes the TRICARE program the secondary payer for any health care services provided by an employer to a

TRICARE-eligible employee (and their spouse) of a public or private employer who offers a group health care plan. Prohibits public and private employers with 20 or more employees from providing a financial incentive to TRICARE-eligible retirees to utilize TRICARE as the primary

### **Actions Timeline**

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- **Jun 29, 2006:** Received in the House.
- **Jun 29, 2006:** Held at the desk.
- **Jun 29, 2006:** Message on Senate action sent to the House.
- **Jun 22, 2006:** Measure laid before Senate by unanimous consent. (consideration: CR S6404-6405)
- **Jun 22, 2006:** Senate struck all after the Enacting Clause and substituted the language of S.2766 amended (Division A only).
- **Jun 22, 2006:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text as passed Senate: CR 6/29/2006 S6862-7052)
- **Jun 22, 2006:** Passed Senate with an amendment by Unanimous Consent. (text as passed Senate: CR 6/29/2006 S6862-7052)
- **May 9, 2006:** Introduced in Senate
- **May 9, 2006:** Committee on Armed Services. Original measure reported to Senate by Senator Warner. Without written report.
- **May 9, 2006:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 427.
- **May 4, 2006:** Committee on Armed Services ordered to be reported an original measure.

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